

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 where the applicant, or their legal representative, determines that the applicant meets a specified exemption and is not expected to attend a MIAM.

Part 2 applies where the Family Mediator determines that a MIAM is not suitable, or where the applicant has attended a MIAM.

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 – the applicant or their legal representative determines that the applicant meets a specified exemption from attendance at a MIAM.

Part 1

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

(tick the boxes that apply)

The applicant has not attended a MIAM because the following exemption(s) applies:

- The persons concerned are in agreement and there is no dispute to mediate (the application is for the purpose of asking the court to formalise an agreement already reached)
- The application is to be made without notice being given to the other person involved
- The application is for an order in relevant family proceedings which are already in existence and are continuing
- The whereabouts of the other person are unknown to the applicant
- 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

(tick the boxes that apply)

- There has been, or there is a risk of, domestic violence between the parties to the dispute and evidence of this exists as follows:
 - A relevant unspent conviction for a domestic violence offence
 - Relevant criminal proceedings for a domestic violence offence which have not concluded
- There has been, or there is a risk of, domestic violence between the parties to the dispute and evidence of this exists in one or more of the forms listed below:
 - A relevant police caution for a domestic violence offence given within the 24 month period immediately preceding the date of the application
 - A relevant protective injunction which is in force or has been granted within the 24 month period immediately preceding the date of the application
 - An undertaking given by any party with whom another party was in a family relationship (provided no cross-undertaking was given) within the 24 month period immediately preceding the date of the application
 - A letter from the person appointed to chair a multi-agency risk assessment conference confirming that any party was referred to the conference as a high risk victim of domestic violence and the conference has, within the 24 month period immediately preceding the date of the application, put in place a plan to protect that party from a risk of harm by another party
 - A copy of a finding of fact, made in proceedings within the 24 month period immediately preceding the date of the application, that there has been domestic violence by any party giving rise to a risk of harm to another party
 - A letter or report from a health professional confirming that the professional has examined any party within the 24 month period immediately preceding the date of the application and was satisfied that the party had injuries or a condition consistent with those of a victim of domestic violence, and has no reason to believe that the party's injuries or condition were not caused by domestic violence
 - A letter from a social services department confirming that, within the 24 month period immediately preceding the date of the application, any party was assessed as being, or at risk of being, a victim of domestic violence by another party
 - A letter or report from a domestic violence support organisation confirming that any party was, within the 24 month period immediately preceding the date of the application, admitted for a period of 24 hours or more to a refuge established for the purpose of providing accommodation for victims of, or those at risk of, domestic violence and the dates on which that party was admitted to and, where relevant, left the refuge and that the party was admitted to the refuge because of allegations by that party of domestic violence
- Social services are currently involved as a result of child protection concerns about a child who would be the subject of the application to the court
- A child would be a participant to the application under the Family Procedure Rules 2010, r 12.3(1)
- The dispute concerns financial issues and one of the people involved in the dispute is bankrupt
- 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

Part 1 continued

- 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 the 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 that a MIAM is not suitable, or where the applicant has attended a MIAM.

Part 2

(To be completed and signed by the family mediator and countersigned by the applicant or the applicant's legal representative)

(tick the boxes that apply)

The following MIAM exemption(s) applies:

- The family mediator is satisfied that mediation is not suitable because another 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 in the dispute have attended a Mediation Information and Assessment Meeting, but one or both have decided not to start or continue with mediation
- One or both of the people involved in the dispute attended a Mediation Information and Assessment Meeting and was willing to mediate but the mediator has determined that mediation is unsuitable
- Mediation started but has either broken down or concluded with issues unresolved.

Signed

Family Mediator

(a family mediator who is a member of a mediation organisation affiliated to the Family Mediation Council **and** authorised to undertake MIAMs)

Family
Mediation
Service name

Address

Dated / /

Countersigned

Applicant/ Applicant's Legal Representative/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. Mediation 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. You can ask a solicitor, if you have one, to check the Memorandum of Understanding. Some mediators and solicitors are working together to provide fixed fee packages for mediation which includes legal help and advice. If you are eligible for legal aid for family mediation you could receive mediation free of charge. 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. The mediator 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:
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 – a Mediation Information and Assessment Meeting. However, there are circumstances in which this expectation does not apply and these are set out in Parts 1 and 2 of this form. These exemptions are also explained in Practice Direction 3A at Annex C.
8. One of these exemptions concerns domestic violence. **Changes have been made from 1 April 2013 to the list of evidence for domestic violence. The exemptions for domestic violence shown in Part 1 of this form are a summarised version of the full exemptions contained in Annex D to Practice Direction 3A.** Annex D also refers to the definition of a “domestic violence offence” and defines what is meant by “health professional” and “protective injunction”. You may qualify for legal aid if you meet one or more forms of evidence for domestic violence (see paragraph 16 below for how to check eligibility for legal aid).

9. 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.

10. 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.
11. 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.
12. **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**.

13. **Part 2 applies if:**
- the family mediator determines that the case is not suitable for attendance at a MIAM or for mediation;
 - 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 who wishes to make the application to court.

Further information and sources of help

14. A family mediation service finder is available within the GovUK website (previously known as DirectGov) at:
www.familymediationhelpline.co.uk/find-service.php
15. The family mediator who undertakes the MIAM for you must be a member of a national mediation organisation which adheres to the Family Mediation Council's Code of Conduct and the mediator must be authorised to conduct MIAMs. The service finder will help you find such a mediator.
16. You can find out more about legal aid, including whether you may be eligible for legal aid on the new Legal Aid Information Service on the Gov.UK site at:
www.gov.uk/check-legal-aid
or you can telephone the Civil Legal Advice direct helpline 0845 345 4345.
17. Alternatively the web app *Sorting Out Separation* is now available at:
www.sortingoutseparation.org.uk
The app provides information on services as well as an Action Plan and a link to legal aid information.