



CHIEF EXAMINER REPORT

JUNE 2026

LEVEL 6 UNIT 20 – FAMILY LAW (PRACTICE)

The purpose of the report is to provide candidates and training providers with guidance as to the key points candidates should have included in their answers to the June 2026 examinations.

The 'suggested points for responses' set out points that a good (merit/distinction) candidate would have made.

Candidates will have received credit, where applicable, for other points not addressed.

Chief Examiner Overview

Candidates should have a good working knowledge of the scenarios in the pre-release case study materials. They should consider what the possible issues are in each situation described and use this to inform their revision. For example, the scenario for question 2 on private child law indicated a potential child abduction issue.

Candidates are advised to use previous CE reports, which include mark schemes, for information how to answer certain questions and what to include. Candidates are also advised to develop the skills of writing answers in a logical way and answers that include the appropriate level of detail.

Furthermore, it is important to read question carefully and to answer as instructed and with reference to the mark allocation.

Candidate Performance and Suggested Points for Responses

It is noted that the low numbers of candidates taking the Level 6 exams limits the scope for constructive feedback to be given and for firm conclusions to be reached. Therefore, feedback on candidate performance may be limited.

Section A

Question 1a	5 marks
All candidates were able to identify need for parental responsibility and how to achieve it.	
Suggested Points for Response:	
• A non-molestation order under s42 of the Family Law Act 1996 (FLA) will prohibit the Ms Ivanova from molesting (molestation includes a wide range of activities including physical abuse, threatening behaviour, coercive behaviour) Mr Roberts • In Mr Roberts' case, he needs protection from Ms Ivanova who has been physically violent and has also been threatening Mr Roberts in text messages and Mr Roberts is increasingly fearful for his own safety • A non-molestation order has an automatic power of arrest attached. If Ms Ivanova does not comply Mr Roberts can simply inform the police who will arrest Ms Ivanova • An occupation order under section 33 of the FLA 1996 will enable the Mr Roberts to request the court to exclude Ms Ivanova from entering 6 Victoria Terrace • To qualify to apply for the order Mr Roberts must establish that he is an associated person (which includes a range of relationships including spouse, co-habitant etc) under section 62 FLA and he is an associated person is because he and Ms Ivanova are co-habiting • He must also establish that 6 Victoria Terrace is the family home, which it is • An occupation can have a power of arrest attached if there has been violence or threats of violence, s47 FLA 1996	

Question 1b	5 marks
Some candidates were able to show knowledge on the importance of parental responsibility in respect to taking a child abroad.	
Suggested Points for Response:	
• Must submit FL401 – application form • Must also submit a supporting witness statement – what happened and why an order is needed – and a statement of truth • Must also include a statement justifying why application is without notice • To make the application without notice under section 45 FLA we must prove to the court that Mr Roberts is at risk of significant harm if the order is not made immediately • Given Ms Ivanova's behaviour it is likely that the court will grant one or both of the orders applied for without notice	

