

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

The Respondent is the person responding to a court application being made by someone else.

The Respondent can submit this form to the court, so that the court can consider their financial position after a divorce or dissolution to inform any decisions made in the case.

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

By the

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 way for you to resolve the dispute. The mediator will also be able to signpost 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. Where evidence is required to support a MIAM exemption claim, you must submit this evidence alongside your application.

In some circumstances - such as where domestic abuse is involved - you may not need to attend a MIAM. If you think that you do not need to attend a MIAM, you can claim an exemption. For more information on the valid MIAM exemptions, see section 2 (pages 3-5). **Some MIAM exemptions need you to provide evidence to support your claim. Where evidence is needed, this must be provided with your application.** When processing your application, the court will review the evidence you have provided to ensure that a MIAM exemption has been validly claimed.

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 advisor, family mediator or NCDR professional completes and signs the relevant section(s) of this form as shown.

1a. Have you attended a MIAM? Yes No

If Yes, you must ensure that the **family mediator signs section 3**.

If No, please **answer question 1b**.

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

If Yes, **complete section 2**.

If No, you cannot make this application to court. Please refer to <https://www.familymediationcouncil.org.uk/family-mediation/assessment-meeting-miam/> for further information on what to do next and how to arrange a MIAM.

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. Where it is required, evidence of the claimed MIAM exemption(s) must be submitted to the court alongside this application.

If you are unable to provide the required evidence with your application, please use the text box on page 8 to explain the reason(s) why.

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

- Domestic abuse (you must complete **section 2a**)
- Urgency (you must complete **section 2b**)
- Previous attendance of a MIAM or non-court dispute resolution. (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(es)

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(es), as shown below to confirm that you have the necessary evidence to support your ground(s) for exemption. Where required, you **must** submit this evidence with your application to court. Where you are asked to provide additional details you must do so.

Section 2a - Domestic abuse evidence

This MIAM exemption requires the evidence you have selected to be submitted along with your application.

If you are unable to provide this, please use the text box on page 8 to explain the reason(s) why.

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

- evidence that a prospective party has been arrested for a relevant domestic abuse offence;
- evidence of a relevant police caution for a domestic abuse offence;
- evidence of relevant criminal proceedings for a domestic abuse offence which have not concluded;
- evidence of a relevant conviction for a domestic abuse offence;
- a court order binding a prospective party over in connection with a domestic abuse offence;
- a domestic violence protection notice issued under section 24 of the Crime and Security Act 2010 against a prospective party;
- a domestic abuse protection notice given under section 22 of the Domestic Abuse Act 2021 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 or abuse 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 abuse 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 personally connected, was assessed as being, or at risk of being, a victim of domestic abuse by that prospective party;

Section 2a - Domestic abuse 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, by telephone or by video conferencing 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 abuse;
- 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 abuse;
- 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 personally connected, is or has been at risk of harm from domestic abuse by another prospective party;
- a letter from an independent domestic violence advisor (IDVA) confirming that they are providing or have provided support to a prospective party;
- a letter from an independent sexual violence advisor (ISVA) confirming that they are providing or have provided 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 personally connected to is, or is at risk of being, a victim of domestic abuse 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 abuse or the person at risk of domestic abuse by that prospective party;
- a letter which-
 - (i) is from an organisation providing domestic abuse support services, which letter confirms that it-
 - (a) is situated in the United Kingdom,
 - (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 abuse; 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 abuse;

Section 2a - Domestic abuse 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 abuse support services in the United Kingdom confirming—
 - (i) that a person with whom a prospective party is or was personally connected 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 abuse 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 personally connected, was assessed as being, or at risk of being, a victim of domestic abuse 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 as a victim of domestic abuse;
- evidence which demonstrates that a prospective party has been, or is at risk of being, the victim of domestic abuse 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
 - significant financial 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 attendance of a MIAM or non-court dispute resolution evidence

This MIAM exemption requires the evidence you have selected to be submitted along with your application.

If you are unable to provide this, please use the text box on page 8 to explain the reason(s) why.

The applicant confirms that one of the following applies:

- in the 4 months prior to making the application, the person attended a MIAM or a non-court dispute resolution process relating to the same or substantially the same dispute; and where the applicant attended a non-court dispute resolution process, there is evidence of that attendance in the form of written confirmation from the dispute resolution provider. This evidence should be submitted alongside your application, and must include the signature of the provider; or
- The application would be made in existing proceedings which are continuing and the prospective applicant attended a MIAM before initiating those proceedings. The MIAM provider must complete and sign section 3 of this form. Or, if you were the respondent in existing proceedings, please provide the date of the MIAM alongside the name and contact details of the MIAM provider in the text box on page 7.

