



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 20 – THE PRACTICE OF FAMILY LAW*

Time allowed: 3 hours plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- **Candidates may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Family Law 2016-2017, 25th edition, M Oldham, Oxford University Press, 2016.**
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

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Question 1

Reference: Question relates to **Documents 2 and 3** of the case study materials.

Mrs Sally Young telephoned the office to confirm that she wishes to start divorce proceedings as soon as possible.

- (a) Draft the divorce petition for Mrs Young on the attached form D8 (**Document A**) using the fact you believe is the most appropriate.

IMPORTANT: Write your candidate number clearly on Document A and attach this whole Question Paper securely to the inside of your answer booklet.

(15 marks)

- (b) Advise Mrs Young how she could proceed with the divorce if her husband fails to return the necessary documentation to the court.

(10 marks)

(Total: 25 marks)

Question 2

Reference: Question relates to **Document 4** of the case study materials.

Your secretary handed you an urgent email sent to Anna by Mrs Jennifer Chan earlier this morning (**Document B**).

With reference to the questions posed by Mrs Chan in Document B:

- (a) explain to Mrs Chan the steps you will take to issue financial proceedings, referring to any relevant documents;

(5 marks)

- (b) explain, with reference to Mrs Chan's position, what factors the court will consider in determining her application for financial orders.

Note that there is no need to discuss which orders you think the court may make in her case.

(25 marks)

(Total: 30 marks)

Question 3

Reference: Question relates to **Document 5** of the case study materials.

Further to his email to Anna, Richard Poole attended at the office for an appointment with you.

- (a) Advise Mr Poole which section 8 order he can apply for to resolve the difficulties he is having in seeing his children and the basis on which he is entitled to apply.

(5 marks)

Following his appointment with you, Mr Poole telephones to say that he has arranged to attend a MIAM as you advised.

- (b) Draft the section 8 order application for Mr Poole using the attached form C100 (**Document C**).

IMPORTANT: Write your candidate number clearly on Document C and attach this whole Question Paper securely to the inside of your answer booklet.

(17 marks)

(Total: 22 marks)

Question 4

Reference: Question relates to **Document 6** of the case study materials.

Cara Ibbott attends at the office for her appointment with you.

- (a) Explain, with reasons, which orders you should apply for to protect Mrs Ibbott.

(7 marks)

- (b) Advise Mrs Ibbott on the likely outcome of the application, with reference to the factors that the court will consider when deciding whether to grant these orders.

(16 marks)

(Total: 23 marks)

Form D8 to be used with Question 1(a)

**Divorce/dissolution/
(judicial) separation petition**

To be completed by the Court	
Name of court	
Case No.	
Date received by the court	
Date issued	
Time issued	

Help with Fees – Ref no. (if applicable) **H W F** - -

Notes to Petitioners

- This form should be used if you are making an application to the court for divorce/dissolution to end your marriage or civil partnership or (judicial) separation from your spouse or civil partner.
- Before completing this form, please read the supporting notes (D8Notes) for guidance on how to complete this form.
- Please answer all questions. If you are unsure of the answer to any question, or you do not think that it applies to you, please indicate this on the form.
- If there is not enough room on this form, you may continue on a separate sheet. Please put your name, the Respondent’s (your spouse/civil partner) name, and the number of the Part the information relates to, at the top of your continuation sheet.
- If completing this form by hand, please use **black ink and BLOCK CAPITAL LETTERS** and tick the boxes that apply.

See the supporting notes for guidance on how to complete this section

I, (please state your full name)

- apply for a divorce
 dissolution
 (judicial) separation
 in respect of my marriage
 civil partnership

and give the following details in support of my application.

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Part 1 About you (the Petitioner) and the Respondent (your spouse/civil partner)

See the supporting notes for guidance on how to complete this section

Petitioner

My current name is

First name(s) (in full)

Last name

My address is (including postcode)

Postcode

My date of birth is

 / /

My occupation is

I am

male female

Respondent

The Respondent's current name is

First name(s) (in full)

Last name

The Respondent's address is (including postcode)

Postcode

The Respondent's date of birth is

 / /

The Respondent's occupation is

The Respondent is

male female

Part 2 Details of marriage or civil partnership

See the supporting notes for guidance on how to complete this section

On the _____ day of _____ [19] [20]

(insert your name exactly as it appears on your marriage/civil partnership certificate)

married formed a civil partnership with

(insert the name of the Respondent exactly as it appears on your marriage/civil partnership certificate)

at

(insert the place where the marriage/civil partnership was formed, exactly as it appears on your marriage/civil partnership certificate)

A certified copy of your marriage/civil partnership certificate must be sent to the court with this completed petition (see supporting notes for guidance).

