

## Unit Title

**LA64                      Family Law Advice and Casework**

## Summary

This Unit is designed for you if you specialise in the provision of advice on family law in a broad range of contexts. This includes advising clients on more complex areas of family law. You will know how to prepare and present cases in formal hearings.

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 legislation, relevant case law and provisions relating to marriage
- b) Identify and describe the legislative provisions relating to the unmarried family
- c) Identify and describe the legislative provisions relating to civil partnership
- d) Identify and describe the legislative provisions and relevant case law relating to the dissolution of marriage or judicial separation
- e) Explain the background to the development of legislation relating to divorce and separation and potential forthcoming changes or reforms
- f) Describe alternative dispute resolution and explain how to access alternatives to court proceedings
- g) Describe the legislation, principles and rules relating to relevant forms of ancillary relief
- h) Describe the legislative provisions relating to parental responsibility
- i) Describe the principles, legislative provisions and rules for child support and explain the remit and powers of the Child Support Agency
- j) Explain the main practice and procedures in private-law children's cases and describe the principles taken into account by courts when considering issues relating to children
- k) Describe the public law and associated case law relating to children and explain the statutory rights and powers of local authorities in relation to children
- l) Describe the legislative provisions for protection from domestic violence and explain how the different available measures inter-relate
- m) Describe the legislation and guidance relating to child protection
- n) Describe the framework of international, European and UK law relating to child abduction
- o) Explain how human rights legislation impacts on family law
- p) Describe the availability of, and eligibility for public funding and explain the process for making applications

## Knowledge and Understanding

You must show that you know and understand:

1. The legislation and contractual issues relating to marriage
2. Legislation, case law and regulations relating to jurisdiction in matrimonial causes, and relevant provisions including:
  - The difference between void and voidable marriages
  - The grounds for a decree of nullity
  - The effects of a decree on the status of children
  - The rights of inheritance
3. The legislation and case law relating to the unmarried family, including the position of a co-habitee:
  - During the relationship in terms of financial support and occupation of the property
  - On termination in terms of occupation and ownership of the property, financial support, protection from molestation and violence
  - The status of children
  - The position and rights of the unmarried father
4. The legislation and case law relating to civil partnerships, including:
  - Dissolution of civil partnerships, including the statutory facts on which a dissolution can be based
  - Grounds for a decree of nullity
  - Financial provision on dissolution
  - Issues relating to children
5. The legislative provisions and relevant case law relating to divorce proceedings, including:
  - Grounds for divorce
  - Statutory facts
  - Bar to proceedings
  - The effect of a decree
6. The grounds for a decree of judicial separation and when and how it may be applied for
7. How to complete the appropriate forms to facilitate separation or divorce on behalf of the client
8. The background to the development of legislation relating to divorce and awareness of forthcoming changes or reforms, including the moves towards mediation and conciliation in matrimonial cases

9. Alternative dispute resolution and how alternatives to court can be accessed, including:
  - Mediation
  - Collaborative law
10. The legislation, case law, principles and rules relating to relevant forms of ancillary relief, including:
  - Factors to be considered by the courts
  - Principles relating to the duration of orders
  - When a 'clean break' order may be made
  - The division of pension entitlement
11. The legislative provisions relating to parental responsibility and how this may be acquired, including in relation to the unmarried father
12. The principles of child support, including:
  - The scope and extent of the obligation
  - The maintenance assessment procedure
  - Provisions relating to non-cooperation and enforcement
  - Where to find the formulae for calculating maintenance assessment
13. The legislation and rules relating to financial support for children
14. The remit and powers of the Child Support Agency and how to help clients with applications for child support and review of child support decisions
15. The main practice and procedures in private law children's cases, including:
  - Procedure in contested cases
  - Emergency procedures
  - Allocation of cases
  - The role of the Children and Family Court Advisory Support Service (CAFCASS) or equivalent procedures or functions
16. The principles taken into account by a court when considering issues relating to children
17. The nature and effect of relevant orders, including who may apply for which order in what circumstances and the factors to be considered
18. The nature and effect of relevant orders, including who may apply for which order in what circumstances and the factors to be considered
19. The statutory obligations and powers of local authorities in relation to children, including:
  - Care orders
  - Supervision orders
  - Child assessment orders
  - Emergency protection orders

20. The nature, effect and duration of orders made under the statutory obligations and powers of local authorities and the grounds for and circumstances in which such orders may be made
21. The legislation and provisions for protection from domestic violence or molestation, violence and harassment and the way in which different measures inter-relate, including:
  - Occupation of and exclusion from the matrimonial home and the circumstances in which such orders may be made
  - The available methods for enforcement
  - Injunctions under family law legislation
  - Understanding of criminal sanctions, in particular the legislation relating to domestic violence crime and victims
22. The legislation relating to children in instances of domestic violence
23. The legislation and guidance relating to child protection
24. The framework of international, European and UK law relating to child abduction
25. Human rights legislation in terms of how it impacts on family law
26. The availability of public funding, including financial eligibility and the process for making an application