**MODEL RE X ORDER**

**Upon** the Court having read the application dated [*insert date*] and accompanying evidence as listed in the schedule attached hereto and including in particular the care plan dated [*insert date*] (“the Care Plan”), which has been signed and dated by the judge and kept on the Court file

**And Upon** the Court being satisfied on the basis of the evidence filed by the Applicant (which is the only evidence before it) that:

1. [*P*] has been consulted about this application and given the support necessary to express views about the application, including whether or not *s*/he wishes to participate in proceedings by being joined as a party or otherwise;
2. [*P*] has not expressed a wish to be joined as a party and his/her joinder is not necessary or appropriate because [*insert reasons*];
3. Appropriate steps have been taken to consult [*insert names of those consulted*], being other relevant people in [*P’s*] life, of this application and to canvass their wishes, feelings and views as to what is in [*P’s*] best interests;
4. [*Recite any other matter which is relevant to the decision*] ;
5. The purpose for which this order is needed cannot be as effectively achieved in a way that is less restrictive of the rights and freedoms of [P];
6. It is appropriate for the application to be determined on the papers pursuant to the streamlined procedure described in *Re X and Others (Deprivation of Liberty) Number 1 [2014] EWCOP 25* and *Number 2* [2014] EWCOP 37.

**IT IS ORDERED THAT:**

1. Permission: The Applicant is granted permission to bring these proceedings.
2. Confidentiality: Until further order, these proceedings shall be heard in private and no person shall publish or disclose any information which enables the identification of [P] or any other party to these proceedings, save for the purpose of caring for [P] or for the purpose of communicating with a person exercising a relevant function authorised by statute or for the purpose of complying with an order of any court of competent jurisdiction.
3. Any requirement to comply with Rules 54 (filing of a permission form), 42, 69 and 70 (notification) of the Court of Protection Rules 2007 is dispensed with.

**IT IS DECLARED THAT:**

1. [P] lacks capacity to decide where *s/*he should live and what care and treatment *s/*he needs.

**FURTHER, PURSUANT TO SECTIONS 4 AND 16 OF THE MENTAL CAPACITY ACT 2005 IT IS ORDERED THAT**:

**Placement and authorisation of deprivation of liberty**

1. For the review period as defined below, [P] is to reside and receive care at [*insert address*] (“the placement”) pursuant to arrangements made by [*the Applicant*] and set out in the Care Plan; and to the extent that the restrictions in place pursuant to the Care Plan are a deprivation of [P]’s liberty, such deprivation of [P’s] liberty is hereby authorised.

**Review**

1. If a change or changes to the Care Plan that render it more restrictive have as a matter of urgent necessity been implemented [*the Applicant*] must apply to the Court for an urgent review of this order on the first available date after the implementation of any such changes.
2. If a change or changes to the Care Plan that render it more restrictive are proposed (but are not required as a matter of urgent necessity) [*the Applicant*] must apply to the Court for review of this order before any such changes are made.
3. In any event, [*the Applicant*] must make an application to the Court no less than one month before the expiry of the review period as defined below for a review of this order if at that time the Care Plan still applies to [P]. Such application shall be made in accordance with any Rules and Practice Directions in effect at the date of the application being filed or, if not otherwise specified, on form COPDOL10.
4. Any review hearing shall be conducted as a consideration of the papers unless any party requests an oral hearing or the Court decides that an oral hearing is required.
5. “The review period” shall mean [*insert – usually 12 months; may be less, not more*] from the date on which this order was made or, if an application for review has been filed at Court before that date, until determination of such review application.
6. This order shall cease to have effect on the death of [P]

**Costs**

1. No order as to costs.

**Reconsideration**

1. [P], any party to the proceedings, any person who is affected by this order and any person who is properly interested in [P’s] welfare may apply to the Court at any time for its reconsideration, variation or discharge by any judge of the court including the judge who made this order.
2. Such application should be made without notice by filing an application in form COP9 and the court will make such order or give such directions as it thinks fit, including, where appropriate, who should be consulted about or notified of that application.

**SCHEDULE**