Part 3 Jurisdiction

See the supporting notes for guidance on how to complete this section

The Respondent and I last lived together as spouses civil partners
at

Address

The court has jurisdiction to hear this case under

- Article 3(1) of the Council Regulation (EC) No 2201/2003 of 27 November 2003
or
 the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005
or
 The Marriage (Same Sex Couples)(Jurisdiction and Recognition of Judgments) Regulations 2014

on the following grounds

- The Petitioner and Respondent are both habitually resident in England and Wales and/or
 Other (please state any other connection(s) on which you wish to rely)

or

- The court has jurisdiction other than under the Council Regulation on the basis that no court of a Contracting State has jurisdiction under the Council Regulation and the Petitioner Respondent is domiciled in England and Wales on the date when this application is issued

or

- The court has jurisdiction other than under the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 or under the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 on the basis that no court has, or is recognised as having jurisdiction as set out in these regulations, and

either:

- the Petitioner or the Respondent is domiciled in England or Wales

or

- the Petitioner and Respondent registered as civil partners of each other in England or Wales or in, the case of a same sex couple, married each other under the law of England and Wales and it would be in the interests of justice for the court to assume jurisdiction in this case.

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Part 4 Other proceedings or arrangements

See the supporting notes for guidance on how to complete this section

- There are and/or have been
- proceedings in any court in England and Wales or elsewhere with reference to the
 - marriage
 - civil partnership
 - or to any child of the family
 - or between the Petitioner and Respondent with reference to any property of either or both of them
- (please enter details below)

or

- no other proceedings in any court in England and Wales or elsewhere.

- This is an application based on five years' separation and
- agreement has been made or is proposed to be made between the parties for the support of
 - the Petitioner
 - the Respondent
 - and any child of the family
- (please enter details below)

or

- no agreement has been made or is proposed to be made.

Part 5 The fact(s)

See the supporting notes for guidance on how to complete this section

I apply for a

- divorce on the ground that the marriage has broken down irretrievably, or
- dissolution on the ground that the civil partnership has broken down irretrievably, or
- (judicial) separation

and

I rely on the following fact(s) in support of my application:

- The Respondent has committed adultery and the Petitioner finds it intolerable to live with the Respondent (this fact is not applicable in relation to a civil partnership) (only conduct between the respondent and a person of the opposite sex may constitute adultery for this purpose)
- The Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent
- The Respondent has deserted the Petitioner for a continuous period of at least two years immediately preceding the presentation of this petition
- The parties to the marriage/civil partnership have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the Respondent consents to a decree/order being granted
- The parties to the marriage/civil partnership have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition.

Part 6 Statement of case

See the supporting notes for guidance on how to complete this section

(in all cases, please state briefly any relevant details about the fact(s) on which you rely)

Part 7 Details of the children

See the supporting notes for guidance on how to complete this section

If you cannot agree arrangements for your children, you can make an application under the Children Act 1989. Please see leaflets CB1 Children and the family courts and CB7 Guidance for separated parents: Children and the family courts.

Children of the family		Over 16 but under 18 and in education, training or working full time	(a) Child of both parties	(b) Other child of the family																				
	Date of birth (or state if over 18)																							
Child 1	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">D</td><td style="width: 20px; text-align: center;">D</td><td style="width: 10px; text-align: center;">/</td> <td style="width: 20px; text-align: center;">M</td><td style="width: 20px; text-align: center;">M</td><td style="width: 10px; text-align: center;">/</td> <td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td> </tr> <tr> <td colspan="10" style="height: 20px;"></td> </tr> </table>	D	D	/	M	M	/	Y	Y	Y	Y											<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Child 3	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">D</td><td style="width: 20px; text-align: center;">D</td><td style="width: 10px; text-align: center;">/</td> <td style="width: 20px; text-align: center;">M</td><td style="width: 20px; text-align: center;">M</td><td style="width: 10px; text-align: center;">/</td> <td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td> </tr> <tr> <td colspan="10" style="height: 20px;"></td> </tr> </table>	D	D	/	M	M	/	Y	Y	Y	Y											<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Child 4	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">D</td><td style="width: 20px; text-align: center;">D</td><td style="width: 10px; text-align: center;">/</td> <td style="width: 20px; text-align: center;">M</td><td style="width: 20px; text-align: center;">M</td><td style="width: 10px; text-align: center;">/</td> <td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td> </tr> <tr> <td colspan="10" style="height: 20px;"></td> </tr> </table>	D	D	/	M	M	/	Y	Y	Y	Y											<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Child 5	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">D</td><td style="width: 20px; text-align: center;">D</td><td style="width: 10px; text-align: center;">/</td> <td style="width: 20px; text-align: center;">M</td><td style="width: 20px; text-align: center;">M</td><td style="width: 10px; text-align: center;">/</td> <td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td> </tr> <tr> <td colspan="10" style="height: 20px;"></td> </tr> </table>	D	D	/	M	M	/	Y	Y	Y	Y											<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Child 6	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">D</td><td style="width: 20px; text-align: center;">D</td><td style="width: 10px; text-align: center;">/</td> <td style="width: 20px; text-align: center;">M</td><td style="width: 20px; text-align: center;">M</td><td style="width: 10px; text-align: center;">/</td> <td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td><td style="width: 20px; text-align: center;">Y</td> </tr> <tr> <td colspan="10" style="height: 20px;"></td> </tr> </table>	D	D	/	M	M	/	Y	Y	Y	Y											<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D	D	/	M	M	/	Y	Y	Y	Y															

Part 8 Special assistance or facilities if you attend court

See the supporting notes for guidance on how to complete this section

If you are required to attend court during these proceedings will you need any special assistance or facilities?

