



**The Family Court Guide to family applications and
Mediation Information and Assessment Meetings.
Essential reading if you are thinking about asking for a court order.**

Judiciary of England and Wales

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**The Family Court expects you to find out about mediation and other forms of
dispute resolution, before you ask the Court for an order.**

If you are thinking about asking for a court order concerning a child, divorce or separation or family finances, the Family Courts expect that you will think carefully and consider all other options first.

Experience suggests that court-imposed orders work less well than agreements made between you. You are more likely to be satisfied with the outcome and uphold decisions made jointly. In addition, children do better when their parents and relatives cooperate with each other.

A court application should be the last resort.

As family members, you share responsibility for your family decisions and for finding solutions to your disputes, whether these are related to separation, divorce, money or your children. If you are parents, you have a duty to talk to each other and make every effort to agree about how you will bring up your children. This duty continues even when you separate, or even if you have never lived together.

Assistance is available to help you talk.

The Court expects you to make every effort to agree arrangements between yourselves before applying to court. If talking is difficult, assistance is available. Trained mediators can help you talk to each other and find solutions, even when it

is hard. They are there to assist you both and can provide you with a safe, supportive and impartial environment so that you can work out solutions together.

Before an application in family matters can be made to the Court, you will be expected to contact a family mediation service to find out more about alternative ways of finding solutions to your problems. You will be invited to attend a Mediation Information and Assessment Meeting, either on your own or with the other party.

The mediator will explain to you:

- What mediation is.
- How mediation works.
- Other forms of problem solving assistance available to you, such as collaborative law.
- The benefits of mediation and other forms of appropriate dispute resolution.
- The relative likely costs of mediation and litigation, and will:
 - Answer any questions that you might have concerning your situation and how mediation might work for you.
 - Assess whether you are eligible for Legal Aid for Mediation or will need to pay for mediation.
- Most **importantly**, assess, for your benefit and for the Court and potential funders, the appropriateness of mediation for your case

Mediation aims to assist and support you to communicate with one another now and in the future and to reduce the scope or intensity of dispute and conflict within your family.

Mediators help you to talk and find solutions.

Mediation is:

- **Voluntary**-you will not be forced by anyone to mediate, but the Court does expect you to find out about mediation before you apply to the Court so that you can consider with a mediator whether mediation would be suitable in your particular circumstances. If you do not attend a mediation information meeting before applying to the court, but the Court thinks your case is suitable for mediation, the Court may direct you to take advice about

mediation, and other forms of dispute resolution, and put your case on hold until you do.

- **Confidential**-anything that you say in mediation is private and will not be used in any court proceedings. (Confidentiality will only be breached in cases where there is a risk of harm to a person or the mediator suspects that money laundering has taken place). If, however, you and the other party wish to make the outcome of mediation known to the Court to help you to obtain a court order with consent, you can jointly waive the confidentiality of the Memorandum of Understanding drawn up for you by the mediator, or the relevant sections of it. However, you should both check with your legal advisors first to ensure that it is in your best interests to waive confidentiality.

It is important to understand that all participants in mediation agree, at the outset, that all factual information concerning financial issues must be provided in mediation on an open basis so that it can be referred to in legal proceedings, if necessary.

- **Impartial**-the mediator is there to help you both, equally, and does not take sides.
- **You make the decisions**-no decision is imposed upon you in mediation. The decisions are yours.

The Mediation Information and Assessment Meeting will help you make informed decisions.

This is an information and assessment meeting only. Mediation will not start until you have both received information and decided to accept mediation. If you both agree to start mediation, then you will meet with the mediator together to start finding solutions to your problems. As the mediator will be undertaking a formal assessment, there is likely to be a charge.

What do I do next?

You need to make contact with a mediator and arrange to have a Mediation Information and Assessment Meeting.

Where do I find a mediator?

Your solicitor will be able to recommend a mediator to you. Alternatively, you can find a local mediator who is qualified to conduct Mediation Information and Assessment Meetings by contacting:

www.direct.gov.uk

Community Legal Advice direct helpline 0845 345 4345

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