

Family Mediation Information and Assessment Meeting (MIAM)

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| To be completed by the court |
| The Family Court sitting at |
| Case reference |

Before completing this form please read the information notes at the end of the form. This form is only to be used when making an application to the court on form C1 or C2 for one of the orders shown below.

Before completing this form please also read the leaflet 'CB1 – Making an application – Children and the Family Courts' and the leaflet CB7 - Guide for separated parents: children and the family courts. These leaflets are available from your local court or online at hmctsformfinder.justice.gov.uk

Full name of applicant(s)

Full name of respondent(s)

If you are making an application on form C1 or C2 for any of the following types of Children Act 1989 order, you must first attend a Mediation, Information and Assessment Meeting (MIAM):

- A parental responsibility order (sections 4(1)(c), 4ZA(1)(c) or 4A(1)(b) of the Children Act 1989) or an order terminating parental responsibility (sections 4(2A), 4ZA(5) or 4A(3) of that Act).
- An order appointing a child's guardian (section 5(1) of the Children Act 1989) or an order terminating the appointment (section 6(7) of that Act).
- An order giving permission to change a child's surname or remove a child from the United Kingdom (sections 13(1) or 14C of the Children Act 1989).
- A special guardianship order or an order varying or discharging such an order (section 14D of the Children Act 1989).

This completed FM1 form must be sent to the family court, together with the relevant completed application form C1 or C2. This FM1 form is not an application form for a court order.

1. Requirement to attend a Mediation, Information and Assessment Meeting (MIAM)

Before making an application for a

- A parental responsibility order (sections 4(1)(c), 4ZA(1)(c) or 4A(1)(b) of the Children Act 1989) or an order terminating parental responsibility (sections 4(2A), 4ZA(5) or 4A(3) of that Act).
- An order appointing a child’s guardian (section 5(1) of the Children Act 1989) or an order terminating the appointment (section 6(7) of that Act).
- An order giving permission to change a child’s surname or remove a child from the United Kingdom (sections 13(1) or 14C of the Children Act 1989).
- A special guardianship order or an order varying or discharging such an order (section 14D of the Children Act 1989).

you must first attend a Mediation, Information and Assessment Meeting (MIAM). At the MIAM an authorised family mediator will consider with you (and the other party if present) whether family mediation, or another form of non-court dispute resolution, would be a more appropriate alternative to court. The mediator will also be able to sign post you to other help and support services.

You **must** have attended a MIAM before making this application **unless** the requirement to attend a MIAM does not apply because the Children Act 1989 order you are applying for:

- is for a consent order; **or**
- concerns a child who is the subject of separate ongoing emergency proceedings, care proceedings or supervision proceedings (or is already the subject of an emergency, care or supervision order); **or**
- you are exempt from the requirement to attend a MIAM. (Some exemptions you can claim yourself, others must be certified by an authorised family mediator).

In special circumstances such as where domestic violence is involved you may not need to attend a MIAM. However, you will be asked to provide the judge with evidence (such as a police report to prove domestic violence has taken place) and should bring it to the first hearing.

All applicants must complete section 1 and sign section 3 of this form.

In addition, you must tick one of the boxes below and ensure that you, your solicitor or a family mediator completes (and where indicated signs) the relevant section(s) of this form as shown.

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|---|------------------------------|-----------------------------|---|
| 1a. Are there previous or ongoing proceedings for child(ren) for an emergency protection, care or supervision order? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | If Yes , to provide additional details on form C1 or C2 where shown. Sections 2 or 4 of the FM1 form should be left blank. |
| 1b. Are you claiming exemption from the requirement to attend a MIAM? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | If No , please answer question 1b. If Yes, complete section 2. If No , please answer question 1c. |
| 1c. Has a family mediator informed you that a mediator’s exemption applies, and you do not need to attend a MIAM? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | If Yes , you must ensure that the family mediator completes and signs section 4a. If No , please answer question 1d. |
| 1d. Have you attended a MIAM? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | If Yes , you must ensure that the family mediator completes and signs section 4b. If No , you cannot make the application on form C1 or C2. |

2. Applicant claims exemption(s) from attendance at a Mediation, Information and Assessment Meeting (MIAM)

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

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

- Domestic violence (you must complete **section 2a**)
- Child protection concerns (you must complete **section 2b**)
- Urgency (you must complete **section 2c**)
- Previous MIAM attendance or previous MIAM exemption (you must complete **section 2d**)
- Other (you must complete **section 2e**)

Now complete the relevant section 2a, b, c, d or e by ticking the appropriate box(s)

Further details of MIAM exemption(s) claimed by the applicant

If you have claimed a MIAM exemption above you must also tick the relevant box(s), as shown below to confirm that you have the necessary evidence to support your ground(s) for exemption and should bring it to the first hearing. Where you are asked to provide additional details you must do so.