Yes (please supply details below) No

--

Part 9 Service details

See the supporting notes for guidance on how to complete this section

- 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 Part 10, and all documents for my attention should be sent to my solicitor whose details are as follows:

Box 1 Solicitor's details

Name of solicitor			
Name of firm			
Address to which all documents should be sent for service: Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Telephone no.		
	Fax no.		
	DX no.		
	Your ref.		
	Fee account no.		
E-mail			

Box 2 Petitioner's address for service

Address (including postcode) Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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Box 3 Respondent's address for service

Address (including postcode)

Postcode

Box 4 Co-Respondent's details, if any

(please see the Guidance Notes for this form on the need to name the correspondent)

- There is no Co-Respondent
- There is a Co-Respondent whose details are as follows:

First Name	
Last Name	
Address (including postcode)	
Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	

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Part 10

See the supporting notes for guidance on how to complete this section

Prayer

The Petitioner therefore prays

(1) The application

That the marriage civil partnership be dissolved

or

That the Petitioner be (judicially) separated from the Respondent.

(2) Costs (if you wish to claim costs from the Respondent or Co-Respondent)

That the Respondent Co-Respondent shall be ordered to pay the costs of this application

(3) Financial Order (if you wish to make an application for a Financial Order)

(a) That the Petitioner may be granted the following Financial Order(s):

an order for maintenance pending suit/outcome

periodical payments order

secured provision order

lump sum order

property adjustment order

order under section 24B, 25B or 25C of the Matrimonial Causes Act of 1973/paragraph 15, 25 or 26 of Schedule 5 to the Civil Partnership Act of 2004 (Pension Sharing/Attachment Order) or section 25F or section 21B of the 1973 Act or paragraph 19B or paragraph 34A of the 2004 Act (Pension Compensation Sharing/Attachment Orders)

(b) **For the children**

a periodical payments order

a secured provision order

a lump sum order

a property adjustment order

Signed

Petitioner [’s Solicitor]

Dated

 / /

Document B to be used with Question 2

(Email to Anna Lawson from Mrs Jennifer Chan)

Hi Anna,

I'd be grateful for your urgent advice please. Late last night I received an email from Thomas. He reminded me that we had signed an agreement before we married and he said that he had shown it to his lawyer in connection with the financial side of our divorce.

I'm so sorry that I haven't mentioned this before. I'd completely forgotten about it! Two weeks before we married, Thomas produced a pre-nuptial agreement and asked me to sign it. At that point he was training to become a junior doctor. I know that he was under pressure from his parents to get a pre-nuptial agreement in place, because his brother had recently separated from his wife and was going through a difficult and expensive divorce.

I've managed to find the original, so I'll drop it off at the office for you as soon as possible. I've read it and basically it says that we entered into the agreement of our own free will and agreed to be bound by it. We agreed not to make any financial claim for income or capital against each other in the event that we divorce (except for child maintenance). It also says that we had the opportunity to take legal advice.

To be honest, I didn't take legal advice before I signed it. I really didn't have time because it was so close to the wedding and I was trying to get everything organised, and of course you don't want to think about divorcing before you've even got married. Also, Thomas was supposed to let me have some information about his finances, so I was waiting until this arrived, which it never did. The worst thing is that I only signed it because Thomas' mother kept on ringing me to ask whether I'd done it and threatening not to attend the wedding if I didn't! When I told Thomas about his mother's threats, he reassured me that I should just sign it as it was a standard thing to do, and in any event he would never rely on it because he was only doing it to please his parents.

Now, Thomas' email has really panicked me. I have two urgent questions for you please:

- 1) Can you tell me what steps I need to take to start financial proceedings in court? I think I will have to take this to court now, as I can't see Thomas agreeing anything about finances. One of my friends had to complete a long form giving details about her finances. Will I have to do this?
- 2) Can you tell me how the court decides financial claims and whether the pre-nuptial agreement will affect my claim?

Many thanks

Jennifer

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1. The Child(ren)

Please also read the information notes and complete the checklist at the end of the form.

- Failure to complete every question or state if it does not apply, could delay the case, as the court will have to ask you to provide the additional information required.
- If there is not enough space please attach separate sheets clearly showing the details of the children, parties, question and page number they refer to.
- Cafcass/CAFCASS CYMRU will carry out checks as it considers necessary. See Section J of leaflet CB1 for more information about Cafcass and CAFCASS CYMRU.

Summary of children's details

Please list the name(s) of the child(ren) and the type(s) of order you are applying for, starting with the oldest. To understand which order to apply for read the booklet CB1 Section D.

