

# Application under the Child Abduction and Custody Act 1985 or Article 11 of Council Regulation (EC) 2201/2003

In the High Court of Justice Family Division Principal Registry/District Registry

Before completing this application please read the booklet '**CB1 – Making an application – Children and the Family Courts**'. You can get a copy of all the forms and leaflets from your local court or they can be found at [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

**Cafcass/CAFCASS CYMRU will carry out checks as it considers necessary.**

Cafcass - Children and Family Court Advisory and Support Service (in England); CAFCASS CYMRU - Children and Family Court Advisory and Support Service Wales.

## To be completed by the court

Name of court

Date issued

Case number

## 1. Summary of application

Your name (the applicant)

The respondent's name(s)

Please list the name(s) of the child(ren) and the type(s) of order you are applying for, starting with the oldest.

Full name of child	Date of birth	Gender	Order(s) applied for
	<div> <div>D</div> <div>D</div> <div>/</div> <div>M</div> <div>M</div> <div>/</div> <div>Y</div> <div>Y</div> <div>Y</div> <div>Y</div> </div>	<input type="checkbox"/> Male	
		<input type="checkbox"/> Female	
	<div> <div>D</div> <div>D</div> <div>/</div> <div>M</div> <div>M</div> <div>/</div> <div>Y</div> <div>Y</div> <div>Y</div> <div>Y</div> </div>	<input type="checkbox"/> Male	
		<input type="checkbox"/> Female	
	<div> <div>D</div> <div>D</div> <div>/</div> <div>M</div> <div>M</div> <div>/</div> <div>Y</div> <div>Y</div> <div>Y</div> <div>Y</div> </div>	<input type="checkbox"/> Male	
		<input type="checkbox"/> Female	
	<div> <div>D</div> <div>D</div> <div>/</div> <div>M</div> <div>M</div> <div>/</div> <div>Y</div> <div>Y</div> <div>Y</div> <div>Y</div> </div>	<input type="checkbox"/> Male	
		<input type="checkbox"/> Female	

Give details of any fixed hearing date or period?

## 2. About you (the applicant)

Your first name

Middle name(s)

Surname

Previous surnames (if any)

Date of birth

Gender

☐

Male

☐

Female

Place of birth  
(town/county/country)

Nationality(ies)

**If you do not wish your address to be made known to the respondent,** leave the address details blank and complete Confidential contact details form C8.

Address

Postcode

Home telephone number

Mobile telephone number

Email address

Have you lived at this address for  
more than 5 years?

☐

Yes

☐

No

If No, please provide details of all previous addresses you have lived at during the last 5 years.

Do you have any other current address?

☐ Yes ☐ No

If Yes, please provide details.

**Your solicitor's details**

Do you have a solicitor acting for you?

☐ Yes ☐ No

If Yes, please give the following details

Your solicitor's name

Name of firm

Address

Postcode

Telephone number

Fax number

DX number

Email

Solicitor's Reference

### 3. The child(ren)

#### Child 1

Child's first name

Middle name(s)

Surname

Gender ☐ Male ☐ Female

Nationality(ies)

#### Child 2

Child's first name

Middle name(s)

Surname

Gender ☐ Male ☐ Female

Nationality(ies)

#### Child 3

Child's first name

Middle name(s)

Surname

Gender ☐ Male ☐ Female

Nationality(ies)

#### Child 4

Child's first name

Middle name(s)

Surname

Gender ☐ Male ☐ Female

Nationality(ies)

Parents/Guardians of the children

Name of child	Parents/Guardians

If you do not wish the child’s address to be made known to the respondent, leave the address details blank and complete Confidential contact details Form C8.

Child(ren)’s address  
(If known)

Any other information about the child’s whereabouts or suspected whereabouts and details of who the child is presumed to be with. If you do not know where the child is you must state this.

4. About your application?

What do you want the court to do?

**Do not give a full statement, please provide a summary.** You may be asked to provide a full statement later.

## 5. Why are you making this application?

Please give brief details about why you are making this application including any facts you are relying on. In particular you should provide details of your 'rights of custody' in relation to each child listed in section 2 under the 1980 Hague Convention if appropriate.

Does your application include any issues under the Human Rights Act 1998?

☐

Yes

☐

No

☐

Don't know

If you are applying for a declaration under Article 15 of the 1980 Hague Convention, please give details of the proceedings in which the request for a declaration was made

If you are applying under the 1980 European Convention,  
(a) give details of the decision relating to custody or rights of access which is sought to be registered or enforced or in relation to which a declaration that it not recognised is sought.  
(b) give details of any measures taken by courts or authorities to ensure the protection of the child after its return to the Member State of habitual residence of which you are aware and details of any person with parental responsibility who is not included in this form.

## 6. Family mediation

Have you used family mediation to attempt to agree arrangements for the children?

☐ Yes ☐ No

If you would like to find out more about mediation please ask at your local court or see the website [www.direct.gov.uk](http://www.direct.gov.uk) or [www.reunite.org](http://www.reunite.org)

If you did not use mediation please explain why.

