

Family Mediation Information and Assessment (MIAM) form – FM1

| To be completed by the court |
|------------------------------|
| Name of court |
| Case reference |

Before completing this form please read the information notes at the end of the form.

Part 1 applies when the potential applicant or their legal representative determines there is a valid exemption to attending a MIAM.

Part 2 applies when the Family Mediator determines there is a valid exemption to either party attending a MIAM, or that family mediation sessions are not proceeding.

Applicant (full name)

(the person who is thinking of making an application)

Respondent (full name)

(the person who would be responding to the application, if one is made)

Part 1 applies where the individual or their legal representative determines one or more exemptions to attending a MIAM apply.

Part 1

(To be completed by the person intending to make a court application or their legal representative.)

Neither of the people involved in the dispute have attended a MIAM because: (tick the boxes that apply)

The following exemption(s) applies:

- They are both in agreement and there is no dispute to mediate
- The application to the court is to be made without notice being given to the other person involved
- There is an allegation of domestic violence as defined in the Practice Direction section 3 Annex C, 4 (please attach evidence of any court proceedings or police investigation)
- The dispute concerns money or other financial issues and one of the people involved in the dispute is bankrupt
- The whereabouts of the other person involved in the dispute is unknown and they cannot be contacted
- The application to the court is urgent, meaning:
 - (a) There is a risk to an individual or their family's life, liberty or physical safety or to their home; **or**
 - (b) Any delay caused by attending a Mediation Information and Assessment Meeting would cause a risk of significant harm to a child, a significant risk of a miscarriage of justice, unreasonable hardship to an individual or irretrievable problems in dealing with the dispute (such as an irretrievable loss of significant evidence).

Please give details in response to (a) or (b) here:

Part 1 continued

- Social services are involved as a result of child protection concerns about a child who would be the subject of the application to the court
- Social services are actively involved in pursuing child protection issues relating to a child who would be the subject of the proposed court application
- A child would be a participant to the prospective application under the Family Procedure Rules 2010, r 12.3(1)
- The person involved or their legal representative has contacted three family mediators within 15 miles of their home and none has been able to conduct a Mediation Information and Assessment Meeting within 15 working days of being contacted

Other reason:

- Neither of the people involved in the dispute have attended a Mediation Information and Assessment meeting for the following reason (not being a reason specified above).

Please state reason here:

Signed

Applicant/Respondent (delete as appropriate)

Name
Address

Dated / /

Signed

Legal Representative (if relevant)

Name
Firm's name
Address

Dated / /

Part 2 applies where the Family Mediator determines a MIAM is not suitable or where one or both people involved have attended a MIAM, but family mediation would not be suitable.

Part 2

(To be completed and signed by the family mediator and countersigned by the person/people who attended the MIAM.)

(tick the boxes that apply)

The following exemption(s) applies:

- The family mediator is satisfied that mediation is not suitable because either party to the dispute is unwilling to attend a Mediation Information and Assessment Meeting and consider mediation
- The family mediator determines that the case is not suitable for a Mediation Information and Assessment Meeting
- The family mediator has made a determination within the previous four months that the case is not suitable for a Mediation Information and Assessment Meeting or for mediation

Mediation is not proceeding because:

- One or both of the people involved have attended a Mediation and Information Assessment Meeting, but one or both have decided not to start or continue with mediation
- Mediation started, but has broken down/concluded with issues unresolved.