Question 1c	18 marks
Most candidates found this question challenging. The question focussed on the factors considered by a judge when making a decision regarding an application for an order under the Children Act 1989. Although candidates were generally able to identify that a child arrangement order and a specific issue order would be appropriate, they did not deal with the factors in the welfare checklist as required. Factors were not appropriately identified, or they were not explained or application was lacking.	
Suggested Points for Response:	
Non-molestation order: • Under section 42 FLA 1996 the court will take into account all the circumstances of the case including the need to secure the health, safety and wellbeing of Mr Roberts • There is a history of verbal abuse, and the episodes of violence that have become increasingly serious • Mr Roberts can therefore demonstrate a genuine need for protection and in the circumstances the court will grant a non-molestation order Occupation order: • The court will firstly apply the balance of harm test under section 36(7) FLA 1996 • Court will consider whether if the order was not made Mr Roberts would be likely to suffer significant harm and if the answer to this question is yes • Then the court will make the occupation order, unless the court finds that Ms Ivanova is likely to suffer significant harm if the order is made and that the harm suffered by her is as great or greater than the harm attributable to her and suffered by Mr Roberts if the order is not made • Here Mr Roberts is likely to satisfy this test as if the order is not made, he will either suffer further violence This will be greater than the harm suffered by Ms Ivanova, as if the order is made she has her flat to return to • If the court had doubts about whether the balance of harm test was satisfied then they would go on to consider the factors in section 33 (6) FLA 1996: ○ the respective housing needs and housing resources of the parties and any child ○ Mr Roberts needs to regain possession of his home. Ms Ivanova can move back into her flat ○ the respective financial resources of the parties ○ Ms Ivanova is earning a significant salary so will be able to support and house herself whilst Mr Roberts is currently unemployed so unable to afford accommodation ○ the likely effect of any order or of any decision by the court not to make such an order on the health, safety and wellbeing of the parties and child ○ Here if an order were not made it would have an adverse effect on Mr Roberts as he needs to be protected from Ms Ivanova's violence behaviour and threats ○ the conduct of the parties in relation to each other and otherwise ○ Ms Ivanova has been verbally and now physically abusive and has threatened Mr Roberts. It is likely that the court will grant the occupation order on the facts of this case ○ Other factors to be considered are: conduct, nature of relationship, length of time of relationship, whether there are any children, length of time been apart, any pending proceedings • On the facts as presented the court is likely to grant Mr Roberts a non-molestation order and an occupation order as Ms Ivanova has threatened him physically and verbally and issuing these orders would not cause her serious issues given her earnings and ownership of a property	

Question 2a	6 marks
Candidates were able to identify the topic of parental responsibility and to show knowledge and understanding. However, not all candidates provided a definition and some candidates were unable to identify all the methods available to obtain it.	
Suggested Points for Response:	
- To be involved in decision making regarding Marley, Mr Williams needs to have parental responsibility (PR) - S3(1) Children Act (CA)1989 defines PR as “all the rights, duties, powers responsibilities and authority which by law the parent of a child has in relation to the child and his property.” - Ms Masters, as their natural mother, has automatic PR but Mr Williams, their father, does not have this automatically as he was not married to Ms Masters or named on the birth certificate - As an unmarried father, Mr Williams can acquire PR in a number of ways: - By entering a PR agreement with the mother - By applying to the court for a PR agreement - By obtaining a child arrangements order (CAO) with residence rights - By marrying the child’s mother - By re-registering the birth naming him as father - In this case, the most likely way for Mr Williams to acquire PR given Ms Master’s attitude is through an application to the court	

Question 2b	5 marks
Candidates were generally able to identify the issue that taking Marley to Trinidad without his mother’s agreement would be classed as child abduction and a criminal offence.	
Suggested Points for Response:	
- Section 1 Child Abduction Act 1984 created an arrestable offence - Committed by a person connected to the child – in this case a parent - By taking a child under 16 out of the UK for more than one month without appropriate consent of all those with PR - Offence not committed if child taken out of UK for less than a month if the connected person has is named in a CAO as a person with whom the child is to live - Mr Williams should be advised that he should not take Marley to Trinidad without the consent of their mother, or alternatively, the court, as although a connected person there is no CAO in place	

