

# Mediation is now order of the day in relationship breakdowns as new Family Procedure Rules come in to force on 6 April 2011

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On the 6th April 2011 the Family Procedure Rules 2010 come into force. These rules regulate the way that cases progress through the family court system. Mainly, the rules bring together those already in effect, although there are several changes, including changes to court forms.

Here, Peter Lewis, Head of Family Law at leading Worcestershire law firm, Parkinson Wright LLP, takes a look at the changes. One significant difference relates to the procedure regarding Mediation. Parties will be required to attend a Mediation Information and Assessment meeting (MIAMS) before an application is made to the court. This meeting will assess whether there is scope for Mediation to progress. There are exceptions for example if there is an emergency, the other party refuses to attend or domestic abuse is an issue but if the exceptions do not apply and a meeting does not go ahead the court is likely to require a reason for why this was. If a party fails to comply with the procedure then an order to pay costs can be made against that person. In addition, Judges will be required to consider throughout the proceedings whether mediation might be suitable and may require the parties to attend at a later stage.

Not surprisingly MIAMS can only be carried out by experienced mediators and, unless you are entitled to public funding, you will have to pay for the meeting. Mediators that are able to carry out the work will be listed on the Government website <http://www.directgov.co.uk/> but not all of them will be lawyer mediators. This means that they may not have experience of the court process.

Mediation is not suitable in every case but where appropriate it provides a way of resolving issues between parties following the breakdown of their relationship, including arrangements relating to children or financial matters. The process allows parties to make their own decisions following the breakdown of their relationship rather than asking the court to make those for them. Frequently, parties feel hostile towards one another which can affect the way in which they consider arrangements for their children. Any breakdown of a relationship is traumatic, not only for the parties but also the children, who are far less affected if parents are able to resolve any issues by agreement and able to continue to parent them in a positive way. Mediation can assist parties to achieve this.

Whilst the parties' solicitors are not present during mediation meetings, they are if parties opt for the collaborative family process. This allows for discussions between the parties outside court proceedings with their trained collaborative lawyers present to assist.

At Parkinson Wright, we have experienced family lawyers some of whom are collaboratively trained and experienced lawyer mediators. All of our family lawyers will be able to guide you through the detailed requirements of the rules and advise you about any aspect of your relationship breakdown.

If you require any additional information, please contact Peter Lewis on 01905 726789 email: [pl@parkinsonwright.co.uk](mailto:pl@parkinsonwright.co.uk)

Worcester 01905 726789 | Evesham 01386 761176 | Droitwich 01905 775533

Photo Caption: Peter Lewis, Partner and Head of Family Law at Parkinson Wright LLP

For further information on this release, please contact Angela Baker at Marketing IQ on Tel: 01905 359475  
or e-mail: [angela.baker@marketing-iq.co.uk](mailto:angela.baker@marketing-iq.co.uk)