Section 2a - Domestic violence evidence

The applicant confirms that there is evidence of domestic violence, as specified below:

- a relevant unspent conviction for a domestic violence offence;
- a relevant police caution for a domestic violence offence given within the sixty month period immediately preceding the date of the application;
- a relevant conviction for a domestic violence offence where a prospective party was convicted of that offence within the sixty month period immediately preceding the date of the application
- evidence of relevant criminal proceedings for a domestic violence offence which have not concluded;
- a relevant protective injunction which is in force or which was granted within the sixty month period immediately preceding the date of the application;
- an undertaking given in England and Wales under section 46 or 63E of the Family Law Act 1996 Act (or given in Scotland or Northern Ireland in place of a protection injunction)—
 - (i) by any prospective party in relation to another prospective party; and
 - (ii) within the sixty month period immediately preceding the date of the application;
- evidence that a prospective party is on relevant police bail for a domestic violence offence;
- a letter from any person who is a member of a multi-agency risk assessment conference confirming that—
 - (i) any prospective party was referred to the conference as a victim of domestic violence; and
 - (ii) the conference has, within the sixty 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 prospective party;

Section 2a - Domestic violence evidence - **continued**

- a copy of a finding of fact, made in proceedings in the United Kingdom within the sixty month period immediately preceding the date of the application, that there has been domestic violence giving rise to a risk of harm by one prospective party to another prospective party;
- a letter or report from a health professional who has access to the medical records of a prospective party confirming that that professional, or another health professional—
 - (i) has examined any prospective party in person within the sixty month period immediately preceding the date of the application; and
 - (ii) was satisfied following that examination that that party had injuries or a condition consistent with those of a victim of domestic violence;
- a letter from a social services department in England or Wales (or its equivalent in Scotland or Northern Ireland) confirming that, within the sixty month period immediately preceding the date of the application, any prospective party was assessed as being, or at risk of being, a victim of domestic violence by another prospective party;
- a letter or report from a domestic violence support organisation in the United Kingdom confirming—
 - (i) that within the sixty month period immediately preceding the date of the application any prospective party had been accommodated in a refuge;
 - (ii) the dates on which that prospective party was admitted to and, if applicable, left the refuge; and
 - (iii) that that party was admitted to the refuge because of allegations by that party of domestic violence;
- a letter or report from a domestic violence support organisation in the United Kingdom confirming—
 - (i) that a prospective party was, within the sixty month period immediately preceding the date of the application, refused admission to a refuge on account of there being insufficient accommodation available in the refuge; and
 - (ii) the date on which that prospective party was refused admission to the refuge;
- a letter or report from—
 - (i) the person to whom the referral described below was made;
 - (ii) the health professional who made the referral described below; or
 - (iii) a health professional who has access to the medical records of a prospective party,confirming that there was, within the sixty month period immediately preceding the date of the application, a referral by a health professional of a prospective party to a person who provides specialist support or assistance for victims of, or those at risk of, domestic violence;
- a relevant domestic violence protection notice issued under section 24 of the Crime and Security Act 2010, or a relevant domestic violence protection order made under section 28 of that Act, against a prospective party within the sixty month period immediately preceding the date of the application;
- evidence of a relevant court order binding over a prospective party in connection with a domestic violence offence, which is in force or which was granted within the sixty month period immediately preceding the date of the application.

Section 2a - Domestic violence evidence - **continued**

- evidence which demonstrates that a prospective party has been, or is at risk of being, the victim of domestic violence by another prospective party in the form of abuse which relates to financial matters, where that evidence dates within the sixty month period immediately preceding the date of the application.

Financial abuse can take subtle or overt forms but in general includes tactics to limit a prospective party's access to assets, or to conceal information and accessibility to the family finances. Types of evidence, if available, could be in the following forms: copies of relevant bank statements, and/or cancelled cheques; relevant letters from banks; credit card accounts, loan documents and statements; business financial statements, employee benefit records including insurance, stock options and bonuses; letter from a domestic violence support organisation; money order receipts; documentation with regard to any public assistance received; emails, text messages, diary kept by the victim; letters from employers or from an education or training institute. This list is not exhaustive.