Child 1 - Full name of child	Date of birth	Gender	Order(s) applied for
	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	
Relationship to applicant(s)		Relationship to respondent(s)	
Child 2 - Full name of child	Date of birth	Gender	Order(s) applied for
	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	
Relationship to applicant(s)		Relationship to respondent(s)	
Child 3 - Full name of child	Date of birth	Gender	Order(s) applied for
	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	
Relationship to applicant(s)		Relationship to respondent(s)	
Child 4 - Full name of child	Date of birth	Gender	Order(s) applied for
	<input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="checkbox"/> Male <input type="checkbox"/> Female	
Relationship to applicant(s)		Relationship to respondent(s)	

1a. Are any of the children known to the local authority children's services?

Yes No Don't know

If Yes please state which child and the name of the Local Authority and Social worker (if known)

1b. Are any of the children the subject of a child protection plan?

Yes No Don't know

1c. Do all the children have the same parents?

Yes No

If Yes, what are the names of the parents?

If No, please give details of each parent and their children involved in this application

Please state everyone who has parental responsibility for each child and how they have parental responsibility (e.g. 'child's mother', 'child's father and was married to the mother when the child was born' etc.)
(See Section E of leaflet CB1 for more information)

1d. Who do the children currently live with?

Applicant(s) Respondent(s) Other

If other, please give the full address of the child, the names of any adults living with the children and their relationship to or involvement with the child.

If you do not wish this information to be made known to the Respondent, leave the details blank and complete Confidential contact details Form C8.

2. Requirement to attend a Mediation, Information and Assessment Meeting (MIAM)

Before making an application for a child arrangements order, prohibited steps order or specific issue order (a section 8 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 section 8 order you are applying for:

- is for a consent order; **or**
- concerns a child who is the subject of separate ongoing emergency proceedings, care proceedings or supervision proceedings (or is already the subject of an emergency, care or supervision 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 to 12 and complete and sign section 15 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 where indicated signs) the relevant section(s) of this form as shown.

2a. If you ticked 'Yes' to the question on page 1 about current or previous court cases, are/were any of those cases about an emergency protection, care or supervision order?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, complete section 5 to provide additional details. Do not complete sections 13 and 14 If No, please answer question 2b.
2b. Are you claiming exemption from the requirement to attend a MIAM?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, complete section 13. If No, please answer question 2c.
2c. Has a family mediator informed you that a mediator's exemption applies, and you do not need to attend a MIAM?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, you must ensure that the family mediator completes and signs section 14a. If No, please answer question 2d.
2d. Have you attended a MIAM?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, you must ensure that the family mediator completes and signs section 14b. If No, you cannot make this application.

3. Why are you making this application?

Have you applied to the court for permission to make this application? Yes No - permission not required No - permission now sought

3a. Reasons for permission if permission is required.

3b. Please give brief details:

- any previous agreements (formal or informal) or parenting plans, and how they have broken down
- your reasons for bringing this application to the court
- what you want the court to do
- reasons given by the respondent(s) for their actions in relation to this application.

Do not give a full statement, please provide a summary of any relevant reasons.
You may be asked to provide a full statement later.

3c. Have you previously prepared a Parenting Plan?

Yes No

If No, you can download a copy from the website www.cafcass.gov.uk/parentingplan

If Yes, please attach the plan to this application form

4. Urgent and without notice hearings

Complete this section if you have ticked the relevant box on the front of the form

4a. Urgent hearing

Set out the order(s)/directions sought

Set out the reasons for urgency

Proposed timetable

The application should be considered within hours/days

If consideration is sought within 48 hours, you must complete the section below

What efforts have you made to put each respondent on notice of the application?

Complete this section if you have ticked the relevant box on the front of the form

4b. Without notice hearing

Set out the reasons for the application to be considered without notice. (This information is a requirement, a without notice hearing will **not** be directed without reason)

Do you require a without notice hearing because it is not possible to give notice including abridged or informal notice?

Yes No

If Yes, please set out reasons below

Do you require a without notice hearing because notice to a respondent will frustrate the order that is being applied for?

Yes No

If Yes, please set out reasons below

5. Other court cases which concern the child(ren) listed in Section 1

Complete this section if you have ticked the relevant box on the front of this form.

Use this section to provide details of any other court cases now, or at any time in the past, which concern any of the child(ren) listed in section 1.

Additional details

Name of child(ren)

Name of the court where proceedings heard

Case no.

Date/year (if known)

Name and office (if known) of Cafcass/CAFCASS CYMRU officer

Type of proceedings if known - please tick all that apply

- | | | |
|--|------------------------------|-----------------------------|
| Emergency Protection Order | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Supervision Order | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Care Order | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Child abduction | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Family Law Act 1996 Part 4 (proceedings for non-molestation order or occupation order) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| A contact or residence order (Section 8 Children Act 1989) made within proceedings for a divorce or dissolution of a civil partnership | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| A contact or residence order (Section 8 Children Act 1989) made in connection with an Adoption Order | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| An order relating to child maintenance (Schedule 1 Children Act 1989) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| A child arrangements order (Section 8 Children Act 1989) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Please tick if additional sheets are attached.

Please attach a copy of any relevant order.

6. Cases with an international element

Do you have any reason to believe that any child, parent or potentially significant adult in the child's life may be habitually resident in another state?

