



Module Definition Form (MDF)

Module code: MOD003733	Version: 2 Date Amended: 22/Aug/2013
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1. Module Title
Family Law and Practice

2a. Module Leader
Sohini Alg

2b. School
School of Economics, Finance and Law

2c. Faculty
Faculty of Business and Law

3a. Level
7

3b. Module Type
Standard (fine graded)

4a. Credits
15

4b. Study Hours
150

5. Restrictions			
Type	Module Code	Module Name	Condition
Pre-requisites:	None		
Co-requisites:	None		
Exclusions:	None		
Courses to which this module is restricted:	Legal Practice Course		

LEARNING, TEACHING AND ASSESSMENT INFORMATION

6a. Module Description

This elective covers all the main areas of practice that are relevant to a family practitioner. Students learn about the law and procedure involved in the dissolution of a marriage/civil partnership, the law and procedure involved in advising and assisting in division of the family finances on a contested and non-contested basis and through different forms of ADR. The elective also covers all aspects of law relating to children, the unmarried family and the law relating to domestic abuse. The elective emphasises good practice and conducting family matters in line with the Law Society Protocol and Resolution guides as to good practice. Students will consider the various needs that a family client has and how best to meet the client's needs in an appropriate and professional way. Client care, funding and professional conduct is also considered throughout the course as are issues relating to money laundering. The students will be expected to interview, advise clients, draft applications, statements, orders and court forms in all areas highlighted above and will have to be able to assess a client's eligibility for public funding and understand the different level of service available where a client is eligible for public funding.

MODULE LEARNING OUTCOMES On successful completion of this elective students should be able to

1. Understand the law and procedure relating to the marital and non-marital family dispute and civil partnerships.
2. Advise a client as to appropriate steps and strategy.
3. Understand the Legal Help Scheme and Public Funding as it relates to Family Law.
4. Advise a client as to costs implications and the effect of the Statutory Charge.
5. Complete the relevant Public Funding application forms.
6. Understand the undefended divorce procedure and the relevant Family Proceedings Rules 1991 (as amended).
7. Draft a simple divorce petition, Statement of Arrangements for Children and all supporting documentation.
8. Advise a client and explain to him all steps to decree absolute.
9. Advise a client about all the orders a court can make in respect of financial provision on marital breakdown.
10. Explain the methods used by the court to assess maintenance.
11. Understand and explain the impact of the Child Support Act 1991 on the calculation of spousal maintenance.
12. Calculate and assess the level of maintenance payable by a parent using the formulae under the Child Support Act 1991 and using appropriate software package.
13. Collate the necessary information on means which should be sought from a client prior to commencing an ancillary relief application.
14. Advise a client as to the factors a court takes into consideration under ss25 and 25A MCA 1973 when exercising its powers under ss 22-24 MCA 1973.
15. Collate Form E and all supporting documents to be able to commence an application for ancillary relief on behalf of a client.
16. Advise on statutory rights of occupation and be able to take appropriate steps to protect those rights on behalf of a client.
17. Complete a Statement of Information for a Consent order and draft a Consent order.
18. Advise a client on the law and procedure for making a s. 8 order under the Children Act 1989.
19. Advise a client on the law and procedure for making a Parental Responsibility Order application.
20. Make the necessary applications for any s8 order and or Parental Responsibility order.
21. Understand the Family Law Act Part IV and how to obtain an occupation order and non-molestation order for a client.

The SRA's Outcomes for vocational elective subjects are to:

1. Demonstrate their knowledge and understanding and employ the applicable skills in the elective's area of law and practice
2. Use the legal knowledge, skills and procedures and behaviours appropriate to each client and each transaction or matter
3. Identify the overall nature of the transaction, then plan and progress that transaction or matter through a series of steps and decisions including, where appropriate, drafting documentation
4. Identify the client's goals and alternative means of achieving those goals, and deal appropriately with client care
5. Investigate and identify the relevant facts, research and identify the relevant legal issues, and advise the client on the legal consequences
6. Recognise and act within the rules of professional conduct
7. Identify the client's reasonable expectations as to quality and timeliness of service.

6b. Outline Content

6b. Outline Content:

Large Group sessions

LGS 1 Introduction & Divorce Law

LGS 2 Divorce Procedure – drafting

LGS 3 Ancillary Relief – the law

LGS 4 Ancillary Finance – Procedure

LGS 5/6 Children Act 1989

LGS 7 Domestic abuse

Workshops

W/S 1 Taking instructions, understanding the law and procedure for an undefended divorce, advising on divorce process, welfare benefits and eligibility for Legal Help.

W/S 2 Divorce procedure – drafting divorce petition and acting for a respondent post issue. Acting up to decree absolute.

Introduction into CSA and child support for a step child

W/S 3 Ancillary relief - disclosure, mediation, negotiating a financial settlement and consent orders

W/S 4 Ancillary relief – issue of proceedings, pre nuptial agreements, separation agreements, variation of settlements and disposition of assets

W/S 5 The unmarried family and The Children Act 1989.

W/S 6 The Children Act 1989.

W/S 7 Domestic abuse.

This module is an advanced family elective, and thus develops employability by making a student who studies this module attractive to any legal employer with a family department. In addition the knowledge and skills gained are relevant to third sector agency work and public service. The module includes course skills such as interviewing, writing and drafting. These advanced skills tasks will build a student's confidence and competence in seeking legal, and other, employment and increase students' capacity for people skills such as empathy, sensitivity and the handling of confidential information.

6c. Key Texts/Literature

The reading list to support this module is available at: <https://readinglists.aru.ac.uk/>

6d. Specialist Learning Resources

None

7. Learning Outcomes (threshold standards)		
No.	Type	On successful completion of this module the student will be expected to be able to:
1	Knowledge and Understanding	Please see section 6a above
2	Knowledge and Understanding	Please see section 6a above
3	Knowledge and Understanding	Please see section 6a above
4	Knowledge and Understanding	Please see section 6a above

8a. Module Occurrence to which this MDF Refers				
Year	Occurrence	Period	Location	Mode of Delivery
2024/5	ZZF	Template For Face To Face Learning Delivery		Face to Face

8b. Learning Activities for the above Module Occurrence			
Learning Activities	Hours	Learning Outcomes	Details of Duration, frequency and other comments
Lectures	8	All	Lecture 1 hr x 7 weeks
Other teacher managed learning	21	All	Workshop 3 hrs x 7 weeks
Student managed learning	71	All	Weekly reading for lectures and preparation for workshops, post-workshop tasks and consolidation. Exam revision
TOTAL:	100		

9. Assessment for the above Module Occurrence					
Assessment No.	Assessment Method	Learning Outcomes	Weighting (%)	Fine Grade or Pass/Fail	Qualifying Mark (%)
010	Examination		100 (%)	Fine Grade	50 (%)

In order to pass this module, students are required to achieve an overall mark of 40% (for modules at levels 3, 4, 5 and 6) or 50% (for modules at level 7*).

In addition, students are required to:

- (a) achieve the qualifying mark for each element of fine graded assessment as specified above**
- (b) pass any pass/fail elements**

[* the pass mark of 50% applies for all module occurrences from the academic year 2024/25 – see Section 3a of this MDF to check the level of the module and Section 8a of this MDF to check the academic year]