A single piece of evidence may, or may not, be sufficient, but different pieces of evidence taken together could be sufficient to lead to the conclusion of financial abuse. In some cases of financial abuse, a prospective party may not have access to any forms of corroborating forms of documentary evidence. If there is limited or no such evidence available, then a narrative statement should set out when the financial abuse commenced, its degree, its duration, the impact on the party and an explanation as to why no other documentary evidence is available.

Section 2b – Child protection concerns

The applicant confirms that a child would be the subject of the application and that child or another child of the family who is living with that child is currently—

- the subject of enquiries by a local authority under section 47 of the Children Act 1989 Act; or
- the subject of a child protection plan put in place by a local authority.

Section 2c – Urgency

The applicant confirms that the application must be made urgently because:

- there is risk to the life, liberty or physical safety of the prospective applicant or his or her family or his or her home; or
- any delay caused by attending a MIAM would cause—
 - a risk of harm to a child; or
 - a risk of unlawful removal of a child from the United Kingdom, or a risk of unlawful retention of a child who is currently outside England and Wales; or
 - a significant risk of a miscarriage of justice; or
 - unreasonable hardship to the prospective applicant; or
 - irretrievable problems in dealing with the dispute (including the irretrievable loss of significant evidence); or
- there is a significant risk that in the period necessary to schedule and attend a MIAM, proceedings relating to the dispute will be brought in another state in which a valid claim to jurisdiction may exist, such that a court in that other State would be seized of the dispute before a court in England and Wales.

Section 2d – Previous MIAM attendance or MIAM exemption

The applicant confirms that one of the following applies:

- in the 4 months prior to making the application, the person attended a MIAM or participated in another form of non-court dispute resolution relating to the same or substantially the same dispute; or
- at the time of making the application, the person is participating in another form of non-court dispute resolution relating to the same or substantially the same dispute; or
- in the 4 months prior to making the application, the person filed a relevant family application confirming that a MIAM exemption applied and that application related to the same or substantially the same dispute; or
- the application would be made in existing proceedings which are continuing and the prospective applicant attended a MIAM before initiating those proceedings; or
- the application would be made in existing proceedings which are continuing and a MIAM exemption applied to the application for those proceedings.

Section 2e – Other exemptions

The applicant confirms that one of the following other grounds for exemption applies:

- the prospective applicant does not have sufficient contact details for any of the prospective respondents to enable a family mediator to contact any of the prospective respondents for the purpose of scheduling the MIAM.
- the application would be made without notice (Paragraph 5.1 of Practice Direction 18A sets out the circumstances in which applications may be made without notice.)
- (i) the prospective applicant is or all of the prospective respondents are subject to a disability or other inability that would prevent attendance at a MIAM unless appropriate facilities can be offered by an authorised mediator; (ii) the prospective applicant has contacted as many authorised family mediators as have an office within fifteen miles of his or her home (or three of them if there are three or more), and all have stated that they are unable to provide such facilities; and (iii) the names, postal addresses and telephone numbers or e-mail addresses for such authorised family mediators, and the dates of contact, can be provided to the court if requested.
- the prospective applicant or all of the prospective respondents cannot attend a MIAM because he or she is, or they are, as the case may be (i) in prison or any other institution in which he or she is or they are required to be detained; (ii) subject to conditions of bail that prevent contact with the other person; or (iii) subject to a licence with a prohibited contact requirement in relation to the other person.
- the prospective applicant or all of the prospective respondents are not habitually resident in England and Wales.
- a child is one of the prospective parties by virtue of Rule 12.3(1).
- (i) the prospective applicant has contacted as many authorised family mediators as have an office within fifteen miles of his or her home (or three of them if there are three or more), and all of them have stated that they are not available to conduct a MIAM within fifteen business days of the date of contact; and (ii) the names, postal addresses and telephone numbers or e-mail addresses for such authorised family mediators, and the dates of contact, can be provided to the court if requested.
- there is no authorised family mediator with an office within fifteen miles of the prospective applicant's home.

3. Signature of applicant/applicant's solicitor

*delete as appropriate *I am duly authorised by the applicant to sign this form.

Print full name

Name of applicant solicitor's firm

Signed

Dated

(Applicant) (Applicant's solicitor)

Position or office held
(If signing on behalf of firm or
company)

4. Mediator certifies that the prospective applicant is exempt from attendance at Mediation Information and Assessment Meeting (MIAM) or confirms MIAM attendance

**(To be completed and signed by the authorised family mediator)
(tick the boxes that apply)**

4a.

