CAYMAN ISLANDS

Grand Court Act

(2015 Revision)

MEDIATION INFORMATION AND ASSESSMENT RULES

(2023 Consolidation)

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PUBLISHING DETAILS

The Mediation Information and Assessment Rules made by the Grand Court Rules Committee on 19th December, 2019 as amended by the Citation of Acts of Parliament Act, 2020 [Act 56 of 2020].

Consolidated with —

Application For Exemption From Mediation Information And Assessment Meeting (MIAM)-19th December, 2019
Family Mediator's Certificate-19th December, 2019
Form: Financial Disclosure Booklet-19th December, 2019.

CAYMAN ISLANDS

Grand Court Act

(2015 Revision)

MEDIATION INFORMATION AND ASSESSMENT RULES

(2023 Consolidation)

Arrangement of Rules

CAYMAN ISLANDS

Grand Court Act

(2015 Revision)

MEDIATION INFORMATION AND ASSESSMENT RULES

(2023 Consolidation)

Citation, Commencement and Interpretation

1. (1) These Rules may be cited as the *Mediation Information and Assessment Rules (2023 Consolidation)*.

(2) These Rules shall come into operation on the 8th day of January 2020, referred to as the "Commencement Date".

(3) These Rules shall apply to every proceeding which is pending or commenced in the Grand Court or the Summary Court, on or after the Commencement Date.

(4) The Mediation Information & Assessment Rules, 2016 are hereby revoked.

Made by the Rules Committee on the 19 day of December 2019

The Honourable Anthony Smellie, Chief Justice

The Honourable Samuel Bulgin KC, Attorney General

Colin McKie KC, Legal Practitioner

Colette Wilkins KC, Legal Practitioner

SCHEDULE 1

Mediation Information and Assessment Rules

Interpretation

1. In these Rules —

'**applicant**' is the person who has made a relevant family application;

'**court**' means either the Grand Court or the Summary Court as appropriate; '**departmen**t' means the Department for Children and Family Services;

'**domestic violence**' as between the applicant and another party, has the same meaning as section 3 of the *Protection from Domestic Violence Act (as amended and revised)*;

'**family mediation information and assessment meeting**' means a meeting held for the purpose of enabling information to be provided about –

(a) mediation of disputes of the kinds to which relevant family applications relate;

(b) ways in which disputes of those kinds may be resolved otherwise than by the court; and

(c) the suitability of mediation, or of any other way of resolving disputes, for trying to resolve any dispute to which the application relates.

'**family mediator**' means a mediator who is –

a Magistrate (including an Acting Magistrate), a Judge of the Grand Court (including an Acting Judge) who has been allocated to the Family Division, and any person or class of persons identified in any Practice Direction issued pursuant to these Rules;

'**harm**' has the meaning given to it in section 33(6) of the *Children Act (as amended and revised)*;

'**mediation office**' means the department within Judicial Administration that is responsible for assisting the court with the coordination and delivery of MIAMS and mediation;

'**MIAM**' means a family mediation information and assessment meeting;

'**MIAM exemption**' has the meaning given to it in Rule 8(1);

'**MIAM presumption**' is the presumption in Rule 2 that an applicant attend a MIAM before proceeding with a relevant family application;

'**non-court dispute resolution**' means methods of resolving a dispute, including mediation, other than through the normal court process;

'**occupation order**' has the same meaning as section 2 of the *Protection from Domestic Violence Act (as amended and revised)*;

'**private law proceedings**' means the following proceedings –

(a) under the *Children Act (as amended and revised)* —

(i) section 4A or 6;

(ii) section 7;

(iii) section 10;

(iv) section 15;

(v) section 16;

(b) under the *Affiliation Act (as amended and revised)* –

(i) section 3;

but, in each case, except –

(c) an application for a consent order;

(d) proceedings relating to a child in respect of whom there are ongoing proceedings under Part V of the *Children Act (as amended and revised)*, or proceedings for care orders or supervision orders under Part IV of *the Children Act (as amended and revised)*; or

(e) proceedings relating to a child who is the subject of an emergency protection order under Part V, or a care order or a supervision order under Part IV, of the *Children Act (as amended and revised)*.

