



WHAT IS A MIAM?

Anyone who has experienced a family breakdown knows it can be a very stressful time. One of the hardest aspects is trying to make the right decisions about your future in the middle of upheaval, stress and uncertainty. It is now widely recognised that people have not previously had access to the information that they needed to help them deal with their situation and resolve their problems.

Why do I need a MIAM?

MIAMS was introduced in April 2011 with the aim of encouraging people in disputes arising from a family breakdown to consider as an alternative to the court based process. The aim of the new system is to ensure that anyone needing to resolve issues arising from a family breakdown is aware of all the options available to them. It is hoped that people will be encouraged to consider alternatives to the courts which should be the last, not the first resort. A recently issued Practice Direction states that all people applying to the court for children or financial orders should firstly have attended such a meeting.

Although you are not strictly required to attend a MIAM before making an application to the court, at the first hearing of any application the Judge will ask whether you have been to such a meeting to consider all the options. If you have not, it is highly likely that the case will be postponed until you have done so.

What kind of disputes are included in the new system?

All disputes arising from a family breakdown might be suitable to be resolved through means other than going to a court. For example, disputes arising about money, divorce, civil partnerships, where children will live,

how often they should see their parents - all these can be resolved outside of the court and it is increasingly recognised by professionals involved in family law that the courts are normally the least appropriate method of resolving such disputes.

Are there any cases which are not suitable?

In some cases, MIAM is not suitable and would not be required. These include any case involving a child being cared for by the local authority, any case where there is exceptional urgency. If the case is clearly one where an application should be made immediately, then your solicitor will not refer you to a MIAM but will advise you on how you should proceed.

What if I am worried about my safety or that of my children?

You can choose to have a first meeting separately. At the meeting, the mediator will discuss safety with you and help you decide which option would be the most appropriate or you. That includes ensuring that anyone involved will remain safe.

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What is the cost?

Mediate@parissmith does not undertake any publicly funded work (legal aid). The charge for a MIAM meeting is £100 plus VAT each for a sole meeting or £150 plus VAT if you attend jointly. If you are eligible for public funding, then you will be able to attend a free MIAM if you contact a provider who deals with publicly funded work.

In the course of any MIAM the mediator will check with you whether you might be eligible for Public Funding; however, even if you are, you will not receive a refund on the cost of the initial meeting.

It is possible to telephone the Legal Services Commission direct to check whether you might be financially eligible for Public Funding. If you are in receipt of certain benefits, you will be automatically entitled at present to Public Funding. These include Income Support, Jobseekers Allowance, Guaranteed Credit and Income Based Employment Credit. Other people may be eligible depending on their financial circumstances.

What if my partner refuses to attend?

Your partner will be invited to a meeting (separately if necessary). If your partner is not prepared to attend, at your MIAM you can consider with the mediator the options open to you.

What will happen after the meeting?

The meeting should enable you to have a clear idea of the options available for you and you can be ready to start finding a solution to your problem. This may be:

- Agreeing to start mediation
- Finding a solicitor to act as a collaborative lawyer
- Trying to reach agreement between yourselves
- Taking legal advice
- Asking your solicitor to negotiate on your behalf
- Seeking specialised non-legal help such as counselling

If required the mediator will sign a FM1 form for you to take away with you. This confirms that you have attended a MIAM and will be sent to the court with any future application you make.

Find out more

Please contact us to discuss your requirements or to find out more.



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