

Mediation Information Assessment Meeting (MIAM) Changes in Family Law from 6 April 2011

The Government (Ministry of Justice) has introduced a substantial change to the conduct of family court work that is effective from 6 April 2011. Anyone wanting to apply for a court order linked to children or their financial circumstances relating to breakdown of their relationship will first be expected to attend a **Mediation Information Assessment Meeting (MIAM)**. The Ministry of Justice has introduced a new pre-action protocol as guidelines for the process which can be found on their website:

<http://www.justice.gov.uk/about/docs/pd-introducing-pre-action-protocol-feb-2011.pdf>

Courts will be advising all proposed applicants to attend such a meeting with a mediator. Such mediators will have been approved to conduct **MIAMs**. Our Russell-Cooke mediation team members are approved and able to conduct these meetings.

What is the purpose of the meeting?

The mediator will explain what mediation is and how it works. They will also discuss other ways of resolving your family disputes such as **collaborative practice**. Please [click here](#) to view our collaborative law services on our website. The mediator will help you decide what process will work best for you and provide you with some information to take away.

If you decide with the help of the mediator that mediation would be the best process for you then we will act for you as your mediator.

What is the court's role in this?

We are still awaiting information from our local courts and the Principal Registry as to how they will refer clients for mediation. However we will ensure that all our local courts have our details. Please watch this space for more information as to the courts' role and how they will be assisting clients in this process.

Who is expected to attend the MIAM's?

If you are making an application to the court in relation to either a financial or children issue, you are expected to attend a MIAM either on your own or with your spouse/partner. It is advisable to attend any MIAM without your partner if there are domestic violence issues in your relationship. Otherwise you could, of course, choose to attend the meeting with your spouse/partner, which would certainly save time. This is because in any event the mediator will need to contact your spouse/partner to invite them to a separate meeting, if you have not attended together.

How much will this cost?

We offer MIAM's at fixed competitive rates for either sole or joint meetings. Please see the contact details at the end of this document. Please note we do not offer publicly funded MIAM's or mediation.

What if mediation or any other form of dispute resolution is not appropriate?

In this event the person applying for a court order will need to send to the court a completed form, **FM1**. This form is supplied by the mediator and must be completed and signed by them. It must also be countersigned by you or your solicitor (if legally represented).

Where your spouse/partner refuses to attend a MIAM then the form **FM1** will be completed as above and given to you as the applicant to hand to the court.

When a MIAM will not be required?

The exceptions include, where:

- the mediator considers a meeting is not appropriate
- domestic abuse is involved
- one of the parties has been made bankrupt
- an urgent application to the court is needed
- there are child protection issues.

Ways we can help you with your dispute resolution

In summary these are:

a) Mediation with the couple on their own

You both agree to appoint a mediator to help you find your own solutions to your dispute. You could call it "assisted negotiation" problem solving. You will need a family lawyer to advise you during the mediation process. The mediator cannot give advice, and must remain neutral, but can help you both think about different options which you might want to adopt to reach an agreed outcome. The mediator will prepare a document to summarise any agreement you have reached. This document will then be incorporated into a legally binding agreement by your lawyer. Please [click here](#) to see our mediation services on our website.

b) Mediation with your solicitors

Sometimes it is helpful to have your solicitor actually present during a particular mediation session. You will then have hands on legal advice during the mediation. Also your family lawyer will be able to draft any agreement or order immediately if appropriate. Please [click here](#) to see our mediation services on our website.

c) Mediation – one session

As an alternative model and rather than the mediation taking place over several sessions, it is possible for mediation to take place over the course of one day. Each party would have their solicitor present to advise and draft any agreement or order. In this scenario the mediator would have to receive all relevant documents for consideration prior to the meeting. This model is helpful for (but not limited to) court proceedings which have started or may be far advanced and a hearing already listed.

d) **Collaborative Law**

You would each appoint a collaboratively trained lawyer. This option will also be explored at the **MIAM**. Like mediation all negotiation takes place face to face in a series of '4 way' meetings. Both of you and your lawyers are present. You sign an agreement not to go to court but to resolve your disputes together by reaching a settlement which is best for all the family. Like mediation it gives you an opportunity to be heard and have real control over the outcome. The crucial difference is your lawyers can advise during the collaborative process whereas the mediator cannot. We have 6 collaborative lawyers in our family team who would be able to help. Please [click here](#) to view our collaborative law services on our website.

Why Russell-Cooke?

Russell-Cooke is a top 100 Firm and has a strong reputation in family law in general and alternative dispute resolution in particular. We are recommended in Chambers UK 2011:

"This firm has a growing reputation for alternative dispute resolution and takes a conciliatory approach to both public and private family work.....Therese Nichols is particularly highly regarded for alternative dispute resolution".

Who do I contact to arrange a mediation information assessment meeting and see a mediator?

For further information, book a MIAM or talk to a mediator, please contact:

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For further information related to the topics in this briefing please visit the following websites:

- Russell-Cooke website [family mediation](#)
- Russell-Cooke website [collaborative law](#)
- What the family court expects from parents
<http://www.judiciary.gov.uk/publications-and-reports/guidance/family-court-expects-parents>
- Family court guide to family applications and mediation information assessment meetings
<http://www.familymediator.org.uk/pdf/guide-to-family-applications.pdf>
- Ministry of Justice pre-action protocol
<http://www.justice.gov.uk/about/docs/pd-introducing-pre-action-protocol-feb-2011.pdf>

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