'**proceedings for a financial remedy**' means the following proceedings seeking —

(a) an order for periodic payments pending suit pursuant to section 20(c) of the *Matrimonial Causes Act (as amended and revised)*;

(b) an order for maintenance pending outcome of proceedings other than an order pursuant to section 20(c) of the *Matrimonial Causes Act (as amended and revised)*;

(c) an order for ancillary relief pursuant to section 21(b)-(e) of the *Matrimonial Causes Act (as amended and revised)*;

(d) an order for payment for the maintenance and education of a child pursuant to section 5 of the *Affiliation Act (as amended and revised)*;

(e) an order for payment for the maintenance and education of a child pursuant to section 3 of the *Age of Majority Act(as amended and revised)*;

(f) an order for financial provision for children pursuant to section 17 and Schedule 1 to the *Children Act (as amended and revised)*;

(g) a maintenance order pursuant to section 7 or 11 of the *Maintenance Act (as amended and revised)*;

but, in each case, except proceedings —

(h) for a consent order; or

(i) unless the court determines otherwise, for enforcement of any order made in proceedings for a financial remedy or of any agreement made in or in contemplation of proceedings for a financial remedy.

'**protection order**' has the same meaning as in section 2 of the *Protection from Domestic Violence Act (as amended and revised)*;

'**registered practitioner**' has the same meaning as section 2 of the *Health Practice Act (as amended and revised)*;

'**relevant family application**' means an application made in private law proceedings or in proceedings for a financial remedy; and

'**respondent**' is a person who is the respondent to the proceedings in the relevant family application.

MIAM Presumption

2. (1) Once a relevant family application has been made in the Grand Court it will come before the Grand Court for a first appointment in accordance with para 3.3 of *Practice Direction No. 6/2012* Listing in Family Law Proceedings. At that hearing, unless the parties indicate that a consent order resolving all the issues raised by the relevant family application will be submitted for approval within 21 days of that hearing, the court will ordinarily require the parties to attend a MIAM.

(2) At the initial hearing of a relevant family application before the Summary Court, if the proceedings have not been resolved at that hearing or if the parties do not indicate that a consent order resolving all the issues raised by the relevant family application will be submitted for approval within 21 days of that hearing, the court will ordinarily require the parties to attend a MIAM.

The court's duty to consider non-court dispute resolution

3. (1) The court must consider, at every stage in proceedings, whether non-court dispute resolution is appropriate.

(2) In considering whether non-court dispute resolution is appropriate in proceedings which were commenced by a relevant family application, the court must take into account —

(a) whether a MIAM took place;

(b) whether a valid MIAM exemption was claimed; and

(c) whether the parties attempted mediation or another form of non-court dispute resolution and the outcome of that process.

Adjournment of proceedings or of a hearing within proceedings

4. (1) If the court considers that non-court dispute resolution is appropriate, it may direct that the proceedings, or a hearing in the proceedings, be adjourned for such specified period as it considers appropriate —

(a) to enable the parties to obtain information and advice about, and consider using, non-court dispute resolution; and

(b) where the parties agree, to enable non-court dispute resolution to take place.

(2) The court may give directions under this rule on an application or of its own initiative.

(3) Where the court directs an adjournment under this rule, it will give directions about the timing and method by which the parties must tell the court if any of the issues in the proceedings have been resolved.

(4) If the parties do not tell the court if any of the issues have been resolved as directed under paragraph (3) of this Rule, the court will give such directions as to the management of the case as it considers appropriate.

(5) The court will record the making of an order under this rule and it will give such directions as may be appropriate for the service of a copy of the order on the parties.

Applications to which the MIAM presumption applies

5. The MIAM presumption applies to an application which initiates private law proceedings or proceedings for a financial remedy, or an application within either such proceedings, unless a MIAM exemption applies.

Making an application where an exemption is claimed

6. If the applicant claims a MIAM exemption then the application must be accompanied by a Form containing —

(a) a confirmation from a family mediator that the applicant has attended a MIAM; or

(b) a claim that one of the MIAM exemptions applies.

MIAM exemptions

7. The MIAM presumption does not apply if —

(1) an applicant claims in the relevant Form that any of the following circumstances (a 'MIAM exemption') applies –

Domestic violence

(a) there is evidence of domestic violence, as specified in paragraph (3) of this Rule, or as appears to the court to be sufficient; or

Protection of children

(b) (i) a child would be the subject of the application; and

(ii) that child or another child of the family who is living with that child is currently the subject of enquiries by the department under section 50 of the *Children Act (as amended and revised)*; or

Urgency

(c) the application must be made urgently because –

(i) there is risk to the life, liberty or physical safety of the applicant or the applicant's family or the applicant's home; or

(ii) any delay caused by attending a MIAM would cause –

(a) a risk of significant harm to a child;

(b) a risk of unlawful removal of a child from the Islands, or a risk of unlawful retention of a child who is currently outside of the Islands;

(c) a significant risk of a miscarriage of justice;

