

SCHEDULE 1

Rule 8

Rule 8

SCHEDULE 1

Form M34

NOTICE UNDER RULE 10.24(1)

[Heading as in Form M2]

To

of

I have considered your _____ dated the _____ and the other relevant papers in these proceedings. I have formed the opinion that the court would be prevented from making the order requested [in respect of the following children:

] because

If you wish to dispute this and argue that the court should continue to deal with your application, you must say so in writing and send it to the court office by _____. If you do this a hearing will be fixed at which you will be able to say why you think the court would be able to make the order in question.

The address of the court office is :

Dated this _____ day of _____ 19

Proper Officer

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 2

Rule 9

SCHEDULE 2

Rule 9

Rule 2.53(2) and (3)

Form M11

NOTICE OF APPLICATION FOR ANCILLARY RELIEF

[Heading as in Form M2]

TAKE NOTICE THAT the petitioner [or respondent] intends to apply to the Court for *[here set out the ancillary relief claimed, stating the terms of any agreement as to the order which the court is to be asked to make and, in the case of an application for a property adjustment order or an avoidance of disposition order, stating briefly the nature of the adjustment proposed or the disposition to be set aside. If the application is to vary periodical payments or secured periodical payments for children, state here whether there are or have been any proceedings in the Child Support Agency relating to their maintenance.]*

If you are applying for any periodical payments or secured periodical payments for **children**, please say here whether you are applying for payment for a stepchild or step children in addition to child support maintenance already paid under a Child Support Agency assessment to meet expenses arising from a child's disability to meet expenses incurred by a child in being educated or training for work when either • the child OR • the person with care of the child, OR • the absent parent of the child is not habitually resident in the United Kingdom other (please specify)

Notice will be given to you of the place and time fixed for the hearing of the application [or The application will be heard by the district judge in chambers at

on day, the day of 19 . at o'clock.]

The probable length of the hearing of this application is

[Unless the parties are agreed upon the terms of the proposed order, or the application is for a variation order, add:

TAKE NOTICE ALSO THAT you must send to the district judge, so as to reach him within 28 days after you receive a copy of the affidavit of the petitioner [or respondent] an affidavit giving full particulars of your property and income. You must at the same time send a copy of your affidavit to [the solicitor for] the applicant. **A standard form of affidavit may be obtained from the court office.**

If you wish to allege that the petitioner [or respondent] has property or income, you should say so in your affidavit.]

Dated this day of 19 .

Signed

[Solicitor for the] Respondent
[or Petitioner]

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Rule: 2.58 (1)

Form M13

NOTICE OF INTENTION TO PROCEED WITH APPLICATION FOR ANCILLARY RELIEF
MADE IN PETITION OR ANSWER

[Heading as in Form M2]

The petitioner [or respondent] having applied in his [her] petition[or answer] for
[here set out the ancillary relief claimed and intended to be proceeded with, stating
the terms of any agreement as to the order which the court is to be asked to make.]

If you are applying for any periodical payments or secured periodical payments for
children, please say here whether you are applying for payment for a stepchild
or step children in addition to child support maintenance already paid under
a Child Support Agency assessment to meet expenses arising from a child's
disability to meet expenses incurred by a child in being educated or training
for work when either • the child OR • the person with care of the child, OR
• the absent parent of the child is not habitually resident in the United Kingdom
 other (please specify)

[Add where applicable TAKE NOTICE THAT the application will be heard by the
district judge in chambers

at
on _____ day, the _____ day of _____ 19____
at _____ o' clock].

The probable length of the hearing of this application is _____ minutes.

[TAKE NOTICE [ALSO] THAT [continue as in fourth paragraph of Form M11]]

Dated this _____ day of _____ 19____

Signed

[Solicitor for the] Petitioner [or Respondent]

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Rule 3.1

Form M19

ORIGINATING APPLICATION ON GROUND OF FAILURE
TO PROVIDE REASONABLE MAINTENANCE

In the

County Court

[Divorce Registry]

No of

Matter

(Seal)

*In the Matter of an Application under section 27
of the Matrimonial Causes Act 1973*

Between
and

Applicant
Respondent

I, _____, of _____, the wife [husband]
of _____ (hereinafter called the 'respondent') say
that the respondent has failed to provide reasonable maintenance for myself [and has failed to
provide, or to make a proper contribution towards, maintenance for the child[ren] of our family,
namely _____] and I apply for an order for
[here set out the financial relief claimed].

