



Mediation Process

From 6 April 2011, if it is your intention to issue proceedings in the family courts to deal with issues surrounding your children or financial matters, you are expected to attend for a Mediation Information & Assessment Meeting (MIAM) with a mediator to see if the issues are capable of being resolved through an alternative dispute resolution method.

If court proceedings are then issued, the judge will want to know if mediation has been attempted and you may find the proceedings are put on hold and the judge refers you to mediation before the case can go any further.

In certain circumstances, the requirement does not apply, for example if you have attempted mediation before or if the issue is urgent and a court application is necessary immediately.

Generally, the mediator will see you both together with a view to identifying the issues that need dealing with and assessing whether your circumstances make the case suitable for mediation.

Assuming you agree to go ahead, a meeting will be arranged for you to come back and with the help of the specially trained mediator, to work through the issues and try and reach agreement.

Throughout the process, you are free to take advice from your own solicitors and providing you both agree, you can bring your solicitors with you if you think this will speed up the process of reaching terms that you can settle upon.

Providing you have attended the MIAM, you are still free to issue court proceedings even if your case has been deemed suitable for mediation by the mediator, but the majority of couples who embark upon the mediation process do continue and reach agreement thus saving the emotional and financial cost of going to court.

If the mediation goes ahead, you may find that the issues can be resolved in just one meeting where the issues are straightforward but even when dealing with more complex financial matters, once financial disclosure has taken place, most mediations conclude in two or, at most, three sessions.

The mediator's role is to assist you both to try and resolve conflict and reach joint solutions and to do this, the mediator will provide you with information such as how the law operates, to help you do this. The focus in mediation is forward thinking and where there are children, they are put at the centre of the discussions.

For further information, or to discuss how we may be able to assist in your personal situation, please call

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