(d) unreasonable hardship to the applicant; or

(e) irretrievable problems in dealing with the dispute (including the irretrievable loss of significant evidence); or

Previous MIAM attendance or previous MIAM exemption

(d) (i) 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

(ii) 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

(e) (i) in the 4 months prior to making the application, the person filed a relevant family application confirming that a MIAM exemption applied; and

(ii) that application related to the same or substantially the same dispute; or

(f) (i) the application has been made in existing proceedings which are continuing; and

(ii) the applicant attended a MIAM in those proceedings; or

(g) (i) the application has been made in those proceedings which are continuing; and

(ii) a MIAM exemption applied to the application for those proceedings; or

Other

(h) (i) there is evidence that the applicant is bankrupt, as specified in paragraph (4) of this Rule; and

(ii) the proceedings would be for a financial remedy; or

(i) the applicant does not have sufficient contact details for any of the respondents to enable a family mediator to contact any of the respondents for the purpose of scheduling the MIAM; or

(j) the application would be made without notice; or

(k) (i) the applicant is, or all of the respondents are, subject to a disability or other inability that would prevent attendance at a MIAM unless appropriate facilities can be offered by a family mediator; and

(ii) the applicant has contacted at least three family mediators, and each of them has stated that they are unable to provide such facilities; and

(iii) the names, postal addresses and telephone numbers or e-mail addresses for such family mediators, and the dates on which they were contacted, can be provided to the court if requested; or

(l) the applicant or all of the respondents cannot attend a MIAM because they are, as the case may be —

(i) in prison or any other institution in which they are required to be detained;

(ii) subject to conditions of bail that prevent contact with the other person; or

(iii) subject to a prohibited steps order in relation to the other person; or

(m) the applicant or all of the respondents are not ordinarily resident in the Islands; or

(n) a child is one of the parties.

(o) [No rule].

(2) [No rule]

(3) The forms of evidence of domestic violence referred to in paragraph (1)(a) of this Rule include —

(a) a relevant unspent conviction for a domestic violence offence;

(b) a relevant police caution for a domestic violence offence given within the twenty four month period immediately preceding the date of the application;

(c) evidence of relevant criminal proceedings for a domestic violence offence which have not concluded;

(d) a report from the RCIPS Family Support Unit that, within the twenty four month period immediately preceding the date of the application, a complaint was made to the RCIPS of relevant domestic violence;

(e) a relevant protection order or a relevant occupation order, or undertaking to the court equivalent to the same, which is in force or which was granted within the twenty four month period immediately preceding the date of the application;

(f) evidence that a party is on police bail for a domestic violence offence;

(g) a copy of a finding of fact, made in proceedings in the Islands 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 party to another party;

(h) a letter or report from a health professional who has access to the medical records of a party confirming that that professional, or another health professional —

(i) has examined any 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;

(i) a letter from the Director of the department confirming that, within the twenty four month period immediately preceding the date of the application, that —

(i) the applicant is, or was, a client of the department;

(ii) the department had identified domestic violence as a feature of the applicant's circumstances; and

(iii) the applicant appeared to be a victim of domestic violence.

(j) a letter from the Director of the Department of Counselling Services confirming that, within the twenty four month period immediately preceding the date of the application, the applicant had sought or received counselling in respect of domestic violence;

(k) a letter from the Director of the Family Resource Centre confirming that, within the twenty four month period immediately preceding the date of the application, the applicant had sought or received counselling, assistance or advice in respect of domestic violence

(l) a letter or report from the Cayman Islands Crisis Centre confirming –

(i) that within the twenty four month period immediately preceding the date of the application, any party had been accommodated in a refuge;

(ii) the dates on which that 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;

(m) a letter or report from the Cayman Islands Crisis Centre confirming –

(i) that a party was, within the twenty four 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 party was refused admission to the refuge;

(n) 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 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 party to a person who provides specialist support or assistance for victims of, or those at risk of, domestic violence;

(o) evidence of a relevant court order binding over a 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.

(4) The forms of evidence referred to in paragraph (1)(h) of this Rule are —

(a) a petition by the applicant for a bankruptcy order;

(b) a petition by a creditor of the applicant for a bankruptcy order; or

(c) a bankruptcy order (provisional or absolute) in respect of the applicant.

The First Appointment Hearing before the Grand Court or the initial hearing of a Relevant Family Application before the Summary Court

8. (1) If a MIAM exemption has been claimed or if the court discerns that the case is unsuitable for mediation because an unclaimed ground for exemption exists, the court will, if appropriate when making a decision on allocation, and in any event at the first appointment hearing, inquire into whether the exemption was validly claimed.