The following MIAM exemption(s) applies:

- An authorised family mediator confirms that he or she is satisfied that -
 - (a) mediation is not suitable as a means of resolving the dispute because none of the respondents is willing to attend a MIAM; or
 - (b) mediation is not suitable as a means of resolving the dispute because all of the respondents failed without good reason to attend a MIAM appointment; or
 - (c) mediation is otherwise not suitable as a means of resolving the dispute.

4b.

The prospective applicant attended a MIAM:

- The prospective applicant only attended a MIAM.
- The prospective applicant and respondent party(s) attended the MIAM together.
- The prospective applicant and respondent(s) have each attended a separate MIAM.
- The prospective respondent party(s) has/have made or is/are making arrangements to attend a separate MIAM.

Mediation or other form of Dispute Resolution is not proceeding because:

- The applicant has attended a MIAM alone and
 - the applicant does not wish to start or continue mediation; or
 - the mediator has determined that mediation is unsuitable; or
 - the respondent did not wish to attend a MIAM
- Both the applicant and respondent have attended a MIAM (separately or together) and
 - the applicant does not wish to start or continue mediation; or
 - the respondent does not wish to start or continue mediation; or
 - the mediator has determined that mediation is unsuitable
- Mediation has started, but has:
 - broken down; or
 - concluded with some or all issues unresolved

Signed

Authorised Family Mediator

(a family mediator who is authorised to undertake MIAMs)

FMC
Registration no.

Family
Mediation
Service name

Sole trader
name

Address

Dated

General information for completing this form

1. You need to complete this form and send it to the court with a completed application form C1 or C2 if you want to ask the court to make an (or change an existing) order about a child(ren) and your application is for:
 - A parental responsibility order (sections 4(1)(c), 4ZA(1)(c) or 4A(1)(b) of the Children Act 1989) or an order terminating parental responsibility (sections 4(2A), 4ZA(5) or 4A(3) of that Act).
 - An order appointing a child's guardian (section 5(1) of the Children Act 1989) or an order terminating the appointment (section 6(7) of that Act).
 - An order giving permission to change a child's surname or remove a child from the United Kingdom (sections 13(1) or 14C of the Children Act 1989).
 - A special guardianship order or an order varying or discharging such an order (section 14D of the Children Act 1989).

Requirement to attend a Mediation, Information and Assessment Meeting

2. It is now a legal requirement that, unless an exemption applies, a person who wishes to apply to court for one or more of the orders listed at paragraph 1 of these notes must first attend a Mediation, Information and Assessment Meeting (a MIAM). At the stage before proceedings the other party (the respondent) is expected to attend either the same MIAM or a separate MIAM.
3. At the MIAM, a trained family mediator will give you (the applicant) and the other person if present (the respondent) information about family mediation and other types of non-court dispute resolution. They will consider with you whether non-court dispute resolution would be an appropriate way to resolve the dispute. It is then for the applicant and respondent to decide whether or not to do so.
4. The requirement for the applicant to attend a MIAM does not apply if a Children Act 1989 order is being applied for and:
 - the other person is in agreement about what you are asking the court to order (the order is a "consent order"); or
 - there is an ongoing case about the child(ren) who would be the subject of the new Children Act 1989 application and that case concerns an emergency protection order, a supervision order or a care order, or if one of those orders has previously been made.

5. You must tick the relevant box in Section 1 of this form so that the court knows whether the MIAM requirement applies, whether an exemption applies (and why) or whether you have attended a MIAM.

MIAM exemptions and MIAM attendance

6. As the applicant you are expected to have contacted an authorised family mediator in order to make arrangements to attend a MIAM unless :
 - the MIAM requirement does not apply for one of the reasons explained at paragraph 4 of these notes, or
 - you are claiming a MIAM exemption, or a family mediator certifies that a mediator's exemption applies.
7. You can find an authorised family mediator by using the 'Find your local mediator' search facility available at: www.familymediationcouncil.org.uk
8. You should give the mediator the contact details of the other person so that the family mediator can contact them to check their willingness to attend a MIAM. If the other persons (or none of the other persons if there is more than one respondent) is or are unwilling to attend a MIAM this is a ground for the family mediator to exempt you from attending a MIAM.
9. If you or your solicitor believe that you have grounds for claiming exemption from MIAM attendance you or your solicitor must tick the relevant box in Section 1 of this form and complete Section 2.
10. If a family mediator wishes to certify that a mediator's exemption applies, so that you do not need to attend a MIAM, you must ask the family mediator to complete Section 4a of this form and sign it where shown.
11. If you have attended a MIAM you must ask the family mediator who conducted the MIAM to complete Section 4b of this form and sign it where shown.
12. If you claim a MIAM exemption and make an application to the court, the court will inquire into the grounds for exemption. The court may ask you to produce written evidence (see Section 2 of this form for details against each exemption shown).
13. If the court determines that the exemption was not validly claimed it may direct you, or you and the other party, to attend a MIAM and, if the case has already progressed to the first hearing, may adjourn the case to enable you to make arrangements to attend a MIAM.

