

This box is completed by the court as it will allocate a case number

# Application under section 8 of the Children Act 1989 for a child arrangements, prohibited steps, specific issue order or to vary or discharge or ask permission to make a section 8 order

## To be completed by the court

The family court sitting at  
Bristol

Case number  
BS14P00124

Date issued

Fee charged/Remission ID

Find your nearest court at  
[courtribunalfinder.service.gov.uk](http://courtribunalfinder.service.gov.uk)

Before completing this form please read the leaflet 'CB1 – Making an application – Children and the Family Courts' and the leaflet CB7 - Guide for separated parents: children and the family courts. These leaflets are available from your local court or online at [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

Full name of applicant(s)

John Robert Smith

Full name of respondent(s)

Joan Penny Smith

## Nature of application

What order(s) are you applying for?

- Child Arrangements Order
- Prohibited Steps Order
- Specific Issue Order

Please specify the nature of the order you seek.  
*For example, an order about with whom a child is to live, or how often they spend time with the applicant and for how long.*

I would like a child arrangements order to organise the time I am able to spend with my children and a specific issue order preventing the children's mother from changing the children's school.

## Concerns about risk of harm

Are you alleging that the child(ren) named in Section 1 of this form have experienced, or are at risk of experiencing, harm from any of the following by any person who has had contact with the child?

- any form of domestic violence  Yes  No
- child abduction  Yes  No
- child abuse  Yes  No
- drugs, alcohol or substance abuse  Yes  No
- other safety or welfare concerns  Yes  No

If you answered Yes to any of the above, **you must complete form C1A** (Supplemental information form) **and file it with this C100 form.**

Tick the answer boxes depending on the circumstances and what, if any, concerns you have. If you answer 'Yes' to any questions, you will need to give additional details to explain later in the form or on additional form

## Additional information required

Are you asking for permission to make this application, where that is required?

Yes  No If Yes, complete section 3a

Is an urgent hearing or without notice hearing required?

Yes  No If Yes, complete section 4a or 4b

Are there previous or ongoing proceedings for the child(ren)?

Yes  No If Yes, complete section 5

Are you applying for an order to formalise an agreement (consent order)?

Yes  No If Yes, **attach the draft order to this form**

Is this a case with an international element or factors affecting litigation capacity?

Yes  No If Yes, complete section 6 or 7

# 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 the children's details

Complete all the details for each child and explain the type of order you would like the court to make (i.e child arrangements order)

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
Ben Harry Smith	4/03/1999	<input checked="" type="checkbox"/>	Male	Child Arrangements and Specific issue order
	<input type="checkbox"/> Don't know	<input type="checkbox"/>	Female	
Relationship to applicant(s)		Relationship to respondent(s)		
Applicant 1: Son		Respondent 1: Son		
Child 2 – Full name of child	Date of birth	Gender		Order(s) applied for
David Paul Smith	1/09/2002	<input checked="" type="checkbox"/>	Male	Child Arrangements and Specific issue order
	<input type="checkbox"/> Don't know	<input type="checkbox"/>	Female	
Relationship to applicant(s)		Relationship to respondent(s)		
Applicant 1: Son		Respondent 1: Son		
Child 3 – Full name of child	Date of birth	Gender		Order(s) applied for
James Simon Smith	20/02/2005	<input checked="" type="checkbox"/>	Male	Child Arrangements and Specific issue order
	<input type="checkbox"/> Don't know	<input type="checkbox"/>	Female	
Relationship to applicant(s)		Relationship to respondent(s)		
Applicant 1: Son		Respondent 1: Son		
Child 4 – Full name of child	Date of birth	Gender		Order(s) applied for
Emily Daisy Smith	10/07/2011	<input type="checkbox"/>	Male	Child Arrangements order
	<input type="checkbox"/> Don't know	<input checked="" type="checkbox"/>	Female	
Relationship to applicant(s)		Relationship to respondent(s)		
Applicant 1: Daughter		Respondent 1: Daughter		

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

Yes  No  Don't know

If any Local Authority has been involved with any of the children put the details here.