Question 2c	15 marks
The majority of candidates were able to identify the relevant orders to be applied for and to show good understanding of the considerations for the judge ie the key principles and the welfare checklist factors, and were able to apply appropriately to the scenario.	
Suggested Points for Response:	
• Mr Williams should apply for a child arrangements order (CAO) to ensure that he maintains contact and sees Marley regularly • Mr Williams should apply for a specific issue order – an order to deal with an issue on which those with PR cannot agree - and ask the court to decide on whether he can take Marley out of the UK despite Ms Masters’ opposition • In deciding whether to grant Mr Williams’ application the welfare of Marley will be the court’s paramount consideration; the court will also consider the no delay and no order principles and the presumption of shared parental involvement • In deciding whether a Specific Issue Order and a CAO would be in the Marley’s best interests the court will apply the s.1(3) checklist: ○ The ascertainable wishes and feelings of the child: Marley is young (7 years) so his views may not be considered to a great extent by the court ○ The child’s physical, emotional and educational needs: Marley has yet to meet his father – the court is likely to approve contact (parental involvement) but to be done in a way that does not impact negatively on Marley ○ The likely effect on the child of any change in circumstances: Marley has not met his father yet so meeting him will involve a change of the status quo and the court will have to balance parental involvement with avoiding a negative impact on Marley ○ The child’s age, sex, background etc.: Marley is 7 years old ○ Contact with his father would be considered important (parental involvement), particularly as he moves towards his teens. The court would also consider it important to allow Marley to experience their father’s background by visiting his family but at the right time ○ Any harm that the child has suffered or is at risk of suffering: it is unlikely that the court will consider the situation to be one which poses physical harm to Marley, although the court may recognise the possibility of emotional harm caused by meeting his father after seven years of no contact ○ How capable the parents are of meeting the children’s needs: does not appear to be an issue ○ The range of powers available to the court: As the parties are in dispute the court will have to make an order to resolve the issue. There are a range of orders that can be made including a CAO and a Specific Issue Order • The court will decide this application in accordance with the welfare principle. The court will feel that developing contact with his father is in the Marley’s best interests and will issue CAO which will enable contact to be established and developed in Mr William’s favour. In the current circumstances the court may take the view regarding an SIO that Mr Williams needs to build a relationship with Marley before considering taking him to visit Trinidad	

Question 3ai	5 marks
Candidates were generally able to state the ground, provide statutory citation, and reference the “no fault” approach.	
Suggested Points for Response:	
• S44 Civil Partnership Act (CPA)2004, as amended by S3 Divorce, Dissolution and Separation Act (DDSA) 2020 • The ground for dissolution is irretrievable breakdown of the partnership • The DDSA 2020 introduced the concept of “no fault” dissolution – there is no longer a requirement to satisfy a “fact” • Jaclyn simply needs to state that her marriage has irretrievably broken down and does not need supporting evidence • Rosa cannot object	

Question 3aii	10 marks
Varying levels of knowledge and understanding of the process were demonstrated. Candidates needed to show knowledge of the documentation needed, the need for service, the 20 week cooling off period, and then the final stages with time frames.	
Suggested Points for Response:	
• Complete and submit application form (on-line via divorce portal or by form D8 by post) • Need to send/upload marriage certificate and fee of £612 • Must also include a statement that the partnership has broken down irretrievably • A copy of application must be served on Rosa Summers, the respondent, together with an acknowledgement of service form • Service must be acknowledged within 14 days • Ms R Summers can only contest the application for dissolution if there is an issue with procedure • Once service is acknowledged there is a 20 week “cooling off” period to consider position and to sort out finances etc • After 20 weeks can apply for a conditional order and if all documents in are in order a certificate of entitlement will be issued • After 6 weeks and a day can apply for the final order which ends the partnership • A dissolution should be obtained within a minimum of 6 months	

Question 3b	5 marks
Candidates generally found this question challenging. The cost of legal services is a key issue and candidates need to be aware of the duty owed to the client in respect of fees.	
Suggested Points for Response:	
• SRA Code of Conduct – must give client best possible information about likely overall cost of the matter and as the matter progresses • Should carry out a cost/benefits analysis at the start then consider whether it is in client's best interests to employ yourself • In this case, Jaclyn could make the application herself via the online divorce portal and the only cost would be the fee of £612 • You should provide a clear statement in writing of the fees and other costs, e.g. VAT and disbursements and court fees, that would be incurred if you acted • Explain that family matters cannot always be predictably costed but regular updates will be provided • Discuss payment methods – here Jaclyn appears to have the funds necessary to pay as she is in full time employment	

