

Notice of an application to consider the financial position of the Respondent after the divorce/dissolution

To be completed by the Respondent	
Family Court sitting at	Case No.
Name of Applicant	
Name of Respondent	
Fee charged/Remission ID	

The Respondent intends to apply to the Court under

*[section 10(2) of the Matrimonial Causes Act 1973 for the Court to consider the financial position of the Respondent after the divorce]

*[section 48(2) of the Civil Partnership Act 2004 for the Court to consider the financial position of the Respondent after the dissolution of the civil partnership].

Signed

(Respondent) (Respondent's solicitor)

Dated

/ /

1. Requirement to attend a Mediation, Information and Assessment Meeting (MIAM)

Before making an application for a financial order you must first attend a Mediation, Information and Assessment Meeting (MIAM). At the MIAM an authorised family mediator will consider with you (and the other party if present) whether family mediation, or another form of non-court dispute resolution, would be a more appropriate alternative to court. The mediator will also be able to sign post you to other help and support services.

You **must** have attended a MIAM before making this application **unless** the requirement to attend a MIAM does not apply because the financial order you are applying for:

- is for a consent order; **or**
- you are exempt from the requirement to attend a MIAM. (Some exemptions you can claim for yourself, others must be certified by an authorised family mediator).

In special circumstances such as where domestic violence is involved - you may not need to attend a MIAM. However, you will be asked to provide the judge with evidence (such as a police report to prove domestic violence has taken place) and should bring it to the first hearing.

All applicants must complete section 1 and sign section 4 of this form. **In addition**, you must tick one of the boxes below and ensure that you, your legal adviser or a family mediator completes and signs the relevant section(s) of this form as shown.

1a. Are you claiming exemption from the requirement to attend a MIAM? Yes No

If Yes, complete section 2.

If No, please answer question 1b.

1b. Has a family mediator informed you that a mediator's exemption applies, and you do not need to attend a MIAM? Yes No

If Yes, you must ensure that the family mediator completes and signs section 3a.

If No, please answer question 1c.

1c. Have you attended a MIAM? Yes No

If Yes, you must ensure that the family mediator completes and signs section 3b.

If No, you cannot make this application.

2. Applicant claims exemption(s) from attendance at a Mediation, Information and Assessment Meeting (MIAM)

(To be completed by the person intending to make a court application or their legal representative)

The applicant has not attended a MIAM because the following MIAM exemption(s) applies:

- Domestic violence (you must complete **section 2a**)
- Urgency (you must complete **section 2b**)
- Previous MIAM attendance or previous MIAM exemption (you must complete **section 2c**)
- Other (you must complete **section 2d**)

Now complete the relevant section 2a, b, c or d by ticking the appropriate box(s)

Further details of MIAM exemption(s) claimed by the applicant

If you have claimed a MIAM exemption above you must also tick the relevant box(s), as shown below to confirm that you have the necessary evidence to support your ground(s) for exemption and should bring it to the first hearing. Where you are asked to provide additional details you must do so.

Section 2a - Domestic violence evidence

The applicant confirms that there is evidence of domestic violence, as specified below:

- evidence that a prospective party has been arrested for a relevant domestic violence offence;
- evidence of a relevant police caution for a domestic violence offence;
- evidence of relevant criminal proceedings for a domestic violence offence which have not concluded;
- evidence of a relevant conviction for a domestic violence offence;
- a court order binding a prospective party over in connection with a domestic violence offence;
- a domestic violence protection notice issued under section 24 of the Crime and Security Act 2010 against a prospective party;
- a relevant protective injunction;
- an undertaking given in England and Wales under section 46 or 63E of the Family Law Act 1996 (or given in Scotland or Northern Ireland in place of a protective injunction) by a prospective party, provided that a cross-undertaking relating to domestic violence was not given by another prospective party;
- a copy of a finding of fact, made in proceedings in the United Kingdom, that there has been domestic violence by a prospective party;
- an expert report produced as evidence in proceedings in the United Kingdom for the benefit of a court or tribunal confirming that a person with whom a prospective party is or was in a family relationship, was assessed as being, or at risk of being, a victim of domestic violence by that prospective party;