(2) If the court finds that no MIAM exemption has been claimed or the MIAM exemption was not validly claimed, it will —

(a) direct the parties, to attend a MIAM at a set time on a set date; and

(b) adjourn the proceedings to enable a MIAM to take place.

Provided that, the Summary Court may, if it considers that all the matters raised by a relevant financial proceedings are plainly likely to be capable of resolution expeditiously and summarily, the MIAM requirement should not apply to that application.

(3) In making a decision under Rule 9 (2), the court will have particular regard to –

(a) any applicable time limits;

(b) the reason or reasons why the MIAM exemption was not validly claimed;

(c) the applicability of any other MIAM exemptions; and

(d) the number and nature of issues that remain to be resolved in the proceedings.

Conduct of MIAMs

9. (1) Only a family mediator may conduct a MIAM.

(2) At the MIAM, the family mediator must

(a) provide information about the principles, process and different models of mediation, and information about other methods of non-court dispute resolution;

(b) irrespective of whether the court has referred the matter to a MIAM, assess the suitability of mediation as a means of resolving the dispute;

(3) If the family mediator determines that the matter is suitable for mediation —

(a) if the relevant family application includes proceedings for a financial remedy, then the family mediator must direct the parties to file and exchange Forms for financial disclosure no later than 21 days after the date of the MIAM; and

(b) if the family mediator has directed the parties to deliver to the mediation office their position statements, then the family mediator must direct the parties to do so on a date no later than 7 calendar days prior to the mediation appointment. The position statements are for the family mediator only and any party's position statement may only be provided to another party with the former's consent; and

(c) the family mediator must provide the parties with a date for the first mediation appointment, that should ordinarily be no later than 28 days after the date of the MIAM.

(4) If the parties indicate to the family mediator at the MIAM that they will use a private-sector mediator then no directions pursuant to Rule s9(3)(a) and (b) will be made.

(5) Within 7 calendar days of the date of the MIAM the family mediator shall file a MIAM report form at the mediation office and in the case court file concerning the outcome of the MIAM or MIAMs.

(6) For the purposes of paragraphs (2) and (4) of this Rule, if the applicant and the respondent (or respondents) attend or are due to attend different MIAMs then references to the "**date of the MIAM**" shall mean the date of the last MIAM.

SCHEDULE 2

Form MIAM 1: Application for Exemption from Mediation Information and Assessment Meeting

Full name of Applicant(s)	
Full name of Respondent(s)	

If you are seeking an exemption from attending a mediation information and assessment meeting (MIAM) you must choose from the following boxes in respect of your application, then proceed to complete the relevant section(s):

1.	It is for a consent order;	☐	
2.	You have evidence of relevant domestic violence;	☐	*go to section 2*
3.	There is a need to protect children;	☐	*go to section 3*
4.	It is urgent;	☐	*go to section 4*
5.	You have a MIAM exemption; or	☐	*go to section 5*
6.	You have previously attended a MIAM or previously obtained a MIAM exemption;	☐	*go to section 5*
7.	Other.	☐	*go to section 7*

Applicant's claim for Exemption

2. Domestic Violence

You confirm that at the first hearing you will be able to provide to the Court evidence that shows relevant domestic violence, in the form of any of the following —

- 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 report from the RCIPS Family Support Unit that, within the twenty four month period immediately preceding the date of the application, a complaint was made to the RCIPS of relevant domestic violence; ☐

• a relevant protection order or a relevant occupation order, or undertaking to the court equivalent to the same, which is in force or which was granted within the twenty four month period immediately preceding the date of the application; ☐

• evidence that a party is on police bail for a domestic violence offence; ☐

• a copy of a finding of fact, made in proceedings in the Islands within the period immediately preceding the date of the application, that there has been domestic violence giving rise to a risk of harm by one party to another party; ☐

• a letter or report from a health professional who has access to the medicalrecords of a party confirming that that professional, or another health professional —

* has examined any party in person within the twenty four month period immediately preceding the date of the application; *and* ☐

* 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 the Director of the Department for Children and Family Services confirming that, within the twenty four month period immediately preceding the date of the application, that —

* you are, or were, a client of the Department; ☐

* the Department had identified domestic violence as a feature of your circumstances; *and* ☐

you appeared to be a victim of domestic violence. ☐

• a letter from the Director of the Department of Counselling Services confirming that,within the twenty four month period immediately preceding the date of the application, you had sought or received counselling in respect of domestic violence; ☐

• a letter from the Director of the Family Resource Centre confirming that, within the twenty four month period immediately preceding the date of the application, you had sought or received counselling, assistance or advice in respect of domestic violence; ☐

