

Application under the Child Abduction and Custody Act 1985

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

To be completed by the court

Name of court

Date issued

Case number

Help with Fees – Ref no.
(if applicable)

H W F - -

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 hmctsformfinder.justice.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.

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
	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	
	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	
	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	
	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<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. You can get a copy of this form from any family court office or from our website at hmctsformfinder.justice.gov.uk

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. You can get a copy of this form from any family court office or from our website at hmctsformfinder.justice.gov.uk

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 or 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

Case no.

Full address of the court where proceedings were heard

Date/year (if known)

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

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

Type of proceedings if known - please tick all that apply

- | | | |
|--|------------------------------|-----------------------------|
| Emergency Protection Order | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Supervision Order | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Care Order | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Child abduction | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Family Law Act 1996 Part 4 (proceedings for non-molestation order or occupation order) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| A contact or residence order (Section 8 Children Act 1989) made within proceedings for a divorce or dissolution of a civil partnership | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| A contact or residence order (Section 8 Children Act 1989) made in connection with an Adoption Order | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| An order relating to child maintenance (Schedule 1 Children Act 1989) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| A child arrangements order (Section 8 Children Act 1989) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Please tick if additional sheets are attached.

9. The respondents

Respondent 1

Respondent's first name

Middle name(s)

Surname

Previous surnames (if known)

Date of birth

Gender Male Female

Place of birth
(town/county/country, if known)

Nationality(ies)

Address

Home telephone number

Mobile telephone number

Email address

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

Yes No Don't know

If No, please provide all previous addresses for the
last 5 years below, if known.

Did this person remove or retain
the child(ren)?

Yes No

Relationship to the child(ren)

Name of child	Relationship

Respondent 2

Respondent's first name

Middle name(s)

Surname

Previous surnames (if known)

Date of birth

 /

 /

Gender Male Female

Place of birth
(town/county/country, if known)

Nationality(ies)

Address

Postcode

Home telephone number

Mobile telephone number

Email address

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

Yes No Don't know

If No, please provide all previous addresses for the
last 5 years below, if known.

Did this person remove or retain
the child(ren)?

Yes No

Relationship to the child(ren)

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

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 Family Division of the High Court, 1st Mezzanine, Queens Building, Royal Courts of Justice, Strand, London WC2A 2LL.