Section 2d – Other exemptions

Please provide any additional information requested in the text box on page 7.

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

- 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.)
- a child is one of the prospective parties.
- (i) the prospective applicant is not able to attend a MIAM online or by video-link and an explanation of why this is the case is provided to the court using the text box on page 7; and
 - (ii) the prospective applicant has contacted as many authorised family mediators as have an office within fifteen miles of his or her home (or five of them if there are five 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
 - (iii) the names, postal addresses and telephone numbers or e-mail addresses for the authorised family mediators contacted by the prospective applicant, and the dates of contact, are provided to the court in the text box on page 7.
- (i) the prospective applicant is not able to attend a MIAM online or by video-link and an explanation of why this is the case is provided to the court using the text box on page 7; and
 - (ii) the prospective applicant is subject to a disability or other inability that would prevent attendance in person at a MIAM unless appropriate facilities can be offered by an authorised mediator; and
 - (iii) the prospective applicant has contacted as many authorised family mediators as have an office within fifteen miles of his or her home (or five of them if there are five or more), and all have stated that they are unable to provide such facilities; and
 - (iv) the names, postal addresses and telephone numbers or e-mail addresses for such authorised family mediators, and the dates of contact, are provided to the court using the text box on page 7.
- (i) the prospective applicant is not able to attend a MIAM online or by video-link; and
 - (ii) there is no authorised family mediator with an office within fifteen miles of the prospective applicant's home; and
 - (iii) an explanation of why this exemption applies is provided by the prospective applicant to the court using the text box on page 7.
- the prospective applicant cannot attend a MIAM because the prospective applicant is
 - (i) in prison or any other institution in which the prospective applicant is required to be detained and facilities cannot be made available for them to attend a MIAM online or by video link; or
 - (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.

Section 2 – continued

Please provide any additional information requested in the text box below.
If this is not enough space, please use an additional information page and
attach it with this form.

Section 2 - Unable to provide the required evidence to support a MIAM exemption claim

If you are unable to provide the required evidence to support a MIAM exemption claim with your application, use the text box below to briefly explain the reason(s) why.

Now complete Section 4.

3. MIAM provider confirms attendance at a Mediation Information and Assessment Meeting (MIAM)

To be completed and signed by an authorised family mediator, as the MIAM provider.

NCDR refers to non-court dispute resolution, and means methods of resolving a dispute other than through the court process, including but not limited to mediation, arbitration, evaluation by a neutral third party (such as a private Financial Dispute Resolution process) and collaborative law.

(tick the boxes that apply)

Name of participant(s)

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The applicant attended a MIAM:

- The applicant only attended a MIAM.
- The applicant and respondent(s) have each attended a separate MIAM.

Mediation or other form of NCDR is not proceeding because:

- The applicant has attended a MIAM alone and
- the applicant does not consider it appropriate to start or continue mediation or any other form of NCDR at this time; or
 - the mediator has indicated that mediation or any other form of NCDR is unsuitable at this time; or
 - the respondent has not attended a MIAM, attempted mediation or attempted another form of NCDR at this time.
- Both the applicant and respondent(s) have attended a MIAM and
- the applicant does not consider it appropriate to start or continue mediation or any other form of NCDR; or
 - the respondent(s) does not consider it appropriate to start or continue mediation or any other form of NCDR; or
 - the mediator has indicated that mediation or any other form of NCDR is unsuitable.
- An NCDR process is about to start or has started but:
- has broken down; or
 - has concluded with some or all issues unresolved; or
 - the applicant considers that there is a need to make a court application in parallel.

Signed

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Authorised Family Mediator

(a family mediator who is authorised to undertake MIAMs)

FMC
Registration no.

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Family
Mediation
Service name

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Sole trader
name

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Address

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Dated

D	D	/	M	M	/	Y	Y	Y	Y
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4. Statement of truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in this application are true.

The applicant believes that the facts stated in this application are true.
I am authorised by the applicant to sign this statement.

Signature

Applicant

Applicant's legal representative (as defined by FPR 2.3(1))

Date

Day

Month

Year

Full name

Name of applicant's legal representative's firm

If signing on behalf of firm or company give position or office held