• a letter or report from the Cayman Islands Crisis Centre confirming —

* that within the twenty four month period immediately preceding the date of the application, any party had been accommodated in a refuge;

* the dates on which that party was admitted to and, if applicable, left the refuge; and

* that the party was admitted to the refuge because of allegations by that party of domestic violence;

* that a party was, within the twenty four 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 ☐

* the date on which that party was refused admission to the refuge; ☐

• a letter or report from —

* the person to whom the referral described below was made; ☐

* the health professional who made the referral described below; *or* ☐

* a health professional who has access to the medical records of a 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 party to a person who provides specialist support or assistance for victims of, or those at risk of, domestic violence; ☐

• evidence of a relevant court order binding over a 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. ☐

3. Protection of children

You confirm that in respect of a child who is the subject of your application that child, or another child of the family who is living with that child, is the subject of enquiries by the Department for Children and Family Services under section 50 of the *Children Act (2012 Revision)*. ☐

4. Urgency

You confirm that your application is urgent because —

• there is risk to the life, liberty or physical safety of you or your family or your home; or ☐

• any delay caused by attending a MIAM would cause —

* a risk of significant harm to a child;

* a risk of unlawful removal of a child from the Islands, or a risk of unlawful retention of a child who is currently outside of the Islands; ☐

* a significant risk of a miscarriage of justice; ☐

* unreasonable hardship to you; *or* ☐

* irretrievable problems in dealing with the dispute (including the irretrievable loss of significant evidence). ☐

5. Previous MIAM attendance or MIAM exemption

You confirm that —

• in the 4 months prior to making the application, you attended a MIAM or participated in another form of non-court dispute resolution relating to the same or substantially the same dispute; ☐

• at the time of making the application, you are participating in another form of non-court dispute resolution relating to the same or substantially the same dispute; ☐

• in the 4 months prior to making the application, you 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; or ☐

• the applicant attended a MIAM in those proceedings ☐

• the application would be made in existing proceedings which are continuing; and a MIAM exemption applied to the application for those proceedings; ☐

6. Other

You confirm that — ☐

•***(For proceedings for a financial remedy)*** At the first hearing you will be able to provide to the Court evidence that the applicant is bankrupt (see rule 8(4) for documents acceptable) ☐

• You do not have sufficient contact details for any of the respondents to enable the family mediator to contact any of them for the purpose of scheduling a MIAM; ☐

• You are applying without notice to the respondent(s); ☐

• You or the respondent(s) are subject to a disability or another inability that would prevent attendance at a MIAM unless appropriate facilities can be offered by the family mediator;and you have contacted at least three family mediators and they have stated that they are unable to provide such facilities; and you are able to provide to the Court the names of those family mediators, their contacts details, and the dates on which you contacted them. ☐

• You and/or the respondent(s) are in prison or are detained in another institution; or are subject to bail conditions which would prevent contact with the other person; or are subject to a licence which would prohibit contact with the other person; ☐

• You or all of the respondents are not ordinarily resident in the Islands; ☐

• One of the parties is a child; ☐

• You have contacted at least three family mediators, and all of them have stated that they are not available to conduct a MIAM within 15 days of the date of contact, and ☐

you are able to provide to the Court the names of those family mediators, their contacts details, and the dates on which you contacted them.

____

Applicant's signature

____

Full Name (or name of Attorney)

____

Signature of Attorney

____

Dated

SCHEDULE 3

Form MIAM 2: Family Mediator's Certificate

This section only applies where an applicant has claimed that (s)he is exempt from attendance at a MIAM or confirms that (s)he has attended a MIAM.

A. MIAM exemption(s) apply(ies)

I am satisfied that the following MIAM exemption(s) apply:

- mediation is not suitable as a means of resolving the dispute because none of the respondents is willing to attend a MIAM; or ______
- 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* ______
- mediation is otherwise not suitable as a means of resolving the dispute ______

B. Applicant has previously attended a MIAM

I confirm:

- the applicant only attended a MIAM ______
- the applicant and the respondent(s) together attended the MIAM; ______
- the applicant and the respondent(s) have each attended separate MIAMs; *or* ______
- the respondent(s) has(have) made or is(are) making arrangements to attend a separate MIAM. ______

And I also confirm that mediation or other form of non-court dispute resolution is not proceeding because:

- ***the applicant has attended a MIAM alone and:***

  * (s)he does not wish to start or continue mediation; or ______

  * I have determined that mediation is unsuitable as a means of resolving the dispute. ______

- **both the applicant and the respondent(s) have attended a MIAM (separately or together) and:**

