

F10 – Working in Family Practice

Foundation Stage

2025-2026

F10: Working in Family Practice

The aim of this module is to give you the essential knowledge and understanding of law and procedure to equip you to deal with family law cases. The module covers a range of current family law topics that you would encounter in practice, incorporating the formation and breakdown of adult relationships, and matters relating to children in both private and public law proceedings. On completion of the module, you will be familiar with key legal principles and procedural requirements relevant to a variety of family practitioner roles.

The module covers:

1. Family Law themes
2. Formation of adult relationships: Marriage, Civil Partnership
3. Divorce, Dissolution and Judicial Separation
4. Financial Relief on Divorce/Dissolution
5. Cohabitants
6. Private Law Children
7. Public Law Children
8. Domestic Abuse
9. Communications with Internal and External Clients

Learning Outcomes

By the end of this module you will be able to:

1. Demonstrate detailed knowledge and understanding of the principles and rules governing family law
2. Identify and evaluate relevant facts and issues and apply the law to provide advice on a given set of facts
3. Demonstrate understanding of procedural requirements in family law cases, including matters involving disputes between cohabitants, matrimonial and financial orders, domestic abuse and children in the context of both public and private children law
4. Recognise regulation, including the duties and responsibilities of the SRA Code of Conduct and the CILEX Code of Conduct
5. Demonstrate the skills required for effective communication with clients and other professionals

Details of updates included in 2025-2026 Module Specification

- 5c: cohabitation contracts / agreements
- 6a: Jade's Law under the Victim and Prisoners Act 2024
- 8e: special measures in domestic abuse cases
- 8e: removal of funding
- Some minor phrasing corrections

1. Family Law themes	The basis of family law is underpinned by some common themes which those studying and working in family law need to know. There will be legal and ethical obligations to the client, particularly relating to funding options and mediation. a) Single family court • Structure • Allocation of cases and gatekeeping • Appeal process • Using technology b) Funding • Legal Aid, Sentencing and Punishment of Offenders Act 2012 • Legal Aid franchise • The means and merits test; application and exceptions with reference to specific case types: domestic abuse, forced marriage and public law children cases • Statutory charge • Privately paying or self- representation c) Mediation • The requirement to mediate: s.10 Children and Families Act 2014 and Part 3 Family Procedure Rules 2010, Practice Direction 3A • Mediation, Information and Assessment Meeting (MIAM) • Exemptions from Mediation • Referral and Instructions to the Mediator • Legal aid for mediation
2. Formation of adult relationships: Marriage, Civil Partnership	The basis of family law requires you to consider what type of adult relationship has taken place. This will involve consideration of the rules relating to formation of that adult relationship, and whether they have been complied with, to establish validity of the marriage or civil partnership. Therefore, you will need to know the following: a) Key Statutes on formation of a marriage/civil partnership • Matrimonial Causes Act 1973 • Civil Partnership Act 2004 • Marriage (Same Sex Couples) Act 2013 • Marriage and Civil Partnership (Minimum Age) Act 2022 b) Key similarities and differences between a marriage and a civil partnership • Property • Children • Intestacy rules • Dissolving the relationship c) An overview of the statutory provisions and formalities required to enter into a marriage or civil partnership d) An overview of the differences between void and voidable marriages and civil partnerships

3. Divorce, Dissolution and Judicial Separation

Many family practitioners will be asked to advise on divorce or dissolution, or other alternatives for the parties to live apart, which will involve consideration of the law and the procedure. Therefore, you will need to know the following:

- a) Statutory provisions relating to divorce and dissolution
 - Matrimonial Causes Act 1973
 - Civil Partnership Act 2004
 - Divorce, Dissolution and Separation Act 2020
- b) Effects of the Divorce, Dissolution and Separation Act 2020
 - Applications can now be made jointly (both parties to the marriage), or by a sole applicant (either party)
 - Statement that the marriage or civil partnership has irretrievably broken down
 - Terminology; applicant, respondent, conditional order, final order
 - Limited grounds to dispute the application
- c) Bar to applying within one year of marriage or civil partnership
 - S.3 Matrimonial Causes Act 1973
 - S.41 Civil Partnership Act 2004
- d) Procedure – Family Procedure Rules 2010
 - Deciding whether to make a sole or joint application for divorce or dissolution
 - Online/'digital' divorce and paper divorce application processes
 - Applying for divorce/dissolution and documents required: application for matrimonial order (D8), marriage certificate, fee, statement of reconciliation (FPR 7)
 - Service, and methods of service (FPR 6); effective service by email
 - Applying for the conditional order; sole or joint application, minimum wait-period of 20 weeks
 - Pronouncement of conditional order
 - Settling financial issues; objecting to the divorce/dissolution on the grounds of grave financial or other hardship
 - Application for final order; sole or joint application, minimum wait-period of 6 weeks
 - Pronouncement of final order
- e) Judicial Separation as an alternative to divorce / dissolution
 - S.17 Matrimonial Causes Act 1973 and s.2 Divorce, Dissolution and Separation Act 2020
 - Statement by one or both parties to the marriage that they seek to be judicially separated; no longer required to prove one of five 'facts'
 - Available in the first year of marriage / civil partnership
 - Understanding why a client may choose judicial separation and the key differences between divorce/dissolution and judicial separation; does not end the marriage / civil partnership, parties may not re-marry, financial orders available with exceptions e.g. those relating to pensions