Section 2a - Domestic violence evidence - **continued**

- a letter or report from an appropriate health professional confirming that-
 - (i) that professional, or another appropriate health professional, has examined a prospective party in person; and
 - (ii) in the reasonable professional judgment of the author or the examining appropriate health professional, that prospective party has, or has had, injuries or a condition consistent with being a victim of domestic violence;
- a letter or report from-
 - (i) the appropriate health professional who made the referral described below;
 - (ii) an appropriate health professional who has access to the medical records of the prospective party referred to below; or
 - (iii) the person to whom the referral described below was made;confirming that there was a referral by an appropriate health professional of a prospective party to a person who provides specialist support or assistance for victims of, or those at risk of, domestic violence;
- a letter from any person who is a member of a multi-agency risk assessment conference (or other suitable local safeguarding forum) confirming that a prospective party, or a person with whom that prospective party is in a family relationship, is or has been at risk of harm from domestic violence by another prospective party;
- a letter from an independent domestic violence advisor confirming that they are providing support to a prospective party;
- a letter from an independent sexual violence advisor confirming that they are providing support to a prospective party relating to sexual violence by another prospective party;
- a letter from an officer employed by a local authority or housing association (or their equivalent in Scotland or Northern Ireland) for the purpose of supporting tenants containing-
 - (i) a statement to the effect that, in their reasonable professional judgment, a person with whom a prospective party is or has been in a family relationship is, or is at risk of being, a victim of domestic violence by that prospective party;
 - (ii) a description of the specific matters relied upon to support that judgment; and
 - (iii) a description of the support they provided to the victim of domestic violence or the person at risk of domestic violence by that prospective party;
- a letter which-
 - (i) is from an organisation providing domestic violence support services, or a registered charity, which letter confirms that it-
 - (a) is situated in England and Wales,
 - (b) has been operating for an uninterrupted period of six months or more; and
 - (c) provided a prospective party with support in relation to that person's needs as a victim, or a person at risk, of domestic violence; and
 - (ii) contains-
 - (a) a statement to the effect that, in the reasonable professional judgment of the author of the letter, the prospective party is, or is at risk of being, a victim of domestic violence;

Section 2a - Domestic violence evidence - **continued**

- (b) a description of the specific matters relied upon to support that judgment;
 - (c) a description of the support provided to the prospective party; and
 - (d) a statement of the reasons why the prospective party needed that support;
- a letter or report from an organisation providing domestic violence support services in the United Kingdom confirming-
- (i) that a person with whom a prospective party is or was in a family relationship was refused admission to a refuge;
 - (ii) the date on which they were refused admission to the refuge; and
 - (iii) they sought admission to the refuge because of allegations of domestic violence by the prospective party referred to in paragraph (i);
- a letter from a public authority confirming that a person with whom a prospective party is or was in a family relationship, was assessed as being, or at risk of being, a victim of domestic violence by that prospective party (or a copy of that assessment);
- a letter from the Secretary of State for the Home Department confirming that a prospective party has been granted leave to remain in the United Kingdom under paragraph 289B of the Rules made by the Home Secretary under section 3(2) of the Immigration Act 1971, which can be found at <https://www.gov.uk/guidance/immigration-rules/immigration-rules-index>;
- evidence which demonstrates that a prospective party has been, or is at risk of being, the victim of domestic violence by another prospective party in the form of abuse which relates to financial matters.

Section 2b – Urgency

The applicant confirms that the application must be made urgently because:

- there is risk to the life, liberty or physical safety of the prospective applicant or his or her family or his or her home; or
- any delay caused by attending a MIAM would cause—
- a significant risk of a miscarriage of justice; or
 - unreasonable hardship to the prospective applicant; or
 - irretrievable problems in dealing with the dispute (including the irretrievable loss of significant evidence); or
- there is a significant risk that in the period necessary to schedule and attend a MIAM, proceedings relating to the dispute will be brought in another state in which a valid claim to jurisdiction may exist, such that a court in that other State would be seized of the dispute before a court in England and Wales.

Section 2c – Previous MIAM attendance or MIAM exemption

The applicant confirms that one of the following applies:

- in the 4 months prior to making the application, the person attended a MIAM or participated in another form of non-court dispute resolution relating to the same or substantially the same dispute; or
- at the time of making the application, the person is participating in another form of non-court dispute resolution relating to the same or substantially the same dispute; or

Section 2c – Previous MIAM attendance or MIAM exemption - **continued**

- in the 4 months prior to making the application, the person filed a relevant family application confirming that a MIAM exemption applied and that application related to the same or substantially the same dispute; or
- the application would be made in existing proceedings which are continuing and the prospective applicant attended a MIAM before initiating those proceedings; or
- the application would be made in existing proceedings which are continuing and a MIAM exemption applied to the application for those proceedings.