  * the applicant does not wish to start or continue mediation; or ______

* the respondent(s) does(do) not wish to start or continue mediation; or ______

* I have determined that mediation is unsuitable as a means of resolving the dispute. ______

• Mediation has started, but it has:

* broken down; or ______

* concluded with some or all issues unresolved. ______

C. Following the information session, mediation is to be pursued. ______

____
Family Mediator's signature

____
Full name of Mediator

____
Address

____
Date

SCHEDULE 4

Form MIAM 3: Financial Disclosure Booklet

Filing in this booklet – General Guidance

The financial disclosure booklet is in two parts. Initially, there is a form for your completion. Behind it, there is a Certificate of Compliance, outlining what documents you have provided to the other party. The first form, Financial Disclosure Form and the Certificate of Compliance must be filed with the Court.

The documents you provide with your Certificate of Compliance ARE NOT FILED WITH THE COURT.

This booklet is designed to help you draw together all your financial information and to help you think about your finances. Your mediator needs this information to help you discuss options for the resolution of your case.

Do not be put off by the detail requested. It may be that not all the financial detail requested applies to you. Where any section is “not applicable”, write “N/A”.

If you find there is not enough space to list your response completely, please write “see attached” and add the additional items on the back of the sheet or on additional pages that you attach.

Questions you may have:

WHY IS IT NECESSARY TO COMPLETE THE BOOKLET?
It is essential that discussions in mediation take place with full knowledge of each other’s finances and other relevant circumstances.

DO I HAVE TO INCLUDE EVERYTHING?
Yes, you should include everything in your name or your joint names, or in your name with another person. This should include any assets or debts in this country or in any other country. If in doubt, include it at this stage and it can be discussed further in the course of mediation.

WHAT HAPPENS AFTER I HAVE FILED THE BOOKLET?
A copy of this form will be given to your spouse/partner. You will receive a copy of that party’s form and documents also.

Please fill in this form as fully and accurately as possible. Disclosure must for full, frank and complete and must include all assets, debts, income and expenses. Without this, it could mean that any proposals you develop might be at risk or could be set aside by the Court.

Do not include your position or any proposals for resolution. These issues will be discussed in mediation.

Section 1: About you

Full legal name	
Date of birth	
Date of marriage (if applicable)	
Date of cohabitation with the opposing party	
Date of separation (if applicable)	
Are you residing with a third party other than your spouse and, if so, are you providing support to that person(s) or are they providing support for you?	*If so, please outline the person(s) and support*

Section 2: Children

<table>
<tr><td rowspan="3">Children of this relationship:</td><td>Names and ages:</td></tr>
<tr><td>As to each child, with whom does the child reside:</td></tr>
<tr><td>As to each, school attending:</td></tr>
<tr><td rowspan="3">Children of other relationships:</td><td>Names and ages:</td></tr>
<tr><td>As to each child, with whom does the child reside:</td></tr>
<tr><td>As to each, school attending:</td></tr>
</table>

Section 3: Employment

<table>
<tr><td rowspan="3">Where are you employed or are you self-employed:</td><td>Employer's name and address:</td></tr>
<tr><td>Nature of your employment:</td></tr>
<tr><td>If you are self-employed, nature of your employment:</td></tr>
<tr><td>As to your wage:</td><td>What are you paid and how often:</td></tr>
<tr><td rowspan="2">As to self-employment</td><td>What is your overall income:</td></tr>
<tr><td>What business expenses do you have in order to obtain that overall income:</td></tr>
<tr><td>What other benefits do you have through your employment?</td><td>List other benefits and amounts thereof:</td></tr>
<tr><td>If you are unemployed, are there any health issues that relate to your unemployment?</td><td>Please outline, if applicable:</td></tr>
<tr><td>If you are unemployed and there are no health issues, what efforts have you made to be employed or why are you not currently seeking employment?</td><td>Please outline, if applicable:</td></tr>
</table>

Section 4: Assets

Real Estate owned:	*As to each:*
	Location:
	How titled:
	Value:
Real Estate Charges/Mortgages:	*As to each property:*
	To what bank or other entity owed:
	Balance owed:
	Monthly payment:
Bank and other financial accounts:	*List per account, citing last three numbers of each account:*
	Name of bank or other entity:
	How account is titled:
	Highest balance in the last six months:
	Current balance:
Pension:	*As to each pension:*
	Where is it held:
	Current balance:
	Was any portion received before marriage and, if so, what portion:
Automobiles:	*How titled:*
	Vehicle: make and year
	Estimated value:
	Lien, if any:
Other assets valued over CI$1,000:	*List per asset:*
	Asset:

Other assets, cont.	*Per asset, how titled, if titled:*
	Value as to each:
Claims that any asset is non-marital	*As per asset:*
	Asset:
	How titled:
	Basis for claim:
Claim of extraordinary contribution	*What asset:*
	Basis for claim:

Section 5: Debts

Outline any existing debts that were incurred during the course of the marriage:	*As to each debt:*
	What entity is owed:
	How much is owed:
	What comprises the debt:
	Who incurred the debt:
	Amount paid against the debt monthly:
Outline any debts that were incurred prior to the marriage	*As to each debt:*
	What entity is owed:
	How much is owed:
	What comprises the debt:
	Who incurred the debt:
	Amount paid against the debt monthly:

Section 6: Other

Is there any other fact or circumstance which you believe carries weight in the handling of your case?

Section 7: Income and expenses

PER CALENDAR MONTH	
Salary	
Overtime	
Income from self-employment	
Income from government assistance	
Rental income	
Income from government assistance	
Other income	
TOTAL INCOME	
PER CALENDAR MONTH	
Pension contributions	
Health insurance for yourself	
Health insurance for your spouse	
Health insurance for your children	
Payments on an existing maintenance order	
TOTAL DEDUCTIONS	
PER CALENDAR MONTH	**HOME OVERHEAD**
Mortgage or rent	
Home insurance	
Strata, HOA or other homeowner fees	
Electricity	
Water	

Other utilities:	
Repairs	
SUB-TOTAL	
PER CALENDAR MONTH	**HOUSEHOLD**
Groceries	
Household help/maid	
Household cleaning supplies	
Internet	
TV programming	
Yard maintenance	
Other: please list	
Other: please list	
SUB-TOTAL	
PER CALENDAR MONTH	**PERSONAL**
Clothing	
Shoes	
Toiletries and cosmetics	
Pharmaceutical	
Uncovered medical and therapeutic	
Hair dressing	
Medical	
Dental	
Optical	
Laundry/dry cleaning	
Work lunches	
Subscriptions	
Professional groups	
Mobile phone	
Auto lien	
Auto tag/license	
Auto insurance	

Auto gas	
Auto repairs	
Meals out	
Entertainment	
Sports	
Vacations	
Gifts at holidays	
Gifts for special occasions	
Other: please identify	
Other: please identify	
SUB-TOTAL	
PER CALENDAR MONTH	**CHILD(REN) EXPENSES**
School fees	
Nursery fees	
Nanny	
Nanny work permit	
Nanny insurance	
Nanny pension	
Nanny other	
Babysitting	
Tutoring	
School trips	
School clothing	
School parties/teacher gifts	
Extracurricular sports	
Extracurricular music	
Books and craft materials	
Clothing	
Shoes	
Toiletries	
Uncovered medical/therapeutic	
Uncovered dental/orthodontia	
Uncovered prescription	

Holiday gifts	
Birthday gifts	
Parties for other children	
Summer camp	
Vacations	
Other: please identify	
Other: please identify	
Other: please identify	
SUB-TOTAL	
PER CALENDAR MONTH	
Overall income	
Overall expenses	
Net (deficit)	

Set out BRIEFLY any other matters which you think may be relevant to your application for financial provision for yourself and/or a child(ren) or for the variation of financial provision for yourself and/or a child(ren).

____

Signed

Date: ______________________________________

INSTRUCTIONS FOR COMPLETION OF A CERTIFICATE OF COMPLIANCE WITH MANDATORY DISCLOSURE

When should this form be used?
Mandatory disclosure requires each party in a family law case where financial orders are sought, to provide the other party with certain financial information and documents.

These documents must be exchanged with the other party within 30 days of attending a MIAM. The mandatory disclosure rule applies to all original proceedings and to summons to vary, except where the Respondent is served by constructive service and does not answer.

You should use this form to notify the court and the other party that you have complied with the mandatory disclosure requirement.

Each party must provide the other party with the documents listed on this form, regardless of whether it is an initial or subsequent proceeding. This does not apply to actions for enforcement.

ONLY THE ORIGINAL OF THE COMPLETED CERTIFICATE IS FILED WITH THE COURT

EXCEPT FOR THE STATEMENT OF MEANS, NO DOCUMENTS SHALL BE FILED IN THE COURT FILE WITHOUT A PRIOR COURT ORDER.

THE DOCUMENTS LISTED ON THE FORM ARE TO BE GIVEN TO THE OTHER PARTY. THERE IS A CONTINUING DUTY TO SUPPLEMENT THIS INFORMATION AS NEW INFORMATION ARISES DURING THE PENDENCY OF THE CASE AND UNTIL A FINAL CONSENT ORDER IS ENTERED.

