



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 7 – Family Law

Question paper

June 2023

Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to make notes on your scrap paper during the examination.
- You can use your own unmarked copy of the following designated statute book – **Blackstone’s Statutes on Family Law 2021 -2022, 30th edition, Rob George, Oxford University Press, 2021**.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

SECTION A

Answer at least one question from this section.

1. Critically analyse the extent to which the Divorce, Dissolution and Separation Act 2020 has improved the process by which married couples and civil partners legally end their relationships.

(25 marks)

2. Critically analyse the contemporary relevance of the following concepts to family law:

(a) civil partnerships

(14 marks)

(b) judicial separation.

(11 marks)

(Total:25 marks)

3. The Domestic Abuse Act 2021 will revolutionise domestic abuse protection for victims and their children.

Critically analyse this statement.

(25 marks)

4. Critically analyse whether the concept of 'a legitimate child' has relevance in family law in 2023.

(25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Jacob split up from his partner Marie a few months ago. Jacob and Marie lived together as a couple for five years but never married. They had a daughter together during that time, Bethany, who is three years old. Jacob cannot remember if his name was put on Bethany's birth certificate.

Whilst living together, the couple shared the childcare fairly evenly when they were each not at work. Jacob is a teacher and Marie manages a bar. This meant that Marie would care for Bethany during the day and Jacob would care for Bethany in the evenings and on weekends. Whilst this differing work schedule worked for childcare reasons, it was ultimately what led to the breakdown of the relationship, with the couple having no quality time together.

When the couple decided to separate, Jacob moved out of the house that they shared together and into a flat with one of his friends. It was agreed that Bethany would continue to live in the house with Marie until Jacob found somewhere more suitable to live, at which point Bethany would split her time between the two properties. However, Marie recently found out that Jacob had been on a date with someone else. She is now refusing to speak to him and is preventing him from seeing Bethany, choosing instead to send Bethany to various friends' houses whilst she is at work. She has also hinted that Bethany is not his biological child. Today Jacob received a letter from a solicitor that Marie has instructed, requesting that he pay substantial maintenance for Bethany.

Jacob wants advice about what legal steps he can take to see Bethany. Ideally, he would like to continue the arrangements they had in place whilst he and Marie were together, where Bethany spends the daytime with Marie but each evening and most of the weekend with him. He also wants to know if he can refuse to pay any maintenance until he is able to see Bethany again.

Advise Jacob:

- (a) what legal steps he can take to be able to spend time with Bethany again;

(18 marks)

- (b) whether he can refuse to pay child maintenance in the meantime.

(7 marks)

(Total: 25 marks)

Turn over

Question 2

Georgios (aged 45) and Rachel (aged 42) married in 2009. They have three children together: Louisa (aged 10), Sebastian (aged 7) and Theo (aged 4). They met whilst working at the same hospital, Rachel as a surgeon and Georgios as a nurse. They both agreed that they wanted a big family, but accepted that this probably meant Rachel continuing to work full time in order to afford the mortgage on the large family home that they would need. As Georgios did not earn as much, it was agreed that he would temporarily give up work to raise the children.

They bought a large five-bedroom family home when they married, which is now worth £600,000 with an outstanding mortgage of £150,000. The property is in joint names. Rachel paid the initial deposit on the home of £200,000 with money from the sale of a pre-marital property she owned, and has been solely responsible for paying the mortgage on the property and the bills since Louisa was born in 2013. However, Georgios did pay a lump sum, reducing the mortgage by £150,000 in 2019, with money he inherited when his mother suddenly passed away.

The parties separated earlier this year after Georgios found out that Rachel had been having an affair with someone at work and they are now in the process of getting a divorce. They both remain living in the property but in separate bedrooms. They are both in agreement that this arrangement cannot continue in the long term. Rachel has indicated that she would like the property to be sold, whereas Georgios wants to remain living in the property with the children in order to provide them with stability and keep them near their schools.

The couple have a joint savings account with a balance of £20,000. The couple both have NHS pensions of very different values. Georgios' pension pot is worth £20,000 and Rachel's is valued at £450,000.

Explain to Georgios the financial orders that the court would be likely to make if he and Rachel cannot reach an agreement and how the court would make its decision.

(25 marks)

Question 3

Carrie and Rebecca have been in a relationship for seven years. They decided to move in together after a year of dating. They bought a small two-bedroom house for £200,000 near the school that they both worked in at the time, as teachers. They both earned the same amount - £35,000 per year.

Carrie had a previous County Court Judgment made against her. They were therefore advised that it would be difficult for her to get a mortgage in her name. As a result, the couple decided to put the flat in Rebecca's sole name. Rebecca paid the £20,000 deposit from her savings and they split the legal fees equally. The rest of the purchase price was covered by the mortgage. They initially contributed equally towards the mortgage and bills.

A year ago, they decided to adopt a child, Daniel (aged two). They agreed that Carrie would take a career break to look after Daniel. However, Rebecca found parenting very stressful and also became resentful of having to make all the payments on the property. This led to an argument last night where Rebecca said that she wants Carrie and Daniel to move out. Rebecca said that she never wanted to be a mum and felt forced into the situation by Carrie. Rebecca said that Carrie has no rights over the property because her name is not on the title deeds, and it is only right that Rebecca keep the house because she has been making all the payments on it recently.

Carrie is worried about how she is going to afford somewhere else for her and Daniel to live without a share of the proceeds of any sale of the property. If the house were sold now, there would be £40,000 net proceeds of sale after the mortgage has been taken into account.

Advise Carrie.

(25 marks)

Turn over

Question 4

Yolanda and Taj have lived together for three years and have a six-month-old daughter together, Lola. They live together in a house that Yolanda rents from the local authority. The tenancy is in her sole name.

Taj has his own plumbing company and Yolanda works part time as a legal secretary but is currently on maternity leave. They met when Taj was carrying out some plumbing work at the law firm Yolanda works for. Taj describes the relationship as having moved very fast in the beginning and that they moved in together quite quickly with Yolanda saying that she wanted to spend as much time as possible with him.

The relationship was going well until Lola's birth. Yolanda has suffered with post-natal depression and found it difficult to cope caring for Lola on her own. She gets angry whenever Taj leaves for work. She often