

What if I want to go to court?

You will still need to show the court that

- you have been to a MIAM to find out about mediation or
- you are exempt from having to do this, for example because violence or abuse is involved (see below).

if you have already seen a solicitor, they should explain all of this to you.

What if domestic violence or child abuse is involved?

Cases involving domestic violence or child abuse are not usually right for mediation and you will not need to go to a MIAM. If you have evidence of domestic violence or child abuse you may qualify for legal aid to pay for a solicitor to help you bring your case to court.

How much will mediation cost?

There is no standard fee for mediation. Charges vary according to individual mediation services. Some mediation practices charge by the hour, some per session, some may apply 'sliding scales' or offer a fixed fee package.

The mediator will give you an estimate of how much mediation is likely to cost.

They will also help you check if you can get legal aid to help pay for it. This is money provided by the Government to help people who can't afford to pay.

**FIRST STOP:
FAMILY
MEDIATION**



Find out more

LegalAid

See if you are eligible for financial help. Use the online Legal Aid Checker at www.gov.uk/check-legal-aid or call the Civil Legal Advice service on 0845 345 4345, Monday to Friday, 9.00am to 8.00pm, Saturday 9.00am to 12.30pm. Calls cost 4p per minute from a BT landline, mobiles usually cost more.

Family Mediation

For information on family mediation, how it could help you and contact information for local qualified family mediators, visit www.gov.uk/familymediation

For links to mediation organisations visit www.familymediationcouncil.org.uk/

Or:

Visit www.sortingoutseparation.org.uk for further guidance about ending a relationship.

For general guidance you can contact Citizens Advice - www.citizensadvice.org.uk

Mediation
north
west

Phone : 01925-393532

www.MediationNorthWest.co.uk

e-mail : info@MediationNorthWest.co.uk

This leaflet has been produced by the Ministry of Justice in conjunction with the Family Mediation Council MoJ Family Mediation - DL - FML100 (1213)



HM Government



Family mediation

Sorting out family disputes without going through court



Family mediation can help you if your relationship has broken down and you need to sort out practical issues such as:

- Arrangements for children
- Child maintenance payments
- Sharing finances (e.g. house, savings, pension)
- Dealing with any debts.

What is family mediation?

If you are separating or divorcing, family mediation can help you sort out disputes – without involving big legal fees or going through court.

Mediation is not about trying to get you back together. It's about helping you to make arrangements after you've decided to separate.

It can also help when you've already separated and need to sort something out.

You and your partner (or ex-partner) explain your concerns and views to each other in the presence of a family mediator who helps you both to reach an agreement.

Legal aid may be available to pay for mediation.

What are the benefits?

Family mediation:

- gives you more say about what happens. In court a judge will make the decisions. With mediation you and the other party make the decisions.
- is less stressful, with less conflict between you and your partner. If you have children it is less upsetting for them. It can help find ways for everyone involved to get on better in the future.
- Improves communication and helps you sort out your future.
- is flexible and agreements can be changed when circumstances change.
- is easier on your children when parents co-operate and helps them continue important family relationships.
- is quicker, cheaper and provides a better way to sort out disagreements than long drawn-out court battles – helping you to get on with the rest of your life as quickly as possible.

What do family mediators do?

Family mediators are trained to work with people whose relationships have broken down. They come from professional backgrounds, such as law and healthcare.

Mediators will find solutions that both of you can agree on. A mediator will ask you questions to understand your situation and, unlike going to court, you stay in control. No-one can make you do anything against your wishes. Discussions are confidential.

Children have the right to a relationship with both parents (as long as it is safe) and their needs are most important. Some mediators are trained to include children in discussions but only if both you, your partner and the child agree.

When should I try family mediation?

Contact a mediator as soon as you and your partner have decided to split up and need help sorting out arrangements – the sooner the better, before the issues become big problems. You don't need to see a solicitor first.

Even if you have been separated for a while or if your case has already gone to court, mediation can help to resolve any dispute you may have.

The first step is to attend a meeting with the mediator so you can find out more about mediation and if it's right for you. This is called a **Mediation Information Assessment Meeting (MIAM)**. You can go with your partner, or you can see the mediator separately if you prefer.

What happens if I go to family mediation?

If you agree to try mediation, you will need to attend mediation sessions (usually 1-2 hours each). The length and number of sessions will depend on your situation.

When an agreement is reached, the mediator will write it down in a 'Memorandum of Understanding' so that everyone is clear about what has been decided.

You can ask the court to make the agreement legally binding if both you and your partner agree.

This is sometimes useful if arrangements are meant to run over a period of time, such as child maintenance payments, or when people are concerned that their (ex-) partner will not stick to the agreement.

Some people going through mediation find it helpful to have legal support to advise them. Legal aid may be available for this.

What if things don't go as planned afterwards?

If the situation changes and the arrangements aren't working, you can go back to the mediator. If needed, you can agree to change the Memorandum of Understanding.

Is family mediation right for everyone?

No. The 'MIAM' is for discussing whether mediation will work for you both. If mediation isn't right there may be other options that will still avoid you having to go to court, for example collaborative law or solicitor negotiation. Visit www.sortingoutseparation.org.uk for more information.

