

Do I have to attend Mediation?

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Benefits of Mediation

- The process of mediation provides a structured environment where parties can discuss issues with the help of an impartial mediator, aiming to reach a mutually acceptable agreement and avoid the need for court intervention.
- Mediation tends to be quicker, less confrontational, and more cost-effective than going to court.
- Mediation allows parties to maintain control over the outcomes and solutions that directly impact their lives, as opposed to having decisions imposed by a judge.
- While attendance of joint sessions of family mediation is not mandatory, it remains a strongly recommended and often necessary step in the process of resolving family disputes.

Court Procedure Rules

Before applying to the court for a child arrangement order or a financial order, you must attend at least a Mediation Information and Assessment Meeting (MIAM), which is a meeting between you and a Mediator.

There are exemptions to attending a MIAM, and you are able to contact the courts to discuss these. Failure to attend a MIAM without a valid exemption may affect how the court views the case and could lead to delays or additional costs.

Attending joint sessions of family mediation is highly encouraged by the family courts and recent changes have seen the following:

- Any individual attending court proceedings will be sent an FM5 form to complete which must be filed at court and is sent to the other party. Please see the document on our website titled 'What is the FM5 form?' At court you could be ordered to pay the other person's costs if the judge feels you have unreasonably refused a way of resolving the dispute outside of court.
- Judges can now promote attendance of non-court dispute resolution, such as Family Mediation. Although they cannot force engagement, they can adjourn hearings to a later date, resulting in additional legal costs and time delays.

Funding for Mediation

Parents or guardians can receive a voucher worth up to £500 towards the cost of joint mediation sessions where children are being discussed, regardless of their income. This initiative is part of a broader effort to encourage the use of mediation as a less adversarial and more cost-effective means of resolving family disputes.

- TLC can apply for this voucher on your behalf after we have received email consent from you and your former partner.

TLC also has a Legal Aid contract for anyone receiving benefits or a lower income. Please see the document on our website titled 'Legal Aid Information'.