Yes No

If Yes, please give details

Do you have any reason to believe that there may be an issue as to jurisdiction in this case (for example under Brussels 2 revised)?

Yes No

If Yes, please give details

Has a request been made or should a request be made to a Central Authority or other competent authority in a foreign state or a consular authority in England and Wales?

Yes No

If Yes, please give details

7. Factors affecting ability to participate in proceedings

Please give details of any factors affecting litigation capacity

Complete this section if you have ticked the relevant box on the front of this form.

Provide details of any referral to or assessment by the Adult Learning Disability team, and/or any adult health service, where known, together with the outcome

Are you aware of any other factors which may affect the ability of the person concerned to take part in the proceedings?

8. Attending the court

Section N of the booklet '**CB1 - Making an application - Children and the Family Courts**' and the leaflet 'CB7 - Guide for separated parents: children and the family courts' provide information about attending court.

If you require an interpreter, you must tell the court now so that one can be arranged.

8a. Do you or any other party need to use spoken or written Welsh in the course of the proceedings?

Yes No

If Yes, please give the names of the parties/witnesses/children involved who need to use written or spoken Welsh?

	<input type="checkbox"/> Spoken	<input type="checkbox"/> Written	<input type="checkbox"/> Both
	<input type="checkbox"/> Spoken	<input type="checkbox"/> Written	<input type="checkbox"/> Both
	<input type="checkbox"/> Spoken	<input type="checkbox"/> Written	<input type="checkbox"/> Both
	<input type="checkbox"/> Spoken	<input type="checkbox"/> Written	<input type="checkbox"/> Both
	<input type="checkbox"/> Spoken	<input type="checkbox"/> Written	<input type="checkbox"/> Both
	<input type="checkbox"/> Spoken	<input type="checkbox"/> Written	<input type="checkbox"/> Both
	<input type="checkbox"/> Spoken	<input type="checkbox"/> Written	<input type="checkbox"/> Both

8b. Do you or any of the parties require the court to appoint an interpreter or arrange any other assistance (e.g. sign language signer)?

Yes No

If Yes, who requires the interpreter

applicant respondent Other party (please specify)

and please specify the language and dialect required:

8c. Are you aware of whether an intermediary will be required?

Yes No

If Yes, please give details

8d. If attending the court, do you or any of the parties involved have a disability for which you require special assistance or special facilities?

Yes No

If Yes, please say what the needs are

Please say whether there is a need for the court to make any special arrangements for you or any relevant children to attend court (e.g. providing you with a separate waiting room from the respondent or other security provisions).

Court staff may get in touch with you about the requirements

9. About you (the applicant(s))

Applicant 1 (You)

Applicant 2 (if applicable)

Full names

Previous names (if any)

Gender

Male Female

Male Female

Date of birth (If under 18 read section R of leaflet CB1)

Place of birth
(town/county/country)

If you do not wish your address to be made known to the respondent, leave the details below blank and complete Confidential contact details Form C8. Please ensure that any documents submitted with this form or at a later date, do not disclose the confidential contact details you wish to withhold

Address

Postcode

Postcode

Home telephone number

Mobile telephone number

Email address

Have you lived at this address for more than 5 years?

Yes No

Yes No

If No, please provide details of all previous addresses you have lived at for the last 5 years.

10. The respondent(s)

Sections G and H of the booklet 'CB1 - Making an application - Children and the Family Courts' explain who a respondent is.

If there are more than 2 respondents please continue on a separate sheet.

	Respondent 1	Respondent 2
Full names	<input type="text"/>	<input type="text"/>
Previous names (if known)	<input type="text"/>	<input type="text"/>
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
Date of birth (If party under 18 read section R of leaflet CB1)	<input type="text"/> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="checkbox"/> Don't know	<input type="text"/> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="checkbox"/> Don't know
Place of birth (town/county/country)	<input type="text"/>	<input type="text"/>
Address (to which documents relating to this application should be sent)	<input type="text"/>	<input type="text"/>
	Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="checkbox"/> Don't know	Postcode <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="checkbox"/> Don't know
Home telephone number	<input type="text"/>	<input type="text"/>
Mobile telephone number	<input type="text"/>	<input type="text"/>
	<input type="checkbox"/> Don't know	<input type="checkbox"/> Don't know
Email address	<input type="text"/>	<input type="text"/>
	<input type="checkbox"/> Don't know	<input type="checkbox"/> Don't know
Have they lived at this address for more than 5 years?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
	If No, please provide details of all previous addresses for the last 5 years below (if known, including the dates and starting with the most recent)	
	<input type="text"/>	<input type="text"/>

11. Others who should be given notice

There may be other people who should be notified of your application, for example, someone who cares for the child but is not a parent. Sections G and I of the booklet **'CB1 - Making an application - Children and the Family Courts'** explain who others are.

