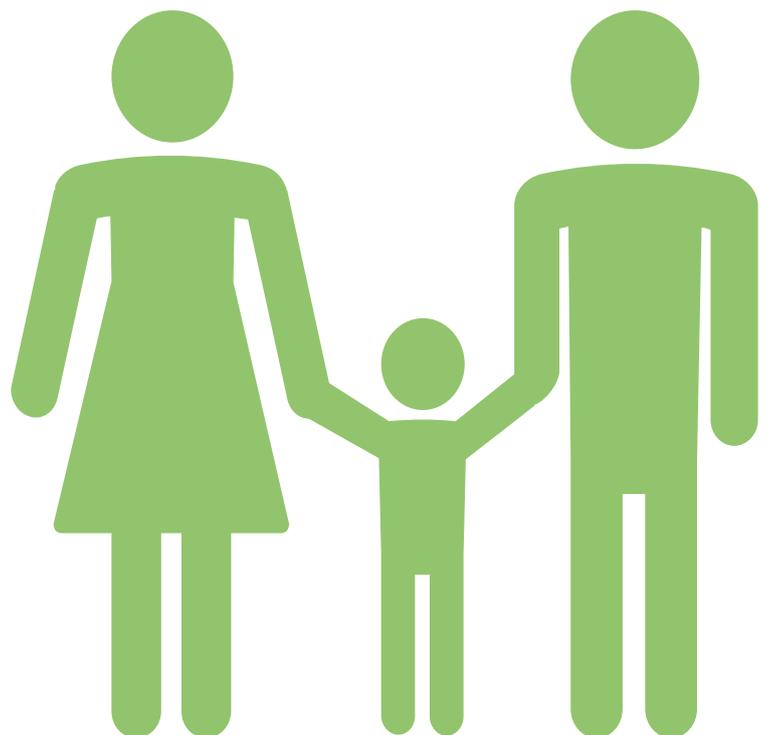




fomas
Family Online Mediation and Arbitration Service

MIAM and Resolution Pathway Questionnaire

CONFIDENTIAL ONCE COMPLETE



Let's Start.....

The purpose of this questionnaire is to let your mediator know a bit more about you and the nature of the issues in your dispute. If you don't feel comfortable completing all parts of the questionnaire, please leave them blank and they can be discussed in your first appointment.

The first section of the questionnaire is information required for the purpose of your Mediation Information Assessment Meeting, usually referred to as a 'MIAM. It is a legal requirement that you attend a MIAM before making an application to court to deal with your child arrangements or financial settlement. (Exemptions apply in some circumstances). Based on the information you give, we will provide a shortlist of suitable mediators for you to choose from.

The MIAM takes around 45 Minutes and can be done in person or over a video call. During the meeting the mediator will primarily discuss the issues surrounding your dispute(s) concerning children and/or finances with your ex-partner and discuss the routes available to you for reaching an agreeable outcome for both of you.

The cost of a MIAM can vary based on a variety of factors in the case but usually costs around £150.00. You may be eligible for Legal Aid to cover the cost, you can check if you are eligible online at <https://www.gov.uk/check-legal-aid>

The last section of the questionnaire is for your "Resolution Pathway Plan", the information gathered in this section is used to determine if you have an understanding of all the alternative dispute resolution options available and to find out which of these options may be suitable in your situation.

It is important that you read each of the sections carefully and any comments you complete in this section will be discussed in your first appointment. For most people, this will be the first time you are going through a separation, so don't be embarrassed or afraid to ask questions. Having the right information and advice at the beginning will save time, costs and emotional wellbeing in the future.

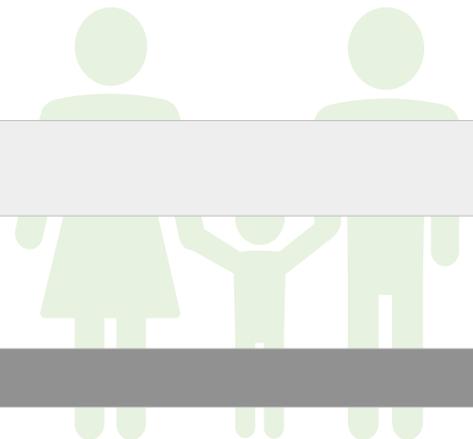
There is no cost for your Resolution Pathway Plan.

If you have any difficulty in completing or understanding any part of this form, you can call us on 02071176205 or email booking@fomas.co.uk



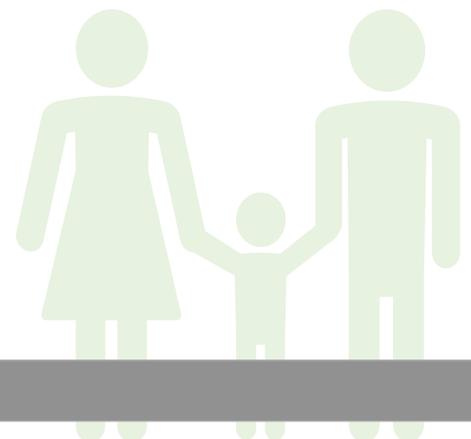
Part One - MIAM Information

About You	
Your full name:	
Your date of birth:	
Your current address (including postcode):	
Your preferred contact number:	
Your email:	
Your solicitor's name and contact details: (If Applicable)	
Alternative Contact Number: (If Applicable)	
Do you have any religious or cultural beliefs that should be taken into consideration when selecting a mediator?	
About Your Ex-Partner	
Their full name;	
Their date of birth:	
Their current address:	
Their contact number: (We will not contact them without your permission)	
Their email address: (We will not contact them without your permission)	
Their solicitors's name and contact details: (If Applicable)	
Do you have any religious or cultural beliefs that should be taken into consideration when selecting a mediator?	



About The Relationship	
Date of start of cohabitation: (living together)	
Date of marriage:	
Date of separation:	
Has the relationship irretrievably broken down?	
Have you started divorce proceedings?	
In a few words describe the cause of the relationship breakdown?	
How would describe the current communication level with your ex-partner?	
Is there accusations of domestic abuse or coercive behaviour?	
About Your Children (Skip this section if there are no children or if you have already made child arrangements)	
Who do the children currently live with?	
Is there current arrangements in place for children to see each parent?	
Do you have parental responsibility?	
Is parental responsibility an issue?	
Are the children aware of the relationship breakdown?	
Do any of your children have disabilities or special care needs?	
Name and Age of Child One	
Name and Age of Child Two	
Name and Age of Child Three	
Name and Age of Child Four	

Basic Financial Situation (Skip this section if there is no financial dispute or an agreement is already in place)	
Address of main property:	
Estimated value:	
Mortgage balance:	
Is the property in joint names or sole name? If sole name, please provide which name.	
Are there other assets that are considered matrimonial assets? Including property, shares, business interests, pensions, cryptocurrency, art and other valuables.	
If 'yes' please provide an approximate value of other assets:	
Your average annual income:	
Your ex-partner's average annual income:	
Your aim in mediation?	
Please use this section to tell us about the issues in your dispute and what you believe would be a fair outcome that you would be happy with.	



Part Two - Resolution Pathway Plan

Please read each option carefully and make a note of your questions and comments in the spaces provided.

Mediation

You and your ex-partner will appoint an impartial mediator to help you settle your dispute in a safe, confidential environment, allowing you to discuss future arrangements for you and your family.

Specialist mediators are skilled at helping you navigate the legal and emotional maze that family breakdown can create.

It is often more cost effective, quicker and less stressful than going to court.

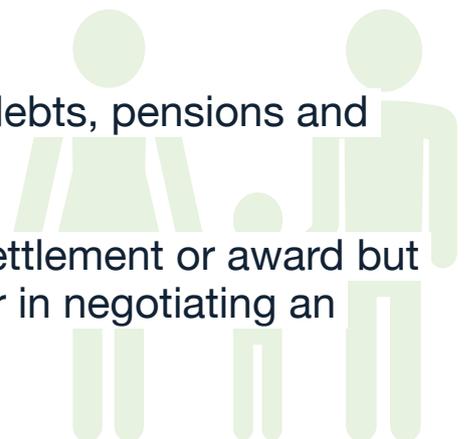
It helps provide long-term solutions that are in the best interests of you and your family.

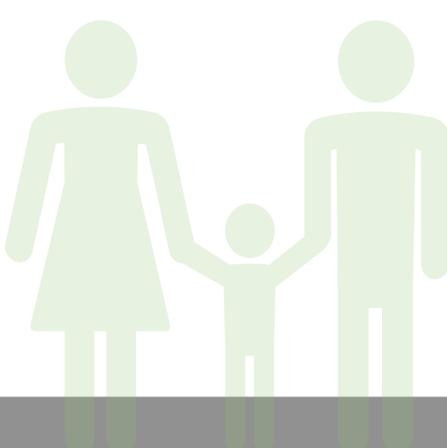
It is flexible and can accommodate all of your family's unique needs, allowing you to keep more control over your own future.

Mediation will help you decide

- the first steps to take
- arrangements for your children
- child maintenance payments
- housing and accommodation issues
- how to settle finances, savings, joint debts, pensions and mortgages

A mediator does not make a decision on settlement or award but instead assists the you and your ex-partner in negotiating an agreed outcome.



<p>I confirm that I have read and understand the basics of mediation? Yes/No</p>	
<p>I believe that mediation could work in my situation because:</p>	
<p>I believe that mediation could NOT work in my situation because:</p>	
<p>Questions about mediation:</p>	

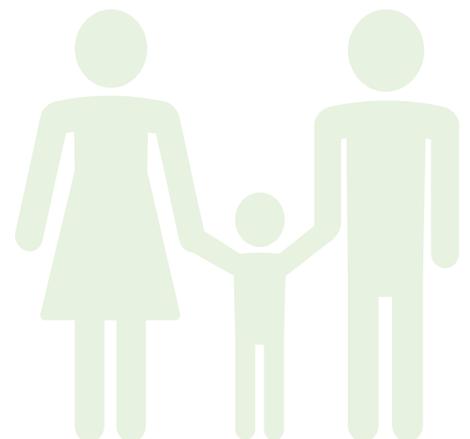
Early Neutral Evaluation (Children)

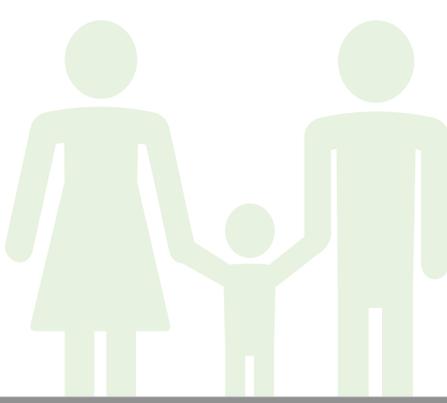
This is a method whereby the parties agree to employ a senior lawyer, or appropriate expert to consider the strengths and weaknesses of the parties' evidence and arguments and to provide the parties with a decision, or opinion, on a particular question, or issue, in order to assist the parties in reaching an agreement or determine the potential outcome of the case.

The parties to the Early Neutral Evaluation need to agree to submit to it and be bound by its decision in order for the evaluator to have jurisdiction to determine the issues. In absence of this the decision of the Evaluation cannot be legally binding.

In order for the decision to be enforceable, the contents of the decision needs to be drafted into a consent order, the parties having already agreed to be bound by the decision of the evaluator.

Once the court has approved and made the consent order, it can be enforced as any other court order.



<p>I confirm that I have read and understand the basics of Early Neutral Evaluation (Children)? Yes/No</p>	
<p>I believe that Early Neutral Evaluation could work in my situation because:</p>	
<p>I believe that Early Neutral Evaluation could NOT work in my situation because:</p>	
<p>Questions about Early Neutral Evaluation:</p>	

Private Financial Dispute Resolution (FDR)

The purpose and desired outcome of a Private FDR is not dissimilar from a court listed FDR, save that the parties select and appoint an impartial senior lawyer to act as a Private FDR ‘Judge’.

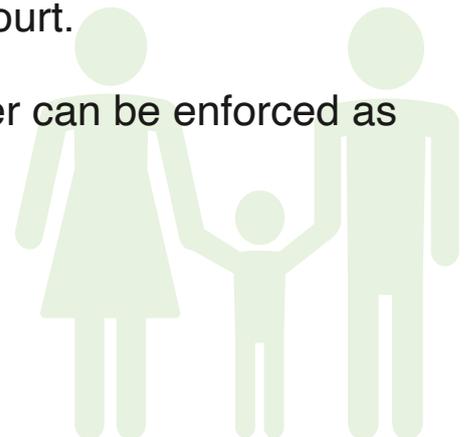
The appointed person is generally a barrister, retired judge or a current judge with the relevant expertise pertaining to the complexities of the case issues.

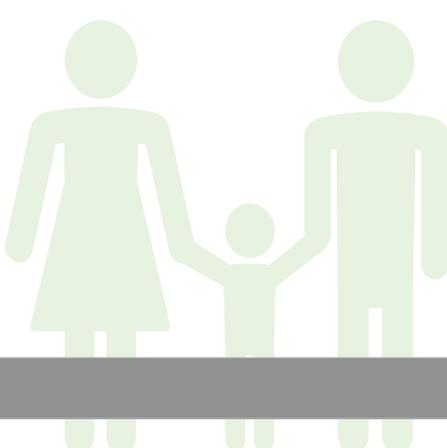
The Private FDR ‘Judge’ will give an opinion on what the likely outcome would be if the parties fail to negotiate and were to proceed to either a court appointed Final Hearing or, in the context of Alternative Dispute Resolution, an Arbitration.

They have proved very effective in achieving settlement fairly early on in proceedings, therefore saving the significant costs that come with progressing to a Final Hearing or Arbitration.

If after receiving the opinion from the Private FDR ‘Judge’, the parties successfully negotiate and agree on settlement, a consent order will be drafted and submitted to the court.

Once approved and made the consent order can be enforced as with any other court order.



<p>I confirm that I have read and understand the basics of Private FDR? Yes/No</p>	
<p>I believe that Private FDR could work in my situation because:</p>	
<p>I believe that Private FDR could NOT work in my situation because:</p>	
<p>Questions about Private FDR:</p>	

Family Arbitration (Child Arrangements and Financial Remedies)

In this option, the parties enter into an agreement under which they appoint a suitably qualified person to act as an arbitrator to adjudicate a dispute and make an award.

It is similar to court proceedings in that an arbitrator will produce a decision after hearing the evidence and each party's case.

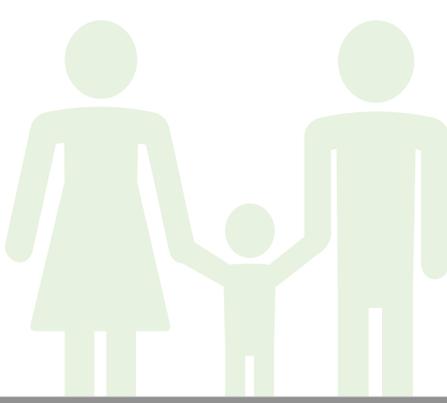
In financial cases the decision is called an award and in children cases it is called a determination.

Family arbitration is distinct from all other methods of Alternative Dispute Resolution in that a decision on the award or determination of the dispute between the parties may be imposed by the family arbitrator. It is therefore legally binding upon the parties in the dispute.

Once the arbitrator has made a decision the award or determination it will then be converted into an order and submitted to the court.

Once approved and made, the consent order can be enforced as with any other court order.



<p>I confirm that I have read and understand the basics of arbitration? Yes/No</p>	
<p>I believe that arbitration could work in my situation because:</p>	
<p>I believe that arbitration could NOT work in my situation because:</p>	
<p>Questions about mediation:</p>	

.....What happens next?

Thank you for completing the questionnaire, you are on route to resolving your dispute in a timely, cost effective and peaceful manner.

We will now use the information from part one to provide a shortlist of up to six qualified mediators that have the expertise and knowledge specific to your circumstances. We provide a shortlist as we believe it is important that you feel comfortable discussing very personal and emotive issues with the mediator.

Based on your answers in part two, we will provide a pathway to resolution plan for you to consider. The plan will set out potential timelines that could be achieved using the plan. Remember, the plan is controlled by you and your ex-partner it can take as long or as quickly as you wish to progress. As it is not set by a court timetable, you can at any time pause the plan to relax and reflect on the situation.

Along with your pathway plan, we will also provide a cost for each stage of the process, in most circumstances these will be fixed prices and will be clearly detailed.

There are several ways of paying for fees in the pathway plan, these include;

- Self Funding - Using your own income or savings to pay for the fees (split with your ex-partner)
- ADR Funding - A type of 'loan' that covers the costs of both you and your ex-partners costs and is repaid at the conclusion of your dispute.
- Legal Aid - Legal Aid may be available in some circumstance, to check your eligibility please discuss with your solicitor or visit <https://www.gov.uk/check-legal-aid>

There are also various options for how the process will be conducted that are offered in the pathway plan, most options can either be done online via video conferencing or in person at a number of neutral facilities across England and Wales. They can also be conducted at times convenient to you, including evenings and weekends.