14. The detailed procedure relating to the MIAM requirement and MIAM exemptions and attendance is set out in Part 3 of the Family Procedure Rules and in supporting Practice Direction 3A (judicial guidance). These are available online at: www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_03a

Paying for MIAM attendance or for family mediation

15. Legal aid is available for MIAMs and for family mediation. If you are eligible for legal aid you could receive both the MIAM and mediation sessions free of charge, as well as some advice from a solicitor to support you in the mediation process.
16. If you, or the prospective respondent, is eligible for Legal Aid then the total cost of MIAM attendance can be met by the Legal Aid Agency, whether you and the prospective respondent attend the same MIAM or separate MIAMs.
17. If neither you nor the respective respondent is eligible for Legal Aid then the mediator will agree with you how the cost of MIAM attendance is to be met.
18. See paragraph 28 below on how to find out whether you are eligible for Legal Aid.

Safety and MIAM attendance

19. Please note: the family mediator will discuss with you and with the other person whether you wish to attend the MIAM separately or together. 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 and is safe.

Information about mediation

20. If suitable, mediation can be a better way of resolving issues about arrangements for children when you and your partner separate or divorce. Mediation can be less expensive than going to court and much less stressful for all the family. It can also help you as parents to focus on your child(ren)'s needs in making decisions about them.
21. Family Mediation is an impartial 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 or all of the following issues:
 - Arrangements for children
 - Financial arrangements and dividing up property
 - Any combination of these
 - Any other disputes to do with separation and divorce.

22. 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 the separation of cohabiting parents. Family Mediation could also help resolve issues with wider family members such as grandparents.
23. The family mediator helps the process of 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.
24. If both parties agree, you can ask the court to endorse what you have agreed by issuing a consent order. The mediator 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 dispute.
25. A statutory Mediation Information and Assessment Meeting (MIAM) is reserved for “authorised mediators” under the Family Procedure Rules. “Authorised family mediator” means a person identified by the Family Mediation Council as qualified to conduct a MIAM. “Qualified to conduct a MIAM” is interpreted as holding current Family Mediation Council accreditation (FMCA). FMCA mediators are issued with a unique FMC registration number. Authorised mediators are requested to enter this number in the box provided.

Further information and sources of help

26. General information about family mediation is available from the Family Mediation Council website at: www.familymediationcouncil.org.uk
27. 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 local mediator.
28. You can find out more about legal aid for family matters, including whether you may be eligible for legal aid, on the 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 0345 345 4345.
29. For general advice on separation services and options for resolving disputes: www.sortingoutseparation.org.uk
30. For general advice about sorting out arrangements for children, the use of post-separation mediation, and/or going to court: www.advicenow.org.uk; www.advicenow.org.uk/guides/survival-guide-sorting-out-arrangements-your-children

31. For general advice about sorting out arrangements for children: www.theparentconnection.org.uk/
32. For advice about Contact Centres, which are neutral places where children of separated families can enjoy contact with their non-resident parents and sometimes other family members, in a comfortable and safe environment; and information about where they are: www.naccc.org.uk
33. For help with taking a case to court without a solicitor, the Personal Support Unit: www.thepsu.org/
34. For guidance on representing yourself at court, including a list of commonly used terms that you may come across: <http://www.barcouncil.org.uk/using-a-barrister/representing-yourself-in-court/>
35. For advice about finding and using a family law solicitor see: Law Society www.lawsociety.org.uk, and Resolution (family law solicitors): www.resolution.org.uk
36. For advice about finding using a family law barrister: see <http://www.barcouncil.org.uk/using-a-barrister/find-a-barrister/> and for arrangements for using a barrister directly see <http://www.barcouncil.org.uk/using-a-barrister/how-to-instruct-a-barrister/>
37. Judicial guidance that sets out the approach of the courts to deciding child arrangements is available online at: www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12b

Online videos

38. There are several videos explain more about the mediation process, making your application, what will happen in court and will help you prepare for the hearing. To watch the videos visit www.bit.ly/guides_for_separating_parents