If a Summons to Vary is filed, seeking modification, then the mandatory disclosure requirements begin again even if previously provided.

This form should be typed, or printed in black or blue ink.

After completing this form, you should file the original with the court registry, and keep a copy for your records. A copy of this form must be exchanged with any other party in your case.

What should I do next? After you have provided the other party all of the financial information and documents and have filed this form certifying that you have complied with this rule, you are under a continuing duty to give promptly the other party any information or documents that change your financial status or that make the information already provided inaccurate.

Special notes. You may provide copies of required documents although originals may be inspected upon demand.

CERTIFICATE OF COMPLIANCE WITH MANDATORY DISCLOSURE

WITH THE CERTIFICATE OF COMPLIANCE WITH MANDATORY DISCLOSURE ONLY THE ORIGINAL OF THIS COMPLETED FORM IS FILED WITH THE COURT. EXCEPT FOR THE STATEMENT OF MEANS, NO DOCUMENTS SHALL BE FILED IN THE COURT FILE WITHOUT A PRIOR COURT ORDER.

I, ____ (name), certify that I have complied with the mandatory disclosure by providing the below checked documents to the opposing party, or his or her attorney, as follows: [Check all that apply]

a. ___ Form: Financial Disclosure Form.
b. ___ Pay stubs or other evidence of earned income for each of the preceding 6 months.
c. ___ A statement identifying the source and amount of all other income I derived from any source for the preceding 6 months.
d. ___ All loan applications and financial statements prepared on my behalf for any purpose or used for any purpose within the preceding 12 months.
e. ___ All deeds to real estate in which I presently own or owned an interest within the past 3 years and any related charges thereon.
f. ___ All promissory notes in which I presently own or owned an interest within the last 12 months.
g. ___ All present leases in which I own an interest.
h. ___ All periodic statements for the last 6 months for all financial accounts, including, without limitation, checking, savings, investments accounts, and/or certificates of deposit.
i. ___ All brokerage account statements for the last 12 months.
j. ___ Most recent statement for any pension, profit sharing, deferred compensation, or retirement in which I have an interest.
k. ___ The declaration page, the last periodic statement, and the certificate for any group insurance for all life insurance policies insuring my life or the life of my spouse or child(ren) .
l. ___ All health and dental insurance cards covering either me or my spouse and/or our dependent child(ren).
m. ___ Any corporate, partnership, and/or trust records for the last 3 years, for any entity in which I have an ownership or interest (not including assets owned in an investment account and otherwise disclosed).
n. ___ All credit card and charge account statements and other records showing my (our) indebtedness as of the date of the filing of this action and for the prior 3 months.
o. ___ All promissory notes on which I presently owe or owed within the past year. All lease agreements I presently owe.
p. ____ All premarital and marital agreements between the parties to this case.

q. ___ If a Summons to Vary, all written agreements entered into between the parties at any time since the order to be modified was entered.
r. ___ All documents and tangible evidence relating to claims for an unequal distribution of marital property, enhancement or appreciation in non-marital property, or non-marital status of an asset or debt.
s. ___ Any court order directing that I pay or receive spousal maintenance or child maintenance from a party unrelated to the parties in this action.

I certify that a copy of each document which complies with the above disclosure was [check all used]: ( ) e-mailed ( ) mailed ( ) hand delivered to the person(s) listed below on_________________________.

Other party or his/her attorney to whom documents were sent:
Name: _______________________________________
Address: ______________________________________
E-mail Address(es):_______________________________

Certificate of Compliance with Mandatory Disclosure

I, _____________________________________, understand that I am swearing or affirming under oath to the accuracy of my compliance with the mandatory disclosure requirements and that, unless otherwise indicated with specificity, this disclosure is complete. I further understand that the punishment for knowingly making a false statement or incomplete disclosure includes fines and/or imprisonment.

Signature: ____

Dated: ____________________

Notary

Sworn to or affirmed and signed before me by

____
NOTARY PUBLIC or DEPUTY CLERK

Publication in consolidated and revised form authorised by the Cabinet this 10th day of January, 2023.

Kim Bullings
Clerk of the Cabinet

ENDNOTES

Table of Legislation history:

SL #	Act/Law #	Legislation	Commencement	Gazette
63/2020		Mediation Information and Assessment Rules, 2020 (Commencement) Order, 2020	8-Jan-2020	GE1/2020/s1
62/2020		Mediation Information and Assessment Rules, 2020	8-Jan-2020	GE1/2020/s2

(Price: $8.00)