



Urgent hearings and those without notice in relation to child arrangements

You should go to a MIAM before applying to the court for an order

Before making an application to court for an order concerning your child or children, you must first go to a mediation information and assessment meeting (known as a MIAM). This meeting will not hold up your application for too long, as it should be held within 15 business days of you contacting a mediator.

You can find a mediator through the Family Mediation Council, and if you look on their website, you should be able to easily find a mediator in your area:
www.familymediationcouncil.org.uk

However, in some limited circumstances you may not have to go to a MIAM before making an application, for example if you can show that your application is urgent, or you have evidence of domestic violence. (There are other exemptions, see rule 3.8(1) FPR.) available at www.justice.gov.uk/courts/procedure-rules/family/rules_pd_menu

If your case is urgent, you do not need to go to a MIAM

You do not have to go to a MIAM if your case is urgent. However, you must be able to show one of the following.

1. There is risk to your life, freedom or physical safety or to the life, freedom or physical safety of a member of your family or your home.

Or

2. Any delay caused by going to a MIAM would mean:
 - a. there is a risk to your life, freedom or physical safety or your family or home;
 - b. a risk of harm to a child;
 - c. a risk that a child would be unlawfully taken from the United Kingdom, or a risk that a child who is currently outside England and Wales will be unlawfully held;

- d. a significant risk that there will be a miscarriage of justice;
- e. you would suffer unreasonable hardship;
- f. irretrievable problems in dealing with the dispute (including the irretrievable loss of significant evidence); or
- g. there is a significant risk that in the period needed to arrange and go to a MIAM, proceedings relating to the dispute will be brought in another country (or state) and a court in that other country would be able to hear the dispute and make decisions before a court in England and Wales could.

If any of the circumstances above apply to you, you should tick 'Yes' to question 2b in section 2 of the C100 application form and tick the relevant boxes in section 13c. You can also give any other relevant information in the box in section 4a of the form. You should then give the form to staff at the court, who will ask a judge or magistrate to decide when a court hearing about your application should take place.

Bringing children with you to court

Children should not generally come to court unless they are part of the court process, for example if they are a witness, or if you have an appointment for you and your child to meet with the judge. If you have to bring your child for any other reason, please bring an adult friend or family member to look after them while you are in the hearing room, as court staff cannot look after your child.

Even if your case is urgent, you should generally tell the other person that you are making the application

When you want an order urgently you should tell the other parent or person with whom the dispute has arisen (the respondent) that you are making an application. You can do this informally by writing to them, phoning them, texting them or emailing them.

Only in exceptional cases will the court hear an urgent application without you having given notice to the other person. Hearings without notice will generally only be held if you can show that if you give the other person notice:

1. this would allow them to take steps which would defeat the purpose of your application;
2. you, or the child (or children), would not be safe; or
3. there is some other exceptional urgency, which means there is no time for you to give notice. (It is almost always possible to give at least informal notice in one of the ways described above.)

If you make an urgent application without notice, you must give the judge or magistrates as much information about the case as you can. This means that you must tell them about the things which concern you (and which have caused you to make this application), and of all the things which you think the other person would say in reply if they were at court. Section 4(b) of the C100 gives you space to do this.

The court will generally only make an order ‘without notice’ if you have provided a full, signed account of the evidence on which you are relying and confirmed it to be true. You can do this in sections 4(a) and 4(b) of the C100 form. If you want to provide more information, you can do so in a written statement which should also contain a declaration of truth which you must sign. Ideally any further statement should be typed (though it doesn’t have to be) and you should set out a little of the background to the application, explain why you need an order as an emergency, and describe the nature of the order you want.

You can find more information about what to expect in court in leaflet CB7.