	Person 1	Person 2
Full names	<input type="text"/>	<input type="text"/>
Previous names (if known)	<input type="text"/>	<input type="text"/>
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
Date of birth	<input type="text" value="D"/> <input type="text" value="D"/> / <input type="text" value="M"/> <input type="text" value="M"/> / <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="checkbox"/> Don't know	<input type="text" value="D"/> <input type="text" value="D"/> / <input type="text" value="M"/> <input type="text" value="M"/> / <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="checkbox"/> Don't know
Address	<input type="text"/>	<input type="text"/>
	Postcode <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="checkbox"/> Don't know	Postcode <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="checkbox"/> Don't know
<p>Please state their relationship to the children listed on page 1. If their relationship is not the same to each child please state their relationship to each child.</p>	<input type="text"/>	<input type="text"/>

11a. Other children not part of the application.

Full name of child	Date of birth	Gender
<input type="text"/>	<input type="text" value="D"/> <input type="text" value="D"/> / <input type="text" value="M"/> <input type="text" value="M"/> / <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="checkbox"/> Don't know	<input type="checkbox"/> Male <input type="checkbox"/> Female
Relationship to applicant(s)		Relationship to respondent(s)
<input type="text"/>		<input type="text"/>
Full name of child	Date of birth	Gender
<input type="text"/>	<input type="text" value="D"/> <input type="text" value="D"/> / <input type="text" value="M"/> <input type="text" value="M"/> / <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="text" value="Y"/> <input type="checkbox"/> Don't know	<input type="checkbox"/> Male <input type="checkbox"/> Female
Relationship to applicant(s)		Relationship to respondent(s)
<input type="text"/>		<input type="text"/>

12. Solicitor's details

Do you have a solicitor acting for you?

Yes No If No, see section Q of leaflet CB1 for more information

If Yes, please give the following details

Your solicitor's name

Name of firm

Address

Postcode

Telephone number

Fax number

DX number

Solicitor's Reference

Fee account no.

Email address

13. Applicant claims exemption(s) from attendance at a Mediation, Information and Assessment Meeting (MIAM)

The applicant has not attended a MIAM because the following MIAM exemption(s) applies:

(To be completed by the person intending to make a court application or their solicitor)

- Domestic violence (you must complete **section 13a**)
- Child protection concerns (you must complete **section 13b**)
- Urgency (you must complete **section 13c**)
- Previous MIAM attendance or previous MIAM exemption (you must complete **section 13d**)
- Other (you must complete **section 13e**)

Further details of MIAM exemption(s) claimed by the applicant

Now complete the relevant section 13a, b, c, d or e by ticking the appropriate box(s)

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 and should bring it to the first hearing. Where you are asked to provide additional details you must do so.

Section 13a - 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 conviction for a domestic violence offence where a prospective party was convicted of that offence within the sixty month period immediately preceding the date of the application;
- a relevant police caution for a domestic violence offence given within the sixty 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 sixty 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 sixty 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 sixty 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 13a - Domestic violence evidence - **continued**

- a copy of a finding of fact, made in proceedings in the United Kingdom within the sixty 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 sixty 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 sixty 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 by another prospective party;
- a letter or report from a domestic violence support organisation in the United Kingdom confirming—
 - (i) that within the sixty month period immediately preceding the date of the application any prospective party had been accommodated in a refuge;
 - (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 sixty month period immediately preceding the date of the application, refused admission to a refuge 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 sixty 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 sixty month period immediately preceding the date of the application;
- 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 sixty month period immediately preceding the date of the application; or

Section 13a - Domestic violence evidence - **continued**

- evidence which demonstrates that a prospective party has been, or is at risk of being, the victim of domestic violence by another prospective party in the form of abuse which relates to financial matters, where that evidence dates within the sixty month period immediately preceding the date of the application.

Financial abuse can take subtle or overt forms but in general includes tactics to limit a prospective party's access to assets, or to conceal information and accessibility to the family finances. Types of evidence, if available, could be in the following forms: copies of relevant bank statements, and/or cancelled cheques; relevant letters from banks; credit card accounts, loan documents and statements; business financial statements, employee benefit records including insurance, stock options and bonuses; letter from a domestic violence support organisation; money order receipts; documentation with regard to any public assistance received; emails, text messages, diary kept by the victim; letters from employers or from an education or training institute. This list is not exhaustive.

A single piece of evidence may, or may not, be sufficient, but different pieces of evidence taken together could be sufficient to lead to the conclusion of financial abuse. In some cases of financial abuse, a prospective party may not have access to any forms of corroborating forms of documentary evidence. If there is limited or no such evidence available, then a narrative statement should set out when the financial abuse commenced, its degree, its duration, the impact on the party and an explanation as to why no other documentary evidence is available.

Section 13b – Child protection concerns

The applicant confirms that a child would be the subject of the application and that child or another child of the family who is living with that child is currently—

- the subject of enquiries by a local authority under section 47 of the Children Act 1989 Act; or
- the subject of a child protection plan put in place by a local authority.

Section 13c – 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 risk of harm to a child; or
 - a risk of unlawful removal of a child from the United Kingdom, or a risk of unlawful retention of a child who is currently outside England and Wales; or
 - 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 seized of the dispute before a court in England and Wales.