## 7. Risk

Do you believe that the child(ren) named at Section 3 have experienced or are at risk of experiencing harm from any of the following by any person who has had contact with the child?

any form of domestic abuse/violence ☐ Yes ☐ No

child abduction ☐ Yes ☐ No

child abuse ☐ Yes ☐ No

drugs, alcohol or substance abuse ☐ Yes ☐ No

other safety or welfare concerns ☐ Yes ☐ No

If you answered Yes to any of the above, please complete form C1A (Supplemental information form).

If Other, please give details

## 8. Other court cases which concern the child(ren) listed at Section 3

Are you aware of any other court cases now, or at any time in the past, which concern any of the child(ren) at Section 3?

☐

Yes

If Yes, please attach a copy of any relevant order, and give additional details below.

☐

No

If No, please **go to Section 9**

### Additional details

Name(s) of child(ren)


Name of the court where proceedings heard

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Case no.

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Full address of the court where proceedings were heard

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Date/year (if known)

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Name and office (if known) of Cafcass/CAFCASS CYMRU officer

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Name and address of child's solicitor, if known

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Postcode

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**If the above details are different for each child please provide details on additional sheets.**

Please tick if additional sheets are attached.

☐



## 9. The respondents

**Respondent 1**

\_\_\_\_\_

DD / MM / YYYY

Gender ☐ Male ☐ Female

\_\_\_\_\_

\_\_\_\_\_

Postcode

Postcode 

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☐ Yes    ☐ No    ☐ Don't know

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☐ Yes ☐ No

Name of child	Relationship

## Respondent 2

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D	D	/	M	M	/	Y	Y	Y	Y
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☐ Male

☐ Female

Postcode

Postcode 

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☐ Yes    ☐ No    ☐ Don't know

☐ Yes ☐ No

Name of child	Relationship

## 10. Statement of truth

\*[I believe] [The applicant/respondent believes] that the facts stated in this application are true.  
\*delete as appropriate \*I am duly authorised by the applicant/respondent to sign this statement.

Print full name

Name of applicant solicitors firm

Signed

Dated

/    /

(Applicant) (Applicant's solicitor)

Position or office held  
(If signing on behalf of firm or company)

**Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified by a statement of truth.**

## 11. Attending the court

**If you require an interpreter, you must tell the court now so that one can be arranged.**

Do you or any of the parties need an interpreter at court?

☐ Yes ☐ No

If Yes, please specify the language and dialect:

If attending the court, do you or any of the parties involved have a disability for which you require special assistance or special facilities?

☐ Yes ☐ No

If Yes, please say what the needs are

Please say whether the court needs to make any special arrangements for you to attend court (e.g. providing you with a separate waiting room from the respondent or other security provisions).

Court staff may get in touch with you about the requirements

## 12. Documents to be attached

You **must** attach **one** of the following documents to this application for each child.

- ☐ a certified copy of a full birth certificate that gives details of the child's mother and father  
A full birth certificate shows surname, forenames, date of birth, sex, place of birth (where known), parent(s) name(s), their address and occupation at time of registration.
- or**
- ☐ a certified copy of the entry in the Adopted Children's Register
- or**
- ☐ a request for directions as to the proof of the child's birth

**If application relates to the 1980 Hague Convention, you may also attach -**

- ☐ an authenticated copy of any relevant decision or agreement
- ☐ a certificate or an affidavit emanating from Central Authority or other competent authority emanating from the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that state
- ☐ any other relevant document.

**If application relates to the 1980 European Convention, you must attach -**

- ☐ a document authorising the central authority of the State addressed to act on behalf of the applicant or to designate another representative for that purpose
- ☐ a copy of the decision which satisfies the necessary conditions of authenticity
- ☐ in the case of a decision given in the absence of the defendant or his legal representative, a document which establishes that the defendant was duly served with the document which instituted the proceedings or an equivalent document
- ☐ identification of the decision relating to custody or rights of access which is sought to be registered or enforced or in relation to which a declaration that it is not to be recognised is sought
- ☐ if applicable, any document which establishes that, in accordance with the law of the State of origin, the decision is enforceable
- ☐ if possible, a statement indicating the whereabouts or likely whereabouts of the child in the State addressed
- ☐ proposals as to how the custody of the child should be restored.

**In urgent cases**, the court may allow the application to be issued without the Birth Certificate, Certified entry in the Adopted Children's Register or other proof of the child's birth.

Please confirm when copies of the Certificate/ entry in the Adopted Children's Register/ other proof of the child's birth will be made available to the court

D	D	/	M	M	/	Y	Y	Y	Y
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## To the respondent(s) (other than the child)

**TAKE NOTICE** that-

- (1) You must within 14 days of service of this application file in the above mentioned court a notice stating your address and the whereabouts of the child (or that you are unaware of the child's whereabouts if that is the case).
- (2) Unless the court directs otherwise you must serve a copy of that notice on the applicant.
- (3) If you subsequently change your address or become aware of any change in the child's whereabouts, you must, unless the court directs otherwise, file in the above-mentioned court notice of your new address or of the new whereabouts of the child, as the case may be, and serve a copy of that notice on the applicant.

Any notice required to be lodged in the above-mentioned court shall be sent to the court address or delivered to The Manager, Family Proceedings Dept, Principal Registry of the Family Division, First Avenue House, 42-49 High Holborn, London WC1V 6NP as the case may be.