

# Seek and Find Orders

## A guide to applying for a Seek and Find Order

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### What is a Seek and Find Order?

A Seek and Find Order is a court order made to locate a child's whereabouts. The order can be applied for under section 33 of the Family Law Act 1986. This act allows the court to order any person who it has reason to believe may have relevant information about the location of a child, to disclose that information to the court. The relevant part of the Family Law Act reads:

#### **33. Power to order disclosure of child's whereabouts.**

- (1) Where in proceedings for or relating to a [Part I order] in respect of a child there is not available to the court adequate information as to where the child is, the court may order any person who it has reason to believe may have relevant information to disclose it to the court.
- (2) A person shall not be excused from complying with an order under subsection (1) above by reason that to do so may incriminate him or his spouse of an offence; but a statement or admission made in compliance with such an order shall not be admissible in evidence against either of them in proceedings for any offence other than perjury.
- (3) A court in Scotland before which proceedings are pending for the enforcement of an order [relating to

parental responsibilities or parental rights in relation to] a child made outside the United Kingdom which is recognised in Scotland shall have the same powers as it would have under subsection (1) above if the order were its own.

### When might I apply for a Seek and Find Order?

If you are seeking a child arrangements order or some other court order in respect of your children and do not know where they are.

### Who might know where my children are?

The immediately obvious people are those who know the person who is caring for the children. This may include their family and friends or their employer. You should be prepared to suggest to the court who should be 'named in the order' to provide information about their address. The parent (or other adults) who you believe the children to be with may well, and are likely to, have given their new address details to public bodies (if not now, then in the near future). Examples include:

- 1] The Department for Work and Pensions (if they are in receipt of benefits or working).
- 2] The DVLA (if they hold a driving license).
- 3] The children's school. If the children have been removed from school, their previous

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- school should be contacted by the new school to get their records. The old school should therefore have a record of the new school's name and address, and the new school should have a record of the children's current address.
- 4] The children's General Practitioner (GP). If the children's GP has changed, their old GP should have been contacted by the new GP to get their medical records. The old GP may have a record of who these were sent to, to identify the new GP, and the new GP should have their address.
  - 3] The court application form asks you to provide your solicitor's name and address, but you only need provide this if using one (e.g. you can represent yourself in court).
  - 4] Provide the name of the adult you believe the children to be with, and any information which may help trace them (e.g. their date of birth, a photograph and description, bank account number and the name of the bank they use, their driving licence number, their passport number, their mobile phone number etc).

Also be prepared to be specific in what 'directions' you want the court to make. As an example, within the application form, if you know the bank account of the adult/parent with whom the child are with, as an example, you might ask that the court specifically directs that 'Barclays Bank must divulge details of the address for Mr or Mrs X, date of birth XX/XX/XXXX whose account is held at Shrewsbury City Centre Branch. Similarly, you might ask that the court directs that their employer provides their new address details, or that the children's school does etc.

If you have the other parent's mobile number (and they have kept this, and are simply not returning your calls), you may ask that the court direct the police to use the parent's mobile number to trace their whereabouts (which can be done with modern technology).

### How do I apply to the court for a 'Seek and Find Order'?

If you are using a solicitor, they will sort out the application and paperwork for you.

If you are not using a solicitor, it isn't complicated, and you should follow these steps:

### What other information should I provide?

- 1] You will need to provide the children's names, dates of birth, and sex.
- 2] Provide a recent photograph (if you have one) and a description of each child.

Complete the Form C4 which comes with this pack. Print and sign three copies of the form. Within the C4 Form, you should list the names and contact details for any people who you believe may know of your child's whereabouts. This might include your ex-partner's family

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members, their employer, or even organisations such as GP surgeries, the Department for Work and Pensions, Social Services, The DVLA etc.

At the time of writing this guide, the fee for a Seek and Find Order application was £215. Either take a cheque, postal order or cash for that amount when you go to court.

If you are on a low income, you may get help with the application fee. Contact your local family court and speak to their administration department about this.

When matters go before the court, it will assist both you and the judge if you have written a brief 'Position Statement'. Try to keep the position statement to two to three pages, setting out briefly why you are applying for the seek and find order, what other orders you are applying for (e.g. a recovery order, contact or residence or parental responsibility etc), and why you believe the granting of your application is in the children's best interests. Be factual, and try to be objective in what you write, and the language you use. A position statement is not essential, but it helps inform the judge, briefly and ideally succinctly, why you are applying for the order, and can assist you in court so you do not forget any points you wish to raise.

Before setting off for the court building to deliver the application forms, ensure you have with you:

- a] Three completed and signed copies of the forms;
- b] The cash, cheque or postal order to pay the court fee;
- c] Three copies of your Position Statement (if you have time to write one).

Hand in the court forms, fee and position statement to the court's administration department.

Ideally, hand in any further application forms relating to contact, residence or parental responsibility at the same time.