Section 2d – Other exemptions

The applicant confirms that one of the following other grounds for exemption applies:

- evidence that the prospective applicant is bankrupt exists in one of the following forms:
 - application by the prospective applicant for a bankruptcy order;
 - petition by a creditor of the prospective applicant for a bankruptcy order; or
 - a bankruptcy order in respect of the prospective applicant.
- the prospective applicant does not have sufficient contact details for any of the prospective respondents to enable a family mediator to contact any of the prospective respondents for the purpose of scheduling the MIAM.
- the application would be made without notice (Paragraph 5.1 of Practice Direction 18A sets out the circumstances in which applications may be made without notice.)
- (i) the prospective applicant is or all of the prospective respondents are subject to a disability or other inability that would prevent attendance at a MIAM unless appropriate facilities can be offered by an authorised mediator; (ii) the prospective applicant has contacted as many authorised family mediators as have an office within fifteen miles of his or her home (or three of them if there are three or more), and all have stated that they are unable to provide such facilities; and (iii) the names, postal addresses and telephone numbers or e-mail addresses for such authorised family mediators, and the dates of contact, can be provided to the court if requested.
- the prospective applicant or all of the prospective respondents cannot attend a MIAM because he or she is, or they are, as the case may be (i) in prison or any other institution in which he or she is or they are required to be detained; (ii) subject to conditions of bail that prevent contact with the other person; or (iii) subject to a licence with a prohibited contact requirement in relation to the other person.
- the prospective applicant or all of the prospective respondents are not habitually resident in England and Wales.
- a child is one of the prospective parties by virtue of Rule 12.3(1).
- (i) the prospective applicant has contacted as many authorised family mediators as have an office within fifteen miles of his or her home (or three of them if there are three or more), and all of them have stated that they are not available to conduct a MIAM within fifteen business days of the date of contact; and (ii) the names, postal addresses and telephone numbers or e-mail addresses for such authorised family mediators, and the dates of contact, can be provided to the court if requested.
- there is no authorised family mediator with an office within fifteen miles of the prospective applicant's home.

Now complete Section 4.

3. Mediator certifies that the prospective applicant is exempt from attendance at Mediation Information and Assessment Meeting (MIAM) or confirms MIAM attendance

**(To be completed and signed by the authorised family mediator)
(tick the boxes that apply)**

3a. The following MIAM exemption(s) applies:

- An authorised family mediator confirms that he or she is satisfied that -
 - (a) mediation is not suitable as a means of resolving the dispute because none of the respondents is willing to attend a MIAM; or
 - (b) mediation is not suitable as a means of resolving the dispute because all of the respondents failed without good reason to attend a MIAM appointment; or
 - (c) mediation is otherwise not suitable as a means of resolving the dispute.

3b. The prospective applicant attended a MIAM:

- The prospective applicant only attended a MIAM.
- The prospective applicant and respondent party(s) attended the MIAM together.
- The prospective applicant and respondent(s) have each attended a separate MIAM.
- The prospective respondent party(s) has/have made or is/are making arrangements to attend a separate MIAM.

Mediation or other form of Dispute Resolution is not proceeding because:

- The applicant has attended a MIAM alone and
 - the applicant does not wish to start or continue mediation; or
 - the mediator has determined that mediation is unsuitable; or
 - the respondent did not wish to attend a MIAM
- Both the applicant and respondent have attended a MIAM (separately or together) and
 - the applicant does not wish to start or continue mediation; or
 - the respondent does not wish to start or continue mediation; or
 - the mediator has determined that mediation is unsuitable
- Mediation has started, but has:
 - broken down; or
 - concluded with some or all issues unresolved

Signed

Authorised Family Mediator

(a family mediator who is authorised to undertake MIAMs)

FMC
Registration no.
Family
Mediation
Service name
Sole trader
name
Address

Dated

4. Signature

I am duly authorised by the applicant to sign this statement.

Print full name

Name of applicant solicitors firm

Address of solicitor's firm

Signed

Dated

 / /

**delete as appropriate*

*(Applicant) (Litigation friend)
(Applicant's solicitor)

Position or office held
(If signing on behalf of firm or
company)