

# 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:**

- a relevant unspent conviction for a domestic violence offence;
- a relevant police caution for a domestic violence offence given within the sixty month period immediately preceding the date of the application;
- a relevant conviction for a domestic violence offence where a prospective party was convicted of that offence within the sixty month period immediately preceding the date of the application
- evidence of relevant criminal proceedings for a domestic violence offence which have not concluded;
- a relevant protective injunction which is in force or which was granted within the sixty month period immediately preceding the date of the application;
- an undertaking given in England and Wales under section 46 or 63E of the Family Law Act 1996 Act (or given in Scotland or Northern Ireland in place of a protection injunction)—
  - (i) by any prospective party in relation to another prospective party; and
  - (ii) within the sixty month period immediately preceding the date of the application;
- evidence that a prospective party is on relevant police bail for a domestic violence offence;
- a letter from any person who is a member of a multi-agency risk assessment conference confirming that—
  - (i) any prospective party was referred to the conference as a victim of domestic violence; and
  - (ii) the conference has, within the sixty month period immediately preceding the date of the application put in place a plan to protect that party from a risk of harm by another prospective party;

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

- a copy of a finding of fact, made in proceedings in the United Kingdom within the sixty month period immediately preceding the date of the application, that there has been domestic violence giving rise to a risk of harm by one prospective party to another prospective party;
- a letter or report from a health professional who has access to the medical records of a prospective party confirming that that professional, or another health professional—
  - (i) has examined any prospective party in person within the sixty month period immediately preceding the date of the application; and
  - (ii) was satisfied following that examination that that party had injuries or a condition consistent with those of a victim of domestic violence;
- a letter from a social services department in England or Wales (or its equivalent in Scotland or Northern Ireland) confirming that, within the sixty month period immediately preceding the date of the application, any prospective party was assessed as being, or at risk of being, a victim of domestic violence by another prospective party;
- a letter or report from a domestic violence support organisation in the United Kingdom confirming—
  - (i) that within the sixty month period immediately preceding the date of the application any prospective party had been accommodated in a refuge;
  - (ii) the dates on which that prospective party was admitted to and, if applicable, left the refuge; and
  - (iii) that that party was admitted to the refuge because of allegations by that party of domestic violence;
- a letter or report from a domestic violence support organisation in the United Kingdom confirming—
  - (i) that a prospective party was, within the sixty month period immediately preceding the date of the application, refused admission to a refuge on account of there being insufficient accommodation available in the refuge; and
  - (ii) the date on which that prospective party was refused admission to the refuge;
- a letter or report from—
  - (i) the person to whom the referral described below was made;
  - (ii) the health professional who made the referral described below; or
  - (iii) a health professional who has access to the medical records of a prospective party,confirming that there was, within the sixty month period immediately preceding the date of the application, a referral by a 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 relevant domestic violence protection notice issued under section 24 of the Crime and Security Act 2010, or a relevant domestic violence protection order made under section 28 of that Act, against a prospective party within the sixty month period immediately preceding the date of the application;

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

- evidence of a relevant court order binding over a prospective party in connection with a domestic violence offence, which is in force or which was granted within the sixty month period immediately preceding the date of the application; or
- 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, where that evidence dates within the sixty month period immediately preceding the date of the application.

Financial abuse can take subtle or overt forms but in general includes tactics to limit a prospective party's access to assets, or to conceal information and accessibility to the family finances. Types of evidence, if available, could be in the following forms: copies of relevant bank statements, and/or cancelled cheques; relevant letters from banks; credit card accounts, loan documents and statements; business financial statements, employee benefit records including insurance, stock options and bonuses; letter from a domestic violence support organisation; money order receipts; documentation with regard to any public assistance received; emails, text messages, diary kept by the victim; letters from employers or from an education or training institute. This list is not exhaustive.

A single piece of evidence may, or may not, be sufficient, but different pieces of evidence taken together could be sufficient to lead to the conclusion of financial abuse. In some cases of financial abuse, a prospective party may not have access to any forms of corroborating forms of documentary evidence. If there is limited or no such evidence available, then a narrative statement should set out when the financial abuse commenced, its degree, its duration, the impact on the party and an explanation as to why no other documentary evidence is available.

**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:
  - petition 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.	<input style="width: 95%; height: 20px;" type="text"/>
Family Mediation Service name	<input style="width: 95%; height: 20px;" type="text"/>
Sole trader name	<input style="width: 95%; height: 20px;" type="text"/>
Address	<input style="width: 95%; height: 30px;" type="text"/>

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)