

Different mediation exemptions and how they must be evidenced

Mediation exception	Evidence needed
<p>Domestic abuse</p> <p>If the applicant has been subject to domestic abuse by the respondents to the application (the child's parents).</p>	<p>There is a long list of specific forms of evidence domestic abuse which are needed to confirm that the applicant does not need to go to mediation before applying to court.</p> <p>See this link and go to the section marked '20. MIAM exemption – domestic violence'.</p>
<p>Child protection concerns</p> <p>If the child is the subject to:</p> <ul style="list-style-type: none"> • A child protection investigation • A child protection plan • A care order • An emergency protection order • Ongoing care proceedings or proceedings for an emergency protection order. 	<p>Evidence of this could be a letter from children's services saying that they are making child protection enquires. Or a copy of the child protection plan or application to the court for a care order or emergency protection order.</p>
<p>Urgency</p> <p>The applicant would need to demonstrate that delay caused by attending a MIAM would cause a risk of harm to a child.</p>	<p>At the first hearing, the applicant would need to explain and demonstrate why the matter was so urgent that they did not have time to go to mediation.</p>
<p>Previous mediation attendance</p> <p>The applicant does not need to attend mediation if they attended mediation on the same matter within the last four months.</p>	<p>The 'FM1' form would need to be signed and dated by the mediator within the last four months.</p>