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?

John Robert Smith and Joan Penny Smith

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

N/A

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)

Ben Harry Smith: Joan Penny Smith – mother. John Robert Smith - father on the birth certificate and subsequently married to the mother.  
David Paul Smith: Joan Penny Smith – mother. John Robert Smith - father on the birth certificate and married to the mother when the child was born.  
James Simon Smith: Joan Penny Smith – mother. John Robert Smith - father on the birth certificate and married to the mother when the child was born.  
Emily Daisy Smith: Joan Penny Smith – mother. John Robert Smith - father on the birth certificate and married to the mother when the child was born.

**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.

- |   |   |   |
|---|---|---|
| <b>2a.</b> 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 checked="" type="checkbox"/> No | <b>If Yes, complete section 5</b> to provide additional details.<br><b>Do not complete sections 13 and 14</b><br><br><b>If No, please answer question 2b.</b> |
| <b>2b.</b> Are you claiming exemption from the requirement to attend a MIAM?  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <b>If Yes, complete section 13.</b><br><br><b>If No, please answer question 2c.</b>   |
| <b>2c.</b> 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 checked="" type="checkbox"/> No | <b>If Yes, you must ensure that the family mediator completes and signs section 14a.</b><br><br><b>If No, please answer question 2d.</b>                      |
| <b>2d.</b> Have you attended a MIAM?  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | <b>If Yes, you must ensure that the family mediator completes and signs section 14b.</b><br><br><b>If No, you cannot make this application.</b>               |

Before you apply for a court order about the arrangements for your children, the court expects you to find out about family mediation, unless you can show that your case is exceptional (for example, where there has been violence or abuse between you).

### 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 required.

This is an example of the type of details you may need to include. You should make sure you keep the details relevant and explain things in clear language.

**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.

Since the separation between me and the children's mother Joan on 01.03.2014, we have not been able to agree on a regular routine for the children. I am concerned that I am not spending enough time with them. At first, I was seeing them every other weekend but this arrangement has broken down as Joan began to cancel and then fail to rearrange weekends. Joan says the children are unsettled when they stay with me but I do not agree with this. I believe Joan is upset as I have recently become engaged to my new partner. We have not been able to agree on a regular arrangement and I have not seen the children for almost a month. I would like the children to stay with me every other weekend and half the school holidays and if possible, see them one evening after school a week. I believe Joan intends to move the three boys who currently attend Camden Academy to Barking School which is closer to her new home. I do not agree as I think a move would unsettle the children and the new school is further away from where I am living which would make arrangements more difficult. I do not agree that this is best for the children and I would like the court to order that they should stay at their current school.

**3c.** Have you previously prepared a Parenting Plan?

Yes  No

**If No,** you can download a copy from the website [www.cafcass.gov.uk/parenting plan](http://www.cafcass.gov.uk/parenting-plan)

**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

If you feel you need an urgent court hearing, you must fill in this section and explain why. The court can take decisions about what should happen next.

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

Sometimes circumstances may mean you need to have an emergency court hearing without the other parent/person knowing you are going to court, or there is not a way of letting them know about the hearing in time. You need to set out reasons for this otherwise the court will not allow a hearing to go ahead without the other person/party there.

## 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**

If there have been any other court hearings relating to the child/children in this application, put the details here and attach copies of any court orders you might have.