Signed

Family Mediator

(affiliated to a Member Organisation recognised by the Family Mediation Council and trained to conduct MIAMs)

Family
Mediation
Service name
Address

Dated //

Countersigned

Applicant/Respondent (delete as appropriate)

Name
Address

Dated //

Information about mediation

1. If suitable, mediation can be a better way of resolving issues about finance or arrangements for children when you and your partner separate or divorce. Mediation can be less expensive than going to court in the long run and much less stressful on all the family. It can also help you as parents to focus on your child(ren)'s needs in making decisions.
2. Family Mediation is a process that involves an independent third person who assists both parties involved in a family dispute to reach a resolution. Family mediation can be used to settle any of the following issues:
 - Arrangements for children
 - Financial arrangements
 - Dividing up property
 - Any combination of these
 - Any other practical issues to do with separation and divorce.
3. Family Mediation is not just for divorcing or separating couples – it is a means for resolving a range of family disputes whether they arise from divorce or separation of cohabiting parents and couples without children. Neither is it restricted to the couple involved. Family Mediation could also help resolve issues with wider family members such as grandparents.
4. It is a completely neutral process which involves an impartial mediator facilitating negotiation between the parties to agree their own arrangements by way of a Memorandum of Understanding. If you are able to, you should have a solicitor look over the Memorandum of Understanding. In some cases you will be able to ask the court to endorse what you have agreed by issuing a consent order. The mediator at the MIAM will help you to decide whether your case is complicated and does in fact need the court to consider your situation and make an order. They should also tell you about other local services and options for resolving your problems, such as collaborative law.

Information for completing form FM1

5. You need to complete this form if you want to apply to court for an order relating to children or a financial remedy – unless you are seeking to enforce an order made previously.
6. Practice Direction 3A to the Family Procedure Rules explains the types of proceeding where you do not need to complete an FM1. While it may seem daunting to look at this, it is important for you to understand the process. The Practice Direction can be accessed at: http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_03a
7. Before you ask the court to process your application you and the other person involved in the dispute are expected to have discussed with a family mediator whether the dispute can be resolved through mediation, as an alternative to court. This meeting is referred to as a MIAM – Mediation Information Assessment Meeting. There are certain exemptions from this expectation and these are also explained in Practice Direction 3A in Annex C.
8. As the applicant you are expected to have contacted a mediator in order to make arrangements to attend a MIAM with a family mediator or to provide reasons why you have not done so on this form. You should give the mediator the details of the other person so that they can contact them to check whether they are willing to attend a MIAM.

Please note: either party is free to say whether they would prefer to attend the MIAM separately or together and explain their reasons to the mediator. Family mediators have a responsibility to ensure the safety and security of all concerned and will always check with each of you that attending together is your individual choice.

9. If one or other of the people involved decline to attend a MIAM without good reason, and if an application is made to court, the judge may ask you and the other person to consider mediation and may adjourn the case to enable you and/or the other person to attend a MIAM. It is better therefore if you consider mediation at an early stage by attending a MIAM before you start court proceedings.

10. This form must be completed and signed at each appropriate section as indicated. Only one part of the two parts of the form should be completed.

11. **Part 1 applies if:**

- neither of the people involved in the dispute have attended a MIAM because an exemption applies.

The form must be completed and signed by the **person wishing to make a court application or their legal representative**.

12. **Part 2 applies if:**

- the family mediator decides that one of the exemptions applies;
- the people involved attended a MIAM and decided not to start or continue with mediation;
- mediation started but broke down/concluded with issues unresolved.

The form must be completed and signed by the **family mediator** concerned and countersigned by the **person** involved.

Further information and sources of help

13. A family mediation service finder is available within the GovUK website (previously known as DirectGov) at:

<http://www.familymediationhelpline.co.uk/find-service.php>

14. It is recommended that you look for a family mediator who is a member of a national mediation organisation which adheres to the Family Mediation Council's Code of Conduct and who is trained to conduct MIAMs.

15. A legal aid calculator is also available on the Gov.UK site at:

<https://www.gov.uk/legal-aid-eligibility-calculator#before-you-start>

or you can telephone the Community Legal Advice direct helpline 0845 345 4345.

16. Alternatively the web app Sorting Out Separation is now available at:

<http://www.sortingoutseparation.org.uk>

The app provides information on services as well as an Action Plan and a link to legal aid information.