4. Financial Remedies on Divorce/Dissolution

In conjunction with advising a client on divorce/dissolution, you may also be asked to advise on how the assets will be divided. As such, financial remedies on divorce/dissolution will be considered. You must have an awareness of the key law and procedures governing financial remedies. Therefore, you will need to know the following:

- a) The law - Matrimonial Causes Act 1973
 - S.25(1) - all the circumstances with first consideration to minor child
 - S.25(2)(a)-(h) - statutory factors
 - S.25A clean break principle
 - Yardstick of equality
- b) An awareness of the financial orders available under the Matrimonial Causes Act 1973, and the circumstances in which they are sought
 - S.22 - maintenance pending suit
 - S.23 - periodical payments order
 - S.23 - lump sum order
 - S.24 - property adjustment orders
 - S.24B - pension sharing orders
 - S.24C - pension attachment
 - Offsetting
 - Legal Services Order
- c) An overview of the implications of pre-nuptial agreements
- d) Procedure – Part 9 Family Procedure Rules 2010
 - Making the application within the divorce proceedings or making the application as a stand-alone application
 - Importance of the MIAM before issue
 - An overview of the procedural requirements from issue to final order:
 - Form A (issue)
 - Gatekeeping: allocation/complexity questionnaire
 - Schedule of assets/debts
 - Case summaries – what attempts have been made by the parties to resolve the issues themselves?
 - First appointment
 - Disclosure – Form E and Form D81
 - Financial Dispute Resolution Hearing (FDR)
 - Costs estimates Form H
 - Final hearing
 - consent orders
 - Code of Conduct for CILEx/ Solicitors/Code of Conduct for Firms – duty of full and frank disclosure/not to mislead the court

5. Cohabitants	Family practices not only deal with clients who are married or civil partnered, they often deal with clients who live with their unmarried partners. On the breakdown of a relationship between cohabitants, family practitioners will need to advise on the division of assets. Therefore, you will need to know the following: a) Define cohabitants b) Contrasting consequences and remedies as against married couples and civil partnership couples: • Financial support • Property disputes c) Cohabitation contracts / agreements d) Limited statutory provision for cohabitants: Trusts of Land and Appointment of Trustees Act 1996, s.14 and s.15 e) Implied trusts • Property held jointly and property held in one party's sole name • Resulting and constructive trusts, and determining the size of the interest • Development of common law principles f) Escalation of contentious matters
6. Private Law Children	Disputes relating to children between separating parents is a key part of family practice work; from disputes relating to whether a person is actually the natural parent, through to who has parental responsibility of a child, and then who the child should live with or spend time with. Additionally, issues may arise on specific aspects of parenting, for example, whether the child should be immunised or whether the child should move to another country with the resident parent. Children issues that you may face are far reaching. Therefore, you will need to know the following: a) Parental Responsibility - Children Act 1989: • S.3(1) - definition and examples • Automatic parental responsibility • Acquired parental responsibility • S.4 - application and criteria CAR from Re H (Parental Responsibility) (No 3) (1991) • S.2(5) and S.2(7) - exercise of parental responsibility • The concept of 'Gillick' competence • Termination of parental responsibility • Jade's Law under the Victim and Prisoners Act 2024 b) S.8 Children Act 1989 applications: • Child Arrangements Order e.g. regulating a child's living and contact arrangements