Emergency Protection Order  Yes  No

Supervision order  Yes  No

Care Order  Yes  No

Child abduction  Yes  No

Family Law Act 1996 Part 4 (proceedings for non- molestation order or occupation order)  Yes  No

A contact or residence order (Section 8 Children Act 1989) made within proceedings for a divorce or dissolution of a civil partnership  Yes  No

A contact or residence order (Section 8 Children Act 1989) made in connection with an Adoption Order  Yes  No

An order relating to child maintenance (Schedule 1 Children Act 1989)  Yes  No

A child arrangements order (Section 8 Children Act 1989)  Yes  No

Please tick if additional sheets are attached

**Please attach a copy of any relevant order.**



## 6. Cases with an international element

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

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

These questions should be answered if there is an international element (i.e. if you, the other parent/person or the child(ren) spend time living abroad) and there might be a chance the hearings should take place somewhere else.

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

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

Please give details of any factors affecting litigation capacity

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?

This section should be completed if there are any concerns or issues about any person/party's ability to take part in the court process, or possibly represent themselves in a court hearing.

## 8. Attending the court

Section N of the 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 the court.

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

**8a.** Do you or any of the parties need an interpreter or other assistance (e.g. sign language signer) at court?

Yes  No

If Yes, please specify the language and dialect:

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

Yes  No

If Yes, please give details

**8c.** 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 the court needs to make any special arrangements for you 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	John Robert Smith	N/A
Previous names (if any)		
Gender	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
Date of birth (If under 18 read section R of leaflet CB1)	2/05/1975	
Place of birth (town/county/country)	Leytonstone, Essex	
Address	<p><b>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.</b></p> 24 Cherry Tree Lane Camden London CM2 5GH	
Home telephone number	0400 321 123	
Mobile telephone number	07855 624391	
Email address	JSmith@emailaddress.com	
Have you lived at this address for more than 5 years?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If No, please provide details of all previous addresses you have lived at for the last 5 years	
If you do not wish your contact details to be made known to the Respondent, leave the details blank and complete Confidential contact details Form C8	30 Market Street Camden London CM3 9FD	

## 10. The respondents

Sections G and H of the 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**

	<b>Respondent 1</b>	<b>Respondent 2</b>
Full names	Joan Penny Smith	N/A
Previous names (if any)	McAdams	
Gender	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
Date of birth (If party under 18 read section R of leaflet CB1)	17/04/1974	
	<input type="checkbox"/> Don't know	<input type="checkbox"/> Don't know
Place of birth (town/county/country)	Harlow, Essex	
Address (to which documents relating to this application should be sent)	97 Heather Road Barking BA3 7KL	
	<input type="checkbox"/> Don't know	
Home telephone number		
Mobile telephone number	07493 211765	
	<input type="checkbox"/> Don't know	<input type="checkbox"/> Don't know
Email address	JoanSmith@emailaddress.co.uk	
	<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 checked="" 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)	
	30 Market Street Camden London CM3 9FD	

## 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 the booklet 'CB1 - Making an application - Children and the Family Courts' explain who others are.

	Person 1	Person 2
Full names	N/A	N/A
Previous names (if any)		
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> Male <input type="checkbox"/> Female
Date of birth	<input type="checkbox"/> Don't know	<input type="checkbox"/> Don't know
Address		
	Postcode	Postcode
	<input type="checkbox"/> Don't know	<input type="checkbox"/> Don't know
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.		

If there is anyone else you feel should be told about the application put their details here. This could be someone who is caring for the child(ren), a local authority or someone you think the proceedings are applicable to.

## 12. Solicitors details

Do you have a solicitor acting for you?  Yes  No If No, see section R of leaflet CB1 for more information

If Yes, please give the following details

You solicitor's name	N/A
Name of firm	
Address	
Postcode	
Telephone number	
Fax number	
DX number	
Solicitor's Reference	
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 exemption(s) applies:

If you have not attended a Mediation, Information and Assessment Meeting (MIAM) you will need to complete the relevant section explaining why you did not attend.

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

### Section 13a – Domestic violence evidence

**(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**)

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

If you have claimed a MIAM exemption in 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. Where you are asked to provide additional details you must do so.

