

## Resolution Specialist Accreditation

### Children Law (Private) Portfolio Competence Unit - Lawyers

This portfolio unit focusses on the specialist knowledge, understanding and application in practice required to provide advice or representation in private law children matters.

Competency Code	<b>Knowledge and Understanding</b> <b>Candidates must know and understand:</b>
<b>SAPLC01</b>	The Resolution Code of Practice and other relevant protocols (e.g. The Law Society Family Law Protocol, the Remote Access Family Court and any associated protocols), the SRA Competence Statement and over-arching Standards Framework, Family and Civil Procedure Rules, Resolution's Guides to Good Practice and Precedents.
<b>SAPLC02</b>	The legislation, case law and regulations relating to private law affecting children.
<b>SAPLC03</b>	The welfare principle.
<b>SAPLC04</b>	The welfare checklist.
<b>SAPLC05</b>	The legislation and case law relating to parental responsibility for children including: <ul style="list-style-type: none"> <li>• The definition of parental responsibility</li> <li>• Acquisition of parental responsibility by a father</li> <li>• Acquisition of parental responsibility by a second female parent</li> <li>• Acquisition of parental responsibility by a step-parent</li> <li>• The Human Fertilisation and Embryology Act provisions</li> </ul>
<b>SAPLC06</b>	The legislation, case law and regulations concerning the acquisition of orders under s8 Children Act 1989 (specific issue and prohibited steps orders) and Children and Families Act 2014.
<b>SAPLC07</b>	The general principles applied by the court when making s8 orders.
<b>SAPLC08</b>	The legislation, case law and regulations concerning the enforcement of s8 orders.
<b>SAPLC09</b>	The Child Arrangements Programme and s.10 Children and Families Act 2014.
<b>SAPLC10</b>	The range of family dispute resolution processes available to assist parents in making arrangements for their children's future parenting including: Cases where there are allegations of domestic violence and harm.
<b>SAPLC11</b>	The legislation, case law and regulations concerning the change of a child's name or removal from the jurisdiction.
<b>SAPLC12</b>	The legislation, case law and regulations concerning the circumstances in which it would be appropriate for the court to make a family assistance order.
<b>SAPLC13</b>	The legislation, case law and regulations concerning the representation of children in proceedings under the Children Act 1989.
<b>SAPLC14</b>	The legislation, case law and regulations concerning removal and accommodation of children by police in cases of emergency.
<b>SAPLC15</b>	The legislation, case law and regulations concerning the local authority's duty to investigate, including: <ul style="list-style-type: none"> <li>• Powers to assist in the discovery of children who may be in need of emergency protection</li> <li>• Recovery of abducted children</li> </ul>
<b>SAPLC16</b>	Legislation, case law and regulations concerning privacy for children involving proceedings, including: <ul style="list-style-type: none"> <li>• S.97 Children Act 1989</li> <li>• S12 Administration of Justice Act 1960</li> </ul>

<b>SAPLC17</b>	The legislation, case law and regulation concerning the power of the court to: <ul style="list-style-type: none"> <li>• Order disclosure of a child's whereabouts</li> <li>• Order the recovery of a child</li> </ul>
<b>SAPLC18</b>	The legislation, case law and regulations concerning wardship and circumstances in which it may be invoked.
<b>SAPLC19</b>	The legislation and procedures relating to Special Guardianship.
<b>SAPLC20</b>	The legislation, case law and regulations concerning the international movement of children including: <ul style="list-style-type: none"> <li>• The application of the Hague Convention in the context of children being unlawfully removed and enforcement of rights of access</li> <li>• The application of Council Regulation (EC) number 2201/2003 (Brussels II revised) as it applies and in relation to enforcement of rights of contact</li> </ul>
<b>SAPLC21</b>	The legislation, case law and regulation concerning the unlawful removal of children from the jurisdiction as defined by s1 Child abduction Act 1984.
<b>SAPLC22</b>	Legislation relating to the forced marriage of minors.

<b>Competency Code</b>	<b>Performance Candidates must be able to:</b>
<b>SAPLC23</b>	Demonstrate appropriate application of the Resolution Code of Practice and other relevant practice protocols in all cases.
<b>SAPLC24</b>	Identify, and explain to clients, the relevant provisions in law that relate to private law children matters in their particular circumstances.
<b>SAPLC25</b>	Provide an appropriate explanation of parental responsibility.
<b>SAPLC26</b>	Explain the centrality of the child's welfare (the welfare principle) and the welfare checklist.
<b>SAPLC27</b>	Explain the range of family dispute resolution processes that may be appropriate and of assistance to clients in arranging future parenting or the resolution of disputes.
<b>SAPLC28</b>	Identify where s10 Children Act 2014 may be relevant and explain the purpose and content of a Mediation Information and Assessment Meeting and the availability of legal aid for eligible people for such meetings and for supporting advice/drawing of consent order.
<b>SAPLC29</b>	Explain the 'no order' principle and the importance of co-operative co-parenting where it is possible and safe to achieve.
<b>SAPLC30</b>	Identify and assess with clients where there may be/have been issues of abuse between partners and any potential abuse of or harm to children.
<b>SAPLC31</b>	Explain to the client where there is, or may be, a need for the local authority to investigate including, as appropriate, emergency protection.
<b>SAPLC32</b>	Identify and assess potential risk of child abduction and provide pertinent advice to the client parent, including consideration as to immediate action to prevent/ensure return of any child.
<b>SAPLC33</b>	Provide relevant information and signposting to services of information and support for parents, children and young people.

#### **Guidance Notes to Unit:**

Candidates should be aware that not all competencies will feature in case studies but must be prepared and able to answer all that are listed in the unit. Assessment is adjusted to match competencies tested.