	• Shared parenting • Specific Issue Order • Prohibited Steps Order • S.10(4), S.10(5) and S.10(9) - who can apply • S.1 - general principles • S1(3) - welfare checklist • Enforcement & committal c) An overview of the procedure for initiating a s.8 application: Child Arrangements Programme 2014 • MIAM • Application C100 (C1A) • Service on Respondent (C100/C1A, C6, C7) • Service on CAFCASS • Escalation d) Role of CAFCASS in s.8 applications: • Position and duty • S7 Welfare Reports and s37 Investigations by Local Authorities e) Overview of child maintenance and the role of the Child Maintenance Service
7. Public Law Children	You need to understand the difference between private law children matters and public law children matters. Practices undertaking public law child work will have a legal aid contract, along with a senior solicitor who is a member of the Children Panel. In such cases, you may be working alongside other professionals and therefore you will need to know the following: a) What is a public law case? • Fundamental principles of public law in relation to children; Children Act 1989 and Working Together to Safeguard Children 2018 • Recognising a vulnerable child • Safeguarding duty and escalation • An overview of the interventions available, including: ○ Low level intervention, s.17 and s.20 ○ Short term intervention/emergency, s.44 and s.46 ○ Long term intervention s.31 b) Understanding the role of multi-agency working and the agencies involved: • School, neighbours, GP, hospital, health visitor, police, social services • Understanding the scope of the statutory framework relating to multi-agency working • Overview of investigations and assessments carried out: s17 and s47 CA 1989 assessments • Child Protection Conferences; meaning and purpose • Overview of the Public Law Outline (PLO) (pre-issue):

	○ Legal planning meeting ○ Letter before proceedings ○ Pre-proceedings meeting ○ Period of change ○ Pre-proceedings review ○ Next steps: progress made and PLO ends, or proceedings are issued
8. Domestic Abuse	There may be cases involving vulnerable clients who have been threatened or subjected to domestic abuse and may face removal from their family home. Such matters are fast moving and urgent and it often means you have to stop all other work that day to accommodate this client. You will need to know the following: a) Orders available under Part IV Family Law Act 1996 • Non molestation order • Occupation order b) Non-molestation order • S.62 associated persons • S.63 relevant child • Define molestation with reference to case law • S.42(5) test • Terms of the order – general or specific • Duration of the order c) Occupation order • S.62 associated persons • S.63 relevant child • S.33 applicant entitled to occupy ○ Balance of harm ○ S.33(6) factors ○ S.33(3) orders ○ S.33(10) duration • S.35 applicant is a former spouse or former civil partner who is not entitled to occupy ○ Balance of harm ○ S.35(6) factors ○ S.35(10) orders and duration • S.36 applicant is a cohabitant or former cohabitant with no entitlement to occupy ○ Balance of harm factors ○ S.36(6) factors ○ S.36(10) orders and duration • S.37 and S.38 neither party is entitled to occupy d) Applications to be considered as either on notice or without notice • Documentation • Referrals e) Statutory definition of domestic abuse, special measures and the appointment of a Qualified Legal Representative “QLR” under the Domestic Abuse Act 2021

9. Communication with Internal and External Clients

Communication skills are fundamental to building confidence with clients and peers. You will have to communicate effectively, both orally and in writing, with internal and external clients. This will involve speaking to individuals, listening to what they have to say and noticing the way they respond to the message you are giving them. When you communicate in writing, you must ensure that there are no spelling errors and that the document is grammatically correct.

- a) The importance of effective communication within a legal environment
 - Identify the range of internal and external clients a legal professional will communicate with
 - Identify the ways in which legal professionals communicate with clients and third parties
 - Understand the range and appropriate methods of communication to use with specific clients and third parties
 - Consider the impact of equality, diversity, and cultural difference when working with clients and third parties.
- b) The use of verbal communication to effectively communicate a message
 - Prepare effectively for verbal communication situations e.g. interviews with clients
 - Distinguish between the types of question to be used in different situations
 - Understand the effect tone of voice and language can have on the receiving party
- c) The role non-verbal cues play in effective communication
 - Recognise different types of non-verbal communication
 - Understand the range of non-verbal responses and the effect they can have on the communication process
- d) Actively listening to internal and external clients in order to effectively meet their requirements
 - Accurately receive and interpret messages while communicating
 - Use active listening skills to fully understand the message
- e) The importance of effective and accurate legal writing
 - Understand the effect well written legal correspondence has on those who receive it
 - Be able to effectively take notes upon which others can then base correspondence
 - Be able to recognise correspondence, which is grammatically correct, with no spelling mistakes
- f) Drafting original and precedent forms of communication
 - Understand the importance of the client care letter

	• Understand the required content of the client care letter including terms and conditions • Draft a routine letter, email, an attendance note and fill in routine forms. g) Professional and ethical considerations • Ensure that clients are served in an ethical and professional way • Understand how to manage risk
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