**The applicant confirms that there is evidence of domestic violence, as specified below:**

- a relevant unspent conviction for a domestic violence offence;
- a relevant police caution for a domestic violence offence given within the twenty four 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 twenty four 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 twenty four 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 twenty four 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;

- a copy of a finding of fact, made in proceedings in the United Kingdom within the twenty four 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 twenty four 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 twenty four 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;
- a letter or report from a domestic violence support organisation in the United Kingdom affirming—
  - (i) that any prospective party was, within the twenty four month period immediately preceding the date of the application (and, where relevant, that period commences with the date on which that prospective party left the refuge), admitted to a refuge established for the purpose of providing accommodation for victims of, or those at risk of, domestic violence;
  - (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 twenty four month period immediately preceding the date of the application, refused admission to a refuge established for the purpose of providing accommodation for victims of, or those at risk of, domestic violence, 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 twenty four 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 twenty four month period immediately preceding the date of the application; or



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

- 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 twenty four month period immediately preceding the date of the application.

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 seised 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.

**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)

The following MIAM exemption(s) applies

14a.

This section must be completed by the mediator if you have attended a MIAM.

- 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.

4b.

The prospective applicant attended a MIAM:

- The prospective applicant only attended a MIAM.
- The prospective applicant and respondent party(s) also attended the MIAM together.
- The prospective and respondent(s) have each attended 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
- 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 had 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)

Family Mediation Service name

Sole trader name

Address

Dated

## 15. Statement of truth

\*delete as appropriate I believe that the facts stated in this application are true

Print full name John Robert Smith

Name of applicant solicitors firm

Ensure you complete your full name and sign and date the application.

Signed

Dated 18/09/2014

Applicant

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.**

Make sure you go through the checklist to be certain you have filled in all the relevant parts of the form.

# 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).
- Your (the applicant's) telephone number and if applicable, mobile telephone

## 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](http://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](http://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 new 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](http://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 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](http://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 32 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.

#### **Further information and sources of help**

30. General information about family mediation is available from the Family Mediation Council website at: [www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)
31. 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.
32. 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](http://www.gov.uk/check-legal-aid) or you can telephone the Civil Legal Advice direct helpline 0345 345 4345.
33. For general advice on separation services and options for resolving disputes: [www.sortingoutseparation.org.uk](http://www.sortingoutseparation.org.uk)
34. For general advice about sorting out arrangements for children, the use of post-separation mediation, and/or going to court: [www.advicenow.org.uk](http://www.advicenow.org.uk); [www.advicenow.org.uk/advicenow-guides/family/sorting-out-arrangements-for-your-children/](http://www.advicenow.org.uk/advicenow-guides/family/sorting-out-arrangements-for-your-children/)
35. For general advice about sorting out arrangements for children: [www.theparentconnection.org.uk/](http://www.theparentconnection.org.uk/)
36. 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](http://www.naccc.org.uk)
37. For help with taking a case to court without a solicitor, the Personal Support Unit: [www.thepsu.org/](http://www.thepsu.org/)
38. For guidance on representing yourself at court, including a list of commonly used terms that you may come across: [www.barcouncil.org.uk/instructing-a-barrister/representing-yourself-in-court/](http://www.barcouncil.org.uk/instructing-a-barrister/representing-yourself-in-court/)
39. For advice about finding and using a family law solicitor see: Law Society [www.lawsociety.org.uk](http://www.lawsociety.org.uk), and Resolution (family law solicitors): [www.resolution.org.uk](http://www.resolution.org.uk)
40. For advice about finding using a family law barrister: see [www.barcouncil.org.uk/about-the-bar/find-a-barrister/](http://www.barcouncil.org.uk/about-the-bar/find-a-barrister/) and for arrangements for using a barrister directly see [www.barcouncil.org.uk/instructing-a-barrister/public-access/](http://www.barcouncil.org.uk/instructing-a-barrister/public-access/)
41. 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](http://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12b)

#### **Online videos**

42. 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](http://www.bit.ly/guides_for_separating_parents)