Question 4a	6 marks
Some candidates were able to provide the advice required, but others were only able to provide very limited advice.	
Suggested Points for Response:	
Orders that could be applied for: • Maintenance pending suit – to provide income for Mrs Rashid as she has an immediate need for income which Mr Rashid can afford and they have yet to reach agreement on a financial settlement • Periodical payments – to provide income once the divorce is finalised – can be conditional on ceasing on applicant's re-marriage • Lump sum – can be awarded where there are significant capital resources as here (the house and the business) – which would enable her to buy her own house • Property adjustment orders (PAOs) – she can apply for various orders e.g. sale, transfer, trusts e.g. Mesher and Martin • In this case a Mesher order might be considered to allow Mrs Rashid to live in Sycamore House until the twins are 18, when it will be sold and the proceeds split • Pension sharing order – as Mrs Rashid does not have a pension, but her husband does, she could apply for an order that part of Mr Rashid's pension be transferred to a pension fund in his wife's name	

Question 4b	20 marks
The majority of candidates were able to discuss pre-nuptial agreements and also the factors to be considered in relation to any application for financial orders and to show good/very good knowledge and understanding.	
Suggested Points for Response:	
• s25 Matrimonial Causes Act (MCA) 1973 - court must consider all the circumstances of the case, with the first consideration being any minor children • Here there are two minor children who will be living with their mother and their needs must be considered • All the circumstances will include consideration of a “pre-marital or pre-nuptial agreement, although these are not legally binding and cannot prevent a court from making financial orders (1) Radmacher v Granino (2010) • The agreement must not prejudice the reasonable requirements of any child • The court will uphold an agreement that has been freely entered into by each party (without pressure or undue influence) with full appreciation of its implications (must be relevant disclosure of financial information) unless there are circumstances where it would be unfair to do this • In Mrs Rashid’s case there appear to be circumstances that would make it unfair to uphold the agreement as it could prejudice the requirements of the children if Mrs Rashid is unable to apply for a lump sum order and although the agreement was apparently entered freely by Mrs Rashid it was without the benefit of independent legal advice • If the court decides that it will consider making financial orders it must also consider other factors including those listed in s25(2) below	
s25(2)(a) Resources	
Realisable capital resources: • Sycamore House in Mr Rashid’s sole name - £900,000 (net equity) • K R Homes (business) £1,500,000 • Investments in Mr Rashid’s sole name £650,000 • Savings in Mrs Rashid’s sole name £12,000 Total £3,062,000	
Unrealisable capital resources: • Mr Rashid’s pension CE: £??	
Earnings : • Mr Rashid has significant earnings from his business so has high earning potential compared to Mrs Rashid who is currently not working	
s25(2)(b) Needs	
• Mrs Rashid will continue having the children live with her and will need suitable accommodation. Mr Rashid will need his own accommodation. • Mr Rashid has significant mortgage capacity which the court would expect him to use, whilst Mrs Rashid has none at present • Both parties and the children also need sufficient income to live on	
s25(2)(c): Standard of living	

- Considering the parties' income and assets they will have had a good standard of living during the marriage. The court will attempt to ensure that both parties bear any reduction in their standard of living post-divorce equally
- However, as Mrs Rashid has the children living with her, and their interests must be considered first, it is likely her standard of living will be reduced less than Mr Rashid's

s.25(2)(d): Ages of the parties and duration of the marriage

- Age of parties – Mrs Rashid is 35 and her husband is 50. Mr Rashid has his business which will provide him with a healthy income for a number of years. Mrs Rashid will be able to return to work when the twins are older. Both will be able to contribute to their pensions and improve their financial position post-divorce
- The duration of the marriage is 8 years so it is not a long marriage

s.25(2)(e): Disability of the parties

- Not applicable here

s.25(2)(f): Contributions to the family

- It appears that Mr Rashid has been the main earner through his business. Mrs Rashid has contributed to the growth of the business. She is not currently working but is caring for their young children. The court will rank her contribution of equal value to her husband's

s.25(2)(g): Conduct

- There is no conduct on the facts

s.25(2)(h): Any loss of benefit

- Only Mr Rashid has a pension. Mrs Rashid could apply for a pension sharing order or we could argue that she should receive a higher share of the realisable assets by way of set-off

Other considerations

- The court is obliged to consider whether a clean break would be appropriate. Here there are young children so this will not be considered acceptable here
- The court will also apply the principles from the case of *White-v-White* (2000) 2 FLR 981, thus the court should check any settlement proposal against the "yardstick of equality"