



MIAMS – Mediation Information and Assessment Meetings

In April 2011, the government introduced the requirement that before any person applies to court either for

- a financial order following separation or divorce, or
- an order about children,

he or she should attend a **Mediation Information and Assessment Meeting**, unless exempt from the requirement to do so. The courts also expect a respondent to an application to attend a MIAM if he or she is invited to do so.

The government's intention was to bring the mediation process to the attention of those wanting to use the family courts, in the knowledge that in many cases mediation can provide a **quicker, cheaper and more lasting resolution** to issues arising from relationship breakdown than litigation can.

At the MIAM, the mediator will listen to the nature of the dispute between you and explain to you the process of family mediation and how it might be able to assist you to work things out without going to court. The mediator will also give you information about other methods of dispute resolution that don't involve the courts, such as collaborative law. If you would like to pursue mediation and the mediator considers that your case is suitable for mediation, the mediator can contact the other person and invite them to come to a meeting to discuss whether mediation might be appropriate.

You will not be expected to attend a MIAM when making an application to the court if the mediator is satisfied that mediation is not suitable because another party to the dispute is unwilling to attend a MIAM and consider mediation, or the case is not suitable for a MIAM; or a mediator has made a determination within the previous

four months that the case is not suitable for a MIAM or for mediation.

You will be **exempt** from the obligation to attend a MIAM if:

- either person has made an allegation of domestic violence that has been investigated by the police or led to proceedings for an injunction within the last 12 months;
- the dispute is about finance and any party is bankrupt;
- the parties are in agreement and there is no dispute to mediate (i.e. the application is made by consent);
- the whereabouts of the other party are unknown;
- the prospective application is for an order in relevant family proceedings which are already continuing;
- the prospective application is to be made without notice to the other party;
- the prospective application is urgent, meaning: there is a real risk to the life, liberty or physical safety of your client or his or her family or his or her home; or
- any delay caused by attending a MIAM would cause a risk of significant harm to a child, a significant risk of a miscarriage of justice, unreasonable hardship or irretrievable problems in dealing with the dispute, such as an irretrievable loss of significant evidence;
- there is current social services involvement as a result of child protection concerns about a child who would be the subject of the application;
- a child would be party to the prospective application; or
- you have made contact with three mediators within 15 miles of your home and none is able to conduct a MIAM within 15 working days.

There is also space for you to specify any other reason why you do not consider you should be compelled to attend a MIAM.