

# Notice of [intention to proceed with] an application for a financial order

To be completed by the Applicant	
The Family Court sitting at Bristol	Case No BS14D00123
To be completed by the court	
Fee charged/Remission ID	

Please note you must have previously filed a petition for a matrimonial or civil partnership order before completing this form. This form should only be completed if you are applying for one of the financial orders shown against the tick boxes below. If you are applying for a financial remedy other than a financial order in the Family Court please complete Form A1, unless you are applying for:

- financial relief after overseas divorce/dissolution etc under Part 3 of the Matrimonial and Family Proceedings Act 1984/Schedule 7 to the Civil Partnership Act 2004 (please complete D50F)
- financial provision under section 27 of the Matrimonial Causes Act 1973/Part 9 of Schedule 5 to the Civil Partnership Act 2004 (please complete D50C)
- alteration of a maintenance agreement under section 35 of the Matrimonial Causes Act 1973/paragraph 69 of Schedule 5 to the Civil Partnership Act 2004 (please complete D50H)

Full name of applicant

Joan Penny Smith

Full name of respondent(s)

John Robert Smith

## Nature of application

The Applicant intends:

to apply to the Court for:

to proceed with the application in the application for:

to apply to vary:

an order for maintenance pending suit/  
outcome of proceedings

a secured provision order

a lump sum order

a property adjustment order  
(please provide address, in the box below)

a periodical payments order

a pension sharing order

a pension attachment order

a pension compensation sharing order

a pension compensation attachment order

30 Market Street  
Camden  
London  
CM3 9FD

## Additional information required

Are you applying for an order by consent in the terms of written agreement(a consent order)?

Yes  No

If Yes, **attach a draft order to this form**

## 1. Further details of the financial application

Please tick the appropriate box below if an application is made for any periodical payments or secured periodical payments for children:

- and there is a written agreement made before 5 April 1993 about maintenance for the benefit of children
- and there is a written agreement made on or after 5 April 1993 about maintenance for the benefit of children
- but there is no agreement, tick any of the boxes below to show if you are applying for payment:
  - for a stepchild or stepchildren
  - in addition to child support maintenance already paid under a Child Support Agency assessment
  - to meet expenses arising from a child's disability

Only complete this section if any of these criteria apply. Usually the Child Maintenance and Enforcement Commission will deal with child support.

to meet expenses incurred by a child in being educated or training for work  
either the child **or** the person with care of the child **or** the absent parent of the child is  
habitually resident in the United Kingdom  
(please state)

Please tick the relevant box below to indicate whether this application for a financial order includes an application relating to land:

Yes    No

If Yes, please provide details of any mortgagee(s) in the box below

Nationhuge Mortgage Company  
Nationhuge House  
Smartfordshire  
SM1 9IJ  
Account number: NW 1234567

## Service details

- I am not represented by a solicitor in these proceedings
- I am not represented by a solicitor in these proceedings but am receiving advice from a solicitor
- I am represented by a solicitor in these proceedings, who has signed Section 5, and all documents for my attention should be sent to my solicitor whose details are as follows:

### Solicitor's details

Name of solicitor			
Name of firm			
Address to which all documents should be sent for service:          Postcode	Telephone no.		
	Fax no.		
	DX no.		
	Your ref.		
E-mail			

### Respondent's address for service

Address (including postcode)	
24 Cherry Tree Lane Camden London	
Postcode	CM2 5GH

## 2. 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 yourself, others must be certified by an authorised family mediator).

All applicants must complete sections 1 and 2 and sign section 5 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.

2a. Are you claiming exemption from the requirement to attend a MIAM?  Yes  No

**If Yes, complete section 3.**

**If No, please answer question 2b.**

2b. 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 4a.**

**If No, please answer question 2c.**

2c. Have you attended a MIAM?  Yes  No

**If Yes, you must ensure that the family mediator completes and signs section 4b.**

**If No, you cannot make this application.**

Don't forget, you have to attend a MIAM before you can issue your application, unless one of the reasons in section 3 applies or a mediator has certified that mediation is not suitable for one of the reasons in section 4.

### 3. 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 3a**)
- Urgency (you must complete **section 3b**)
  
- Previous MIAM attendance or previous MIAM exemption (you must complete **section 3c**)
- Other (you must complete **section 3d**)

**Now complete the relevant section 3a, 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. Where you are asked to provide additional details you must do so.

**Section 3a – 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 twenty four 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 twenty four 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 twenty four 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 twenty four 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 3a – Domestic violence evidence - **continued**

- a copy of a finding of fact, made in proceedings in the United Kingdom within the twenty four 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 twenty four 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 twenty four 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;
- a letter or report from a domestic violence support organisation in the United Kingdom affirming—
  - (i) that any prospective party was, within the twenty four month period immediately preceding the date of the application (and, where relevant, that period commences with the date on which that prospective party left the refuge), admitted to a refuge established for the purpose of providing accommodation for victims of, or those at risk of, domestic violence;
  - (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 twenty four month period immediately preceding the date of the application, refused admission to a refuge established for the purpose of providing accommodation for victims of, or those at risk of, domestic violence, 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 twenty four 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 twenty four month period immediately preceding the date of the application; or

Section 3a - 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 twenty four month period immediately preceding the date of the application.

**Section 3b - 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 seised of the dispute before a court in England and Wales.

**Section 3c – 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
- 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 3d – 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 5.**



**4. 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)**

**4a. 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.

**4b. The prospective applicant attended a MIAM:**

- The prospective applicant only attended a MIAM.
- The prospective applicant and respondent party(s) also attended the MIAM together.
- The prospective and respondent(s) have each attended 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
- 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 had determined that mediation is unsuitable
- Mediation has started, but has:
  - broken down; or
  - concluded with some or all issues unresolved

Signed

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Authorised Family Mediator

(a family mediator who is authorised to undertake MIAMs)

Family Mediation Service name

--

Sole trader name

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Address

--

Dated

--

## 5. Signature

Print full name	<input type="text" value="Joan Penny Smith"/>
Name of applicant solicitor's firm	<input type="text"/>
Address of solicitor's firm	<input type="text"/>
Signed	<input type="text"/>
Dated	18/09/2014
<i>*delete as appropriate</i> Applicant	
Position or office held (If signing on behalf of firm or company)	<input type="text"/>

Don't forget to sign and date here!

## Checklist for completing Form A

### Page 1

- Write in your full name
- Tick the type of order you are applying for
- Tick if you are applying for an order by consent in the terms of a written agreement (a consent order).

### Page 2 and 3

- Tick the relevant box(s) to provide further details about the order you are applying for, and provide additional information where shown.
- Complete the details for service.

### Page 4

- Answer questions 2a to 2c about whether a MIAM exemption applies or whether you have attended a MIAM.

### Page 5

- If you answered question 2a on page 4 with "yes" you must tick one of the first four boxes in section 3 to indicate the category of MIAM exemption that you are claiming. You must then complete section 3a, b, c or d as shown.

### Page 9

- If a family mediator needs to certify that a mediator's exemption applies you must ask them to complete section 4a of this form and sign where shown.
- If you have attended a MIAM you must ask the family mediator who conducted it to complete section 4b of the form and sign where shown.

### Page 10

- Check that you (or your solicitor if relevant) have completed and signed section 5.

### What you do next

You should normally make your application to the Designated Family Centre for your area. You can find this, and a full list of courts and what type of work they do online at [courtribunalfinder.service.gov.uk](http://courtribunalfinder.service.gov.uk)

### Fees

You may need to pay a fee with your application. You should read leaflet **EX50 Civil and family court fees** to find out what fee, if any, you need to pay. This leaflet is available from your local court or online at [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

### **General information for completing this form**

1. You need to complete this form if you want to ask the court to make a Financial Order. You must tick the relevant box on page 1 to indicate which type of order(s) you are applying for.
2. Pages 1 to 3 set out the core information you need to provide if you wish to make an application to the court. You or your solicitor must also sign and date the Section 5 of this form.
3. If you are applying for an order by consent you should tick the box on page 1 to make this clear and attach the draft order with this application

### **Requirement to attend a Mediation, Information and Assessment Meeting**

4. It is now a legal requirement that, unless an exemption applies, a person who wishes to apply to court for a financial order must first attend a Mediation, Information and Assessment Meeting (a MIAM). At the stage before proceedings the other party (the respondent) is expected to attend either the same MIAM or a separate MIAM.
5. At the MIAM, a trained family mediator will give you (the applicant) and the other person if present (the respondent) information about family mediation and other types of non-court dispute resolution. They will consider with you whether non-court dispute resolution would be an appropriate way to resolve the dispute. It is then for the applicant and respondent to decide whether or not to do so.
6. The requirement for the applicant to attend a MIAM does not apply if a financial order is being applied for and the other person (respondent) is in agreement about what you are asking the court to order (the order is a "consent order").
7. You or your solicitor must tick the relevant box in Section 2 of this form so that the court knows whether the MIAM requirement applies, whether an exemption applies (and why) or whether you have attended a MIAM.

### **MIAM exemptions and MIAM attendance**

8. As the applicant you are expected to have contacted an authorised family mediator in order to make arrangements to attend a MIAM unless:
  - the MIAM requirement does not apply for the reason explained at paragraph 6 of these notes, or
  - you are claiming a MIAM exemption, or a family mediator certifies that a mediator's exemption applies.

9. You can find an authorised family mediator by using the 'Find your local mediator' search facility available at:  
[www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)
10. You should give the mediator the contact details of the other person so that the family mediator can contact them to check their willingness to attend a MIAM. If the other persons (or none of the other persons if there is more than one respondent) are unwilling to attend a MIAM this is a ground for the family mediator to exempt you from attending a MIAM.
11. If you or your solicitor believe that you have grounds for claiming exemption from MIAM attendance you or your solicitor must tick the relevant box in Section 2 of this form and complete Section 3.
12. If a family mediator wishes to certify that a mediator's exemption applies, so that you do not need to attend a MIAM, you must ask the family mediator to complete Section 4a of this form and sign it where shown.
13. If you have attended a MIAM you must ask the family mediator who conducted the MIAM to complete Section 4b of this form and sign it where shown.
14. If you claim a MIAM exemption and make an application to the court, the court will inquire into the grounds for exemption. The court may ask you to produce written evidence (see Section 3 of this form for details against each exemption shown).
15. If the court determines that the exemption was not validly claimed it may direct you, or you and the other party, to attend a MIAM and, if the case has already progressed to the first hearing, may adjourn the case to enable you to make arrangements to attend a MIAM.
16. The detailed procedure relating to the MIAM requirement and MIAM exemptions and attendance is set out in Part 3 of the Family Procedure Rules and in supporting Practice Direction 3A (judicial guidance). These are available online at: [www.justice.gov.uk/courts/procedure-rules/family/practice\\_directions/pd\\_part\\_03a](http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_03a)

## **Paying for MIAM attendance or for family mediation**

17. Legal aid is available for MIAMs and for family mediation. If you are eligible for legal aid you could receive both the MIAM and mediation sessions free of charge, as well as some advice from a solicitor to support you in the mediation process.
18. If you, or the prospective respondent, is eligible for Legal Aid then the total cost of MIAM attendance can be met by the Legal Aid Agency, whether you and the prospective respondent attend the same MIAM or separate MIAMs.
19. If neither you nor the respective respondent is eligible for Legal Aid then the mediator will agree with you how the cost of MIAM attendance is to be met.
20. See paragraph 28 below You can find out whether you are eligible for Legal Aid by using the calculator tool available at [www.gov.uk/legal-aid](http://www.gov.uk/legal-aid)

## **Safety and MIAM attendance**

21. Please note: the family mediator will discuss with you and with the other person whether you wish to attend the MIAM separately or together. Family mediators have a responsibility to ensure the safety and security of all concerned and will always check with each of you that attending together is your individual choice and is safe.

## **Information about mediation**

22. If suitable, mediation can be a better way of resolving issues about financial arrangements when you or your partner petition for a matrimonial or civil partnership order. Mediation can be less expensive than going to court and much less stressful for all the family.
23. Family Mediation is an impartial process that involves an independent third person who assists both parties involved in a family dispute to reach a resolution. Family mediation can be used to settle any or all of the following issues:
  - Financial arrangements and dividing up property
  - Arrangements for children
  - Any combination of these
  - Any other disputes to do with separation and divorce.

24. The family mediator helps the process of negotiation between the parties to agree their own arrangements by way of a Memorandum of Understanding. You can ask a solicitor, if you have one, to check the Memorandum of Understanding.
25. If both parties agree, you can ask the court to endorse what you have agreed by issuing a consent order. The mediator will help you to decide whether your case is complicated and does in fact need the court to consider your situation and make an order. The mediator should also tell you about other local services and options for resolving your dispute.

## **Further information and sources of help**

26. General information about family mediation is available from the Family Mediation Council website at: [www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)
27. The family mediator who undertakes the MIAM for you must be a member of a national mediation organisation which adheres to the Family Mediation Council's Code of Conduct and the mediator must be authorised to conduct MIAMs. The service finder will help you find such a local mediator.
28. You can find out more about legal aid for family matters, including whether you may be eligible for legal aid on the Legal Aid Information Service on the Gov.UK site at: [www.gov.uk/check-legal-aid](http://www.gov.uk/check-legal-aid) or you can telephone the Civil Legal Advice direct helpline 0345 345 4345.
29. For general advice on separation services and options for resolving disputes: [www.sortingoutseparation.org.uk](http://www.sortingoutseparation.org.uk)
30. For help with taking a case to court without a lawyer, the Personal Support Unit: [www.the PSU.org/](http://www.the PSU.org/)
31. For guidance on representing yourself at court, including a list of commonly used terms that you may come across: [www.barcouncil.org.uk/instructing-a-barrister/representing-yourself-in-court/](http://www.barcouncil.org.uk/instructing-a-barrister/representing-yourself-in-court/)
32. For advice about finding and using a family law solicitor see: Law Society [www.lawsociety.org.uk](http://www.lawsociety.org.uk), and Resolution (family law solicitors): [www.resolution.org.uk](http://www.resolution.org.uk)
33. For advice about finding using a family law barrister: see [www.barcouncil.org.uk/about-the-bar/find-a-barrister/](http://www.barcouncil.org.uk/about-the-bar/find-a-barrister/) and for arrangements for using a barrister directly see [www.barcouncil.org.uk/instructing-a-barrister/public-access/](http://www.barcouncil.org.uk/instructing-a-barrister/public-access/)