If you are applying for any periodical payments or secured periodical payments for **children**,
please say here whether you are applying for payment for a stepchild or step children
 in addition to child support maintenance already paid under a Child Support Agency assessment
 to meet expenses arising from a child's disability to meet expenses incurred by a child in
being educated or training for work when either • the child OR • the person with care of
the child, OR • the absent parent of the child is not habitually resident in the United Kingdom
 other (please specify)

My address for service is [Where the applicant sues by a solicitor, state the solicitor's name or
firm and address or, where the applicant sues in person, state her place of residence as given
above, or, if no place of residence in England and Wales is given, the address of a place in
England and Wales at or to which the documents for her may be delivered or sent].

Dated

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Application for Financial Provision for Children

Schedule 1 The Children Act 1989

Date received by court

- ▶ Please use black ink. The notes on page 7 tell you what to do when you have completed the form
- ▶ If there is more than one child you must fill in a separate form for each child.

- ▶ Please answer every part. If a part does not apply or you do not know what to say please say so. If there is not enough room continue on another sheet (put the child's name and the number of the part on the sheet).
- ▶ If you have any concerns about giving your address or that of the child or any other address requested in this form, you may give an alternative address where papers can be served. However, you must notify the court of the actual address on a separate form available from the court.

THE CHILDREN ACT

I apply to The

[High] [County] [Magistrates'] Court

Case No.

- for an order for
- lump sum transfer of property* settlement of property*
- periodical payments secured periodical payments*

*these orders can only be made in the High Court or a county court

If you have ticked 'periodical payments' or 'secured periodical payments' are you applying for payment :

- for a stepchild or stepchildren in addition to child support maintenance already paid under a Child Support Agency assessment to meet expenses arising from a child's disability to meet expenses incurred by a child in being educated or training for work when either
- the child OR • the person with care of the child, OR • the absent parent of the child is not habitually resident in the United Kingdom
- other (please specify)

THE CHILDREN ACT

I About the child

- (a) The name of the child is
Put the surname last
- (b) The child is a boy girl
- (c) The child was born on the day month year Age now
- (d) The child usually lives at
See note on addresses at top of this form
- (e) The child lives with the child's mother the child's father
If the child does not live with a parent please give the name of the person who is responsible for the child
- (f) The child is also cared for by
Put the surname last
- (g) The child is at present staying in a refuge (Please give the address to the Court separately) not staying in a refuge
- (h) The child usually lives at
If the child is temporarily living away from usual address please say where he/she is living at present
See note on addresses at top of this form

THE CHILDREN ACT

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2 About myself (the person applying)

- (a) I am
 - the child (if 18 or over)
 - the child's mother or father
 - the child's stepmother or stepfather
 - a guardian of the child
 - a person with a residence order
 - none of the above. I am

- (b) Leave to make this application
 - is being sought
 - has been given. The court which gave leave was

Only complete if leave is required

Leave was given on *day* *month* *year*

- (c) My title is
 - Mr Mrs Miss Ms Other (*say here*)

- (d) My full name is
Put the surname last

- (e) My full address is
See note on addresses at top of page 1

- (f) My telephone number is

- (g) My solicitor is

<i>Name</i>
<i>Address</i>
<i>Tel.</i>
<i>Fax</i>
<i>Ref</i>

THE CHILDREN ACT

3 About the child's family

- (a) The name of the child's mother is
Put the surname last

- (b) The mother usually lives at
See note on addresses at top of page 1

- (c) The name of the child's father is
Put the surname last

- (d) The father usually lives at
See note on addresses at top of page 1

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3 About the child's family (continued)

- (e) The child's mother and father are living together are living apart
- (f) The father is married to the child's mother married to someone else
 single divorced
- (g) The mother is married to the child's father married to someone else
 single divorced

THE CHILDREN ACT

4 Parental responsibility

Some people have "parental responsibility" for a child. The law says what "parental responsibility" is and which people have it. These people include:

- A the mother
- B the father
if he was married to the child's mother when the child was born
- C the father
if he was not married to the child's mother when the child was born
but he now has a residence order
or he now has a court order which gives him parental responsibility
or he now has a formal "parental responsibility agreement" with the mother
or he has since married the mother
- D a guardian of the child
- E someone who holds a custody or residence order
- F a local authority which has a care order
- G someone who holds an emergency protection order
- H any man or woman who has adopted the child

The people who are believed to have parental responsibility for this child are

See note on addresses at the top of page 1

Name	Address

THE CHILDREN ACT

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5 About court proceedings and the parents

Please give details of any relevant court proceedings between the parents and / or those who have parental responsibility.

Proceedings are not pending or in progress

Proceedings are pending or in progress.

Include the name of the court and the case number of the proceedings if known

Please give details below

THE CHILDREN ACT

6 About this application

(a) I wish the Court to order that

Give details of the financial provision you wish the court to make, including the amounts requested

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6 About this application (continued)

(b) I wish the payments to be made

direct to a bank / building society account

The name of the bank / building society is

The bank / building society sort code .

