

Unit Title

LA63 First Line Family Law Advice

Summary

This Unit is designed to equip you with a broad understanding of the knowledge required to provide clients with information and advice relating to family law at the point of initial contact with the service and to decide when to refer a client on to more specialist sources of advice.

This is a new Knowledge Unit that has been developed for the independent Legal Advice sector. This Knowledge Unit supports the generic National Occupational Standards for Legal Advice.



To meet the National Standard, you must be able to:

- a) Identify and describe the legislative framework and grounds for divorce and for dissolution of civil partnership
- b) Identify and explain the legislative framework relating to couples who are not married
- c) Give an overview of the relevant rights and obligations of different categories of relationships
- d) Explain how to help clients to complete the forms relating to divorce and separation and identify the appropriate time limits
- e) Outline the main legislation concerning private law proceedings relating to children
- f) Identify and describe the framework of public law legislation relating to children and explain the statutory obligations and powers of local authorities and the relevant orders
- g) Explain the impact of child or parent disability on looked after children and describe the role of lay advocates and how to access them
- h) Describe how domestic violence may affect clients and the emergency situations that may arise and explain the actions and relevant places of safety appropriate to a range of client circumstances
- i) Explain police responsibility and criminal sanctions where a client cannot access civil remedies or places of safety
- j) Explain how to help clients to apply for child support and review of child support decisions or to progress applications
- k) Explain the relationship between child support and benefits or tax credits
- l) Describe specific cultural or religious matters that may impact on families and explain when it is important to refer clients to an appropriate solicitor or agency
- m) Explain the alternatives to court and how these are accessed
- n) Identify and explain the availability of relevant public funding

Knowledge and Understanding

You must show that you know and understand:

1. The legislative framework and grounds for divorce and dissolution of civil partnership
2. The legislative framework and implications for clients where partners are not married
3. The overview of the relevant rights and obligations of different relationships, including any available financial orders:
 - Married
 - Co-habiting
 - Same sex
4. How to help clients to complete the forms relating to divorce and separation, having regard to appropriate time limits. To include:
 - Divorce petition
 - Acknowledgement of service
5. The outline of private law relating to children, including:
 - Residence
 - Contact
 - Parental responsibility
 - The Children and Family Court Advisory Support Service (CAFCASS) or equivalent procedures or functions
6. The framework of public law relating to children and the relevant orders:
 - Child protection for looked after children
 - Care orders
7. The impact of child or parent disability on looked after children and the role of lay advocates and how to access them
8. Statutory obligations and powers of local authorities and other relevant agencies that may affect clients or their children, including:
 - Unaccompanied asylum-seeking children
 - Families where children have been taken into care because the family's immigration status is such that public funds have been withdrawn
9. How domestic violence may affect clients, their child(ren) and their choices
10. How to recognise emergency situations where urgent action is needed and the appropriate action to be taken, including:
 - Non-molestation injunctions
 - Child abduction
 - Occupation orders

11. Relevant places of safety appropriate to client circumstances
12. The procedures for referral to women's refuges and the need for confidentiality about location, address and phone numbers
13. Police responsibility and criminal sanctions where the client is unable, for whatever reason, to access civil remedies or places of safety
14. How to help clients to complete child support forms and apply for reviews of child support decisions, including awareness of the appeals process
15. The relationship between child support and benefits or tax credits
16. How to progress child support applications on behalf of clients
17. Specific religious or cultural matters that may impact on families and when to refer to another agency or solicitor
18. The availability of alternatives to court and how these are accessed, including:
 - Mediation
 - Collaborative law
19. The availability of public funding in family cases, including:
 - Legal help for divorce or civil partnership dissolution
 - Non-means/non-merits for care cases