



FM5

Name of applicant (including any reference)

Statement of position on non-court dispute resolution (NCDR)

Name of respondent (including any reference)

The applicant and the respondent must each complete their own copy of this form.

The form should be completed and returned to the court at least 7 working days before your first hearing or appointment in court. A copy of the form must be sent to the other party.

The court will tell you if you need to complete a new form before any other hearings or appointments. The new form must also be completed and returned to the court at least 7 working days before the hearing or appointment. A copy of the form must be sent to the other party.

- #### **1. What is your role in the case?**

- I am the applicant
 I am the respondent

Note 2: NCDR refers to non-court dispute resolution, and means using a third party to help resolve your dispute(s) outside of court.

- 2.** Have you attended NCDR in relation to the dispute(s) referred to in the application?

- NCDR does not include attending a Mediation Information and Assessment Meeting (MIAM).

- 3.** You have told us that **you have attended NCDR** in relation to the dispute(s) referred to in the application.

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3.1 Which NCDR have you attended? Tick all that apply

- Mediation
- Arbitration
- Neutral Evaluation (such as a private FDR (financial dispute resolution))
- Collaborative law
- Other (please provide the name)

3.2 Please provide the details of the NCDR provider.

Full name of NCDR provider(s):

Date(s) of NCDR appointment(s) attended:

- 3.3** Explain why you are now seeking a court order, despite having attended NCDR. Outline why NCDR was not the right way of resolving the outstanding disputes in your case.

Note 3.3: You should not provide details of confidential discussions that took place during NCDR, as this is private between you, the other party and the provider.

You have now completed the form.

Details of how to return your form are on page 6.

- 4.** You have told us that **you have not attended NCDR** in relation to the dispute(s) referred to in the application.

If you are **the applicant**, answer **questions 4.1 and 4.2**.

If you are **the respondent**, go to **question 4.2**.

- 4.1** Were you entitled to an exemption from the requirement to attend a MIAM, and does that exemption still apply?

- Yes. **You have now completed the form.**
- No. **Go to question 4.2.**

Note 4.1: MIAM refers to a Mediation Information and Assessment Meeting.

- 4.2** Explain why you are now seeking a court order, despite not having attended NCDR. Outline why NCDR was not the right way of resolving the outstanding disputes in your case.

You have now completed the form.

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Statement of truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

- I believe** that the facts stated in this form are true.
- The applicant** believes that the facts stated in this form are true. **I am authorised** by the applicant to sign this statement.
- The respondent** believes that the facts stated in this form are true. **I am authorised** by the respondent to sign this statement.

Signature



- Applicant
- Applicant's legal representative (as defined by FPR 2.3(1))
- Respondent
- Respondent's legal representative (as defined by FPR 2.3(1))

Date

Day Month Year

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Full name

Name of legal representative's firm

If signing on behalf of firm or company give position or office held

You have now completed the form.

Details of how to return your form are on page 6.

Returning your completed form.

If your case is about child arrangements:

Send this form to the court dealing with your case. You can find the court's postal and email address online at www.find-court-tribunal.service.gov.uk/search-option

Or, if you have a citizens account, you can upload the form online.

If your case is about finances:

Solicitors to upload the form via the portal here:

<https://manage-case.platform.hmcts.net/>

If you are **representing yourself**, send your form to:

HMCTS Financial Remedy

PO BOX 12746

Harlow

CM20 9QZ

How to use online financial remedy services

<https://www.gov.uk/government/publications/myhmcts-how-to-use-online-financial-remedy-services/managing-a-case-contested>