

President's Guidance on the use of Prescribed Documents (Private Law)

1. This Guidance is issued by the President of the Family Division.
2. The President will identify documents that are to be in prescribed form from time to time with the object of ensuring that documents filed by the parties and their lawyers comply with the content and standards set out in any prescribed form. The identification of prescribed forms is additional to and not in place of the forms which are referred to in Practice Direction 5A which supports FPR 5.1.
3. The documents referred to below support the 'Child Arrangements Programme' under Part II of the Children Act 1989.

Directions on Allocation [CAP01]

4. The Gatekeeper (as defined in the President's Guidance on Allocation and Gatekeeping (Private Law)) may give directions on allocation, in the following circumstances:
 - a. where the Gatekeeper finds that the exemption from attending a MIAM has not validly been claimed, the Gatekeeper will direct the applicant, or will direct the parties, to attend a MIAM before the FHDRA, unless the Gatekeeper considers that in all the circumstances of the case the MIAM requirement should not apply to the application in question; the Gatekeeper will have regard to the matters set out in rule 3.10(3) FPR when making this decision;
 - b. where it appears that an urgent issue requires determination, the Gatekeeper may give directions for an accelerated hearing;
 - c. exceptionally, where it appears that directions need to be given for the service and filing of evidence, the Gatekeeper may give directions for the filing of evidence.
5. The Directions on Allocation will be given on form CAP01.

Order at FHDRA [CAP02]

6. If the proceedings do not conclude with agreement or final order at the FHDRA, the court will give directions on form CAP02.
7. In the Order CAP02, the court will identify and record on the face of the Order
 - a. compliance with the requirement for MIAM;
 - b. where the court finds that the exemption from attending a MIAM has not been validly been claimed, the court will direct the applicant, or will direct the parties to attend a MIAM (and will if necessary adjourn the proceedings to enable a MIAM to take place), unless the court considers that in all the circumstances of the case the MIAM requirement should not apply to the application in question; the court will have regard to the matters set out in rule 3.10(3) FPR when making this decision;
 - c. that non-court dispute resolution has been considered and/or directed;

- d. the timetable for the proceedings for that child, including the listing of a DRA (Dispute Resolution Appointment);
- e. recitals setting out the issues in the case which require to be determined, and the respective positions of the parties;
- f. reason(s) for any decision in summary, including where a *section 7* report has been ordered, or permission granted for an expert to be instructed, by reference to the benefits and detriments to the welfare of the child identified by the court;
- g. the date, time and venue of the next hearing.

Order at DRA [CAP03]

- 8. If the proceedings do not conclude with agreement or final order at the DRA, the court will give directions on form CAP03.
- 9. In the Order CAP03, the court will identify and record on the face of the Order
 - a. What, if any, issues have been resolved;
 - b. What, if any, issues it remains necessary to decide in order to determine the applications;
 - c. The interim arrangements for the child[ren];
 - d. Directions for any further hearing, including the requirement for the attendance of the section 7 reporter, and the attendance of the parties;
 - e. The date, time and venue of the next hearing.

Final Order [CAP04]

- 10. Form CAP04 will be used when the court makes a final order.
- 11. In the Order CAP04, the court will identify and record on the face of the Order:
 - a. Any agreements reached between the parties;
 - b. Any undertakings offered to the court;
 - c. Any child arrangements orders made;
 - d. Any orders made in relation to parental responsibility, activity conditions, prohibited steps, specific issue, contact centre directions, monitoring contact orders, or Family Assistance Orders.

[end]