The account number

by attachment of earnings order

in the following way

If you would like another method of payment to be used please give details in the box

no preference

(c) The financial needs of the child are

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6 About this application (continued)

(d) The income, property and other financial resources (if any) of the child are

(e) State if the Child Support Agency has made an assessment for maintenance for this child No Yes

If yes, are you applying

• for additional child maintenance on top of payments made through the Agency? No Yes

If yes, please give details

• because the Agency will no longer deal with your claim? No Yes

If yes, please give details

(f) Does the child have any physical or mental disability? No Yes The disability is

Give details of all disabilities

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6 About this application (continued)

(g) The manner in which the child is being, or is expected to be, educated or trained

(h) You should now complete the statement of means form (CHA 14)

THE CHILDREN ACT

7 The Respondents

The respondent(s) will be all those who

- have parental responsibility
- are interested in or affected by the proceedings
- are allowed by Rules of Court

(i) Only give the names and addresses of those people whose details are not given in part 4 of this form.

(ii) Please put the address where the respondent usually lives or where papers can be served. See note on addresses at the top of page 1.

(iii) You will have to serve a copy of this application on each of the respondents.

The name of the respondent	The respondent's address

THE CHILDREN ACT

8 Declaration

I declare that the information I have given is correct and complete to the best of my knowledge.

Signed

Date

THE CHILDREN ACT

What you (the person applying) must do next

- ▶ There is a Notice of Hearing on page 8. Fill in the boxes on the Notice.
- ▶ Take or send this form and statement of means to the court with enough copies for each respondent to be served. The top copy will be kept by the court and the other copies given or sent back to you for service.
- ▶ You **must** then serve the copies of the Application, the Notice of Hearing, the statement of means and the Respondent's Answer CHA 13A according to the rules. You may also be required under the Rules to give notice of the proceedings to other people.

THE CHILDREN ACT

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In the [High] [County] [Magistrates'] Court
at

(When writing to the court please state the Case No.) Case No.
Tel. Fax

THE CHILDREN ACT

Notice of a [Hearing] [Directions Appointment]

You are named as a Respondent in these proceedings

about the child

a boy a girl

born on the

You must read this Notice now

THE CHILDREN ACT

About the [Hearing] [Directions Appointment]

name of applicant

has made an application to the Court.

The Court has been asked to make an order for financial provision for the child

THE CHILDREN ACT

To be completed by the court

The Court will hear this at

on

at

 o'clock

the time allowed is

THE CHILDREN ACT

What you must do

- ▶ There is a copy of the application and statement of means with this Notice. Read the application now. You do not have to fill in any part. You must complete the form of Answer enclosed and follow the instructions on the first page of the Answer regarding service.
- ▶ You should obtain legal advice from a solicitor or, alternatively, from an advice agency. The Law Society administers a national panel of solicitors to represent children and other parties involved in proceedings relating to children. Addresses of solicitors (including panel members) and advice agencies can be obtained from the Yellow Pages and the Solicitors Regional Directory which can be found at Citizens Advice Bureaux, Law Centres and any local library. A solicitor or advice agency will also be able to advise you as to whether you will be eligible for legal aid.

date

CHA 13

THE CHILDREN ACT

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SCHEDULE 3

Rule 10(b)

Rule 10(b)

SCHEDULE 3

7.	Maintenance <small>(please tick the appropriate boxes)</small>
(a) Does your husband/wife pay towards the upkeep of the children? If there is another source of maintenance, please specify.	<input type="checkbox"/> No <input type="checkbox"/> Yes <small>(please give details of how much)</small>
(b) Is the payment made under a court order?	<input type="checkbox"/> No <input type="checkbox"/> Yes <small>(please give details, including the name of the court and case number)</small>
(c) Is the payment following an assessment by the Child Support Agency ?	<input type="checkbox"/> No <input type="checkbox"/> Yes <small>(please give details of how much)</small>
(d) Has maintenance for the children been agreed?	<input type="checkbox"/> No <input type="checkbox"/> Yes
(e) If not, will you be applying for : • a child maintenance order from the court • child support maintenance through the Child Support Agency ?	<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes

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SCHEDULE 3

Rule 15

SCHEDULE 4

Rule 15

4 About this application

(a) My reasons for making this application are

(b) State if the Child Support Agency has made an assessment for maintenance for this child No Yes

If yes, please give details

(c) I would like the court to order that

If you are asking for the order to be varied, please give details of the changes you would like the Court to make to the

- *payments, or*
- *the method of payment*

(d) Please complete the statement of means form if you are seeking a variation or discharge of the order on the grounds of a change in your financial circumstances.