What is family mediation?

If you are separating or divorcing, family mediation helps you sort out disputes – without involving big legal fees or going through a long drawn-out court battle.

Professional family mediators help you work out what happens after you split up. They won't try to get you and your ex-partner back together. They can also help when you've been separated a while and need to sort something out.

A mediator will listen to you and your ex-partner explain your concerns and views to each other and will help you both to reach an agreement.

Mediation works by helping people find practical solutions that feel fair.

Some people who can't afford mediation can get it for free through the 'Legal Aid' scheme.

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**.
- agreements can be reviewed and changed if you both agree – e.g. if your situation changes, and as your children get older and have different needs.
- 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 find solutions that both of you can agree on. A mediator will ask questions to understand your situation. 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 you, your ex-partner and the child agree.

The first meeting or Mediation Information & Assessment Meeting (MIAM)

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 generally called a 'Mediation Information & Assessment Meeting' (MIAM) or 'first meeting'. You can go with your ex-partner, or you can see the mediator separately if you prefer.

The mediator is also trained to help you find other help and support services if you need them.

When should I go to a MIAM?

It's best to contact a mediator as soon as you and your ex-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 but if you do they should tell you about mediation.

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

The law says that you must consider whether mediation can help you before you can take a case to court. This means you need to go to a MIAM unless special circumstances apply, like if your situation involves domestic violence or abuse.

What happens when I go to family mediation?

After the MIAM, if you all 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.

Agreements made in mediation can be made legally binding by a court if both you and your ex-partner agree. This is sometimes useful if arrangements are meant to run over a period of time, such as child maintenance payments, or if you want something a little more formal to help you both stick to your agreement. Some people going through mediation find it helpful to have legal support to advise them. Legal Aid may be available to help pay 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?

Family mediation works for most people. At the MIAM the mediator will talk to you about whether mediation will work for you both and tell you about other options that could still avoid you having to go to court, for example collaborative law or solicitor negotiation.

What if I want to go to court?

The law says that you must consider whether mediation can help you before you can take a case to court. A judge can halt your case until this has happened.

You will need to show the court that

a) you have been to a MIAM to find out about mediation or

b) you don't need to do this because of special circumstances which are listed in section 11 of form C100

Special circumstances include cases involving domestic violence or child abuse, which may not be right for mediation – the mediator can advise you on this at the MIAM or first meeting. Alternatively, if you have evidence of domestic violence or child abuse you may not need to go to a MIAM and may be able to get Legal Aid to pay for a solicitor to help you bring your case to court.

Will we have to pay for mediation?

If you're on a low income and able to get Legal Aid then the information meeting (the MIAM) and mediation sessions will be free. You may also get financial help to pay for legal advice in connection with mediation if you feel you need it.

If one of you qualifies for Legal Aid but the other doesn't, you will still both be able to have an information meeting and the first session of mediation for free.

Even if neither of you can claim Legal Aid, you may still save money by trying mediation first, rather than going straight to a lawyer.

Find out more

See if you can get mediation for free with Legal Aid. Use the online Legal Aid Checker at www.gov.uk/check-legal-aid or call the Civil Legal Advice service on 0345 345 4345, Monday to Friday, 9.00am to 8.00pm, Saturday 9.00am to 12.30pm.

For information on family mediation and contact details for local qualified family mediators, visit:

- www.familymediationcouncil.org.uk

For more general guidance about ending a relationship visit:

- www.sortingoutseparation.org.uk
- www.advicenow.org.uk/topics/ or
- www.citizensadvice.org.uk

Local contact details

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HM Government

family mediation council

Family mediation

Sorting out family disputes without going through court

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

- Arrangements for children - where they are going to live and when you'll see them
- Child maintenance payments
- Sharing finances (e.g. house, savings, pension)
- Dealing with any debts.