Section 13d – 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 13e – Other exemptions

The applicant confirms that one of the following other grounds for exemption applies:

- 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 15.

14. 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)**

14a.

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.

14b.

The prospective applicant attended a MIAM:

- The prospective applicant only attended a MIAM.
- The prospective applicant and respondent party(s) attended the MIAM together.
- The prospective applicant and respondent(s) have each attended a 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; or
 - the respondent did not wish to attend a MIAM
- 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 has determined that mediation is unsuitable
- Mediation has started, but has:
- broken down; or
 - concluded with some or all issues unresolved

Signed

Authorised Family Mediator

(a family mediator who is authorised to undertake MIAMs)

FMC
Registration no.

Family
Mediation
Service name

Sole trader
name

Address

Dated

/ /

15. Statement of truth

*[I believe] [The applicant believes] that the facts stated in this application are true.

*delete as appropriate

*I am duly authorised by the applicant to sign this statement.

Print full name

Name of applicant solicitors firm

Signed

Dated

 / /

(Applicant) (Applicant's solicitor)

Position or office held
(If signing on behalf of firm or company)

Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified by a statement of truth.

Checklist for completing form C100

Relevant sections of this application will be provided to Cafcass/CAFCASS CYMRU upon issue of proceedings. The information contained in pages 1 to 14 of this form enables Cafcass/CAFCASS CYMRU to conduct enquiries prior to the first court hearing, without it they cannot conduct their initial safeguarding checks and enquiries.

Every question in pages 1 to 14 of this form should be completed, or stated that information is not available.

This essential information is required by Cafcass/CAFCASS CYMRU and failure to provide this information could lead to unnecessary delays to proceedings:

Page 1

- Write in your full names
- Tick the type of order you are applying for
- Specify in the box the nature of the order you seek
- If you have any concerns about the risk of harm, tick the relevant box(s) and complete a separate Form C1A and give this to the court with your completed Form C100.
- Tick whether you are asking permission to make this application (and if so complete section 3a)
- Tick whether the application is urgent (and if so complete section 4a) or whether the application is to be made without notice to another party (and if so complete section 4b)
- Tick whether there are linked proceedings (and if so complete section 5)
- Tick whether your application is for an order to formalise an agreement (consent order) and if so attach the draft order to this form.
- Tick whether your case has an international element or whether there are any factors that affect the ability of any party to these proceedings to participate in proceedings.

Page 2

- The full name(s) of the child(ren)
- Their date(s) of birth
- Their gender
- The relationship of the child(ren) to the applicant
- The relationship of the children to the respondent(s)

Page 3

- Answer questions 1a to 1d about the children.

Page 4

- Answer questions 2a to 2d about whether there are parallel proceedings for an emergency protection, care or supervision order, whether a MIAM exemption applies or whether you have attended a MIAM.

Page 5

- Tick whether you have or are applying for permission to make this application (and if seeking permission complete section 3a).
- Complete section 3b to provide brief details about why you are making the application

- Complete section 3c about any previously prepared Parenting Plan.

Page 10

- Answer questions 8a to 8c by ticking the relevant boxes and provide details in the box of any special arrangements you need in order to be able to attend court.

Page 11

- Your (applicant's) full name
 - Any previous names
 - Your (applicant's) gender and date of birth
 - Your (applicant's) address, including the Postcode
- Note:** if you (the applicant) does not wish the address to be made known it should be included in an accompanying form C8 (confidential contact details). Please ensure that any documents submitted with this form or at a later date, **do not** include the confidential contact details you wish to withhold.

Page 12

- The respondent's full name
- Previous surnames (if known)
- The respondent's gender and date of birth
- The respondent's address, including the Postcode
- The respondent's telephone number and if applicable, mobile telephone
- Whether the respondent has lived at their address for more than 5 years

Page 13

- Full details for other parties who should be given notice of the application

Page 14

- Your solicitor's details (if applicable), including a telephone number.

Page 15 to 18

- If you answered question 2b on page 4 with "yes" you must tick one of the first five boxes in section 13 to indicate the category of MIAM exemption that you are claiming. You must then complete section 13a, b, c, d or e as shown.

Page 19

- If a family mediator needs to certify that a mediator's exemption applies you must ask them to complete section 14a 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 14b of the form and sign where shown.

Page 20

- Check that you (or your solicitor if relevant) have completed and signed the statement of truth.

