



### **FAMILY LAW ACCREDITED PARALEGAL**

The objective of the Status is to recognise the work carried out by accredited paralegals and trainee accredited paralegals and provide a formal accreditation. It will provide an assurance of high quality and standards to employers, other members of the legal profession and clients.

As an accredited paralegal or trainee accredited paralegal you must be aware of the general competencies applicable to all members, which can be found under Schedule D of the Scheme of Operations. These competencies cover the knowledge, skills, values and attitudes you are expected to exhibit as a member of the Accredited Paralegal Status.

Together with these general competencies, each practice area has its own scope of competence, skills, knowledge and understanding as shown below.

#### **SCOPE OF ACCREDITED PARALEGALS COMPETENCE**

A paralegal should be able to progress the various stages of a simple undefended case from taking instructions through to obtaining decree. In defended actions the paralegal should be able to assist the principal solicitor in progressing actions through their various stages to a proof, including gathering information, preparing motions, and paperwork for child welfare hearings

Specifically, the paralegal should be competent to:

- Take clients instructions
- Advise clients about the legal grounds, and general procedures, for divorce
- Draft simple Separation agreements following a meeting between client, solicitor and paralegal
- Prepare a List of Assets and Liabilities
- Prepare Initial Writs for solicitors to revise and sign off
- Complete simplified divorce forms for signature and draft simple undefended divorce actions
- Prepare Inventories of Productions, Schedule of matrimonial property, affidavits, service of documents, Court forms, Counsel's and agent's papers (all for review and sign off by the solicitor)
- Take precognitions/statements from clients and/or witnesses
- Arrange practical issues in relation to contact
- Arrange mechanisms regarding payment of aliment, spousal aliment and periodical allowance

#### **SCOPE OF ACCREDITED PARALEGALS SKILLS, KNOWLEDGE AND UNDERSTANDING**

A paralegal eligible to qualify for the Accredited Paralegal Status in this practice area should be able to:

Demonstrate knowledge, understanding and awareness of:

- the grounds for divorce
- the different procedures for divorce
- the rights and obligations of the client as either pursuer or defender
- the steps involved in simplified divorces and undefended divorces including grounds for divorce and awareness of parental rights and responsibilities
- how paperwork and proceedings are treated in respect of divorce, including effectiveness of service
- how paperwork and proceedings are treated in respect of the dissolution of civil partnerships
- drafting productions, affidavits and inventories
- the procedures for Child Welfare Hearings
- drafting Initial Writs
- understands how Family law interacts with other areas of law and practice and knows when to refer matters
- the court rules in relation to procedures, deadlines and timescales for specific actions
- the timing of claims for cohabitation
- motions in an undefended and defended claim
- parental rights and responsibilities
- knowledge of alternative methods of dispute resolution (e.g. mediation, arbitration, collaborative law etc.)
- Legal Aid procedures and requirements including the procedure for emergency legal aid in competent actions
- Code of Conduct for Civil and Family Law Solicitors
- apply your knowledge and understanding of the law and procedure/s to a particular matter effectively and carry out procedures appropriately and efficiently so as to meet the needs of the (i) supervising solicitor, and (ii) the client's needs, objectives and priorities, based on a clear understanding of the client's instructions.

Demonstrate knowledge, understanding and familiarity with the legislation relevant to this area.

The following is a non-exhaustive list of potential legislation for this practice area:

- The Divorce (Scotland) Act 1976
- The Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Family Law (Scotland) Act 1985
- The Children (Scotland) Act 1995
- The Family Law (Scotland) Act 2006
- The Civil Partnership (Scotland) Act 2007
- Money Laundering Regulations 2007
- Sheriff Court Practice Rules
- Ordinary Cause Rules
- Court of Session Act 1988
- Act of Sederunt (Rules of the Court of Session 1994 and Ordinary Cause Rules 1993 Amendment) (Views of the Child) 2019

The above competencies are based on an accredited paralegal with a minimum of 1 years' experience. If you are applying as a trainee accredited paralegal, then you would be expected to be meeting these competencies after 1 year of training as we are aware you may not yet have had exposure to a full transaction.