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

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

General information for completing this form

1. You need to complete this form if you want to ask the court to make an (or change an existing) order about a child(ren) and your application is for:
 - a child arrangements order (where a child should live, who a child should spend time with or both); or
 - a specific issue order (for example, if you are asking the court to decide whether a child's surname should be changed); or
 - a prohibited steps order (for example, if you are asking the court to prevent a person from removing a child from a school).
2. These orders are known as "Section 8 orders" and are orders made by the court under section 8 of the Children Act 1989 to decide issues in relation to a child. You must tick the relevant box on page 1 to indicate which type of order(s) you are applying for. (If you wish to ask the court to enforce a previous Section 8 order you need to complete a different court form – the C79).
3. Pages 1 to 14 set out the core information you need to provide if you wish to make an application to the court (Sections 1 to 12). You need to answer as many questions as possible at pages 1 to 14. You or your solicitor must also sign and date the Statement of Truth in Section 15 of this form.
4. If your application is urgent, or if you are making your application without notice to another party - the respondent(s) - you must tick the relevant boxes on page 1 of this form. You must then provide details in the relevant Section, as indicated on page 1.
5. If you are aware of any previous or current court cases concerning the child(ren) who would be the subject of the Section 8 order you are seeking then you must tick the box on page 1 to indicate this and provide as much information as you can in the relevant Section, as indicated in page 1.
6. 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 C100 form.

Requirement to attend a Mediation, Information and Assessment Meeting

7. It is now a legal requirement that, unless an exemption applies, a person who wishes to apply to court for one or more of the orders listed at paragraph 1 of these notes 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.
8. 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.
9. The requirement for the applicant to attend a MIAM does not apply if a Section 8 order is being applied for and:
 - the other person is in agreement about what you are asking the court to order (the order is a "consent order"); or
 - there is an ongoing case about the child(ren) who would be the subject of the Section 8 application and that case concerns an emergency protection order, a supervision order or a care order, or if one of those orders has previously been made.
10. You 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

11. 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 one of the reasons explained at paragraph 9 of these notes, or
 - you are claiming a MIAM exemption, or a family mediator certifies that a mediator's exemption applies.
12. You can find an authorised family mediator by using the 'Find your local mediator' search facility available at: www.familymediationcouncil.org.uk
13. 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) is or are unwilling to attend a MIAM this is a ground for the family mediator to exempt you from attending a MIAM.
14. 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 13.
15. 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 14a of this form and sign it where shown.
16. If you have attended a MIAM you must ask the family mediator who conducted the MIAM to complete Section 14b of this form and sign it where shown.
17. 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 13 of this form for details against each exemption shown).
18. 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.
19. 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

Paying for MIAM attendance or for family mediation

20. 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.
21. 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.
22. 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.
23. See paragraph 33 below on how to find out whether you are eligible for Legal Aid.

Safety and MIAM attendance

24. 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

25. If suitable, mediation can be a better way of resolving issues about arrangements for children when you and your partner separate or divorce. Mediation can be less expensive than going to court and much less stressful for all the family. It can also help you as parents to focus on your child(ren)'s needs in making decisions about them.
26. 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:
 - Arrangements for children
 - Financial arrangements and dividing up property
 - Any combination of these
 - Any other disputes to do with separation and divorce.
27. Family Mediation is not just for divorcing or separating couples – it is a means for resolving a range of family disputes, whether they arise from divorce or the separation of cohabiting parents. Family Mediation could also help resolve issues with wider family members such as grandparents.

28. 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.
29. 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.
30. A statutory Mediation Information and Assessment Meeting (MIAM) is reserved for "authorised mediators" under the Family Procedure Rules. "Authorised family mediator" means a person identified by the Family Mediation Council as qualified to conduct a MIAM. "Qualified to conduct a MIAM" is interpreted as holding current Family Mediation Council accreditation (FMCA). FMCA mediators are issued with a unique FMC registration number. Authorised mediators are requested to enter this number in the box provided.
31. For general advice about sorting out arrangements for children, the use of post-separation mediation, and/or going to court: www.advicenow.org.uk; www.advicenow.org.uk/guides/survival-guide-sorting-out-arrangements-your-children
32. For general advice about sorting out arrangements for children: www.theparentconnection.org.uk/
33. For advice about Contact Centres, which are neutral places where children of separated families can enjoy contact with their non-resident parents and sometimes other family members, in a comfortable and safe environment; and information about where they are: www.naccc.org.uk
34. For help with taking a case to court without a solicitor, the Personal Support Unit: www.the PSU.org/
35. For guidance on representing yourself at court, including a list of commonly used terms that you may come across: <http://www.barcouncil.org.uk/using-a-barrister/representing-yourself-in-court/>
36. For advice about finding and using a family law solicitor see: Law Society www.lawsociety.org.uk, and Resolution (family law solicitors): www.resolution.org.uk
37. For advice about finding using a family law barrister: see <http://www.barcouncil.org.uk/using-a-barrister/find-a-barrister/> and for arrangements for using a barrister directly see <http://www.barcouncil.org.uk/using-a-barrister/how-to-instruct-a-barrister/>
38. Judicial guidance that sets out the approach of the courts to deciding child arrangements is available online at: www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12b

Further information and sources of help

31. General information about family mediation is available from the Family Mediation Council website at: www.familymediationcouncil.org.uk
32. 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.
33. 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 or you can telephone the Civil Legal Advice direct helpline 0345 345 4345.
34. For general advice on separation services and options for resolving disputes: www.sortingoutseparation.org.uk

Online videos

43. There are several videos explain more about the mediation process, making your application, what will happen in court and will help you prepare for the hearing. To watch the videos visit www.bit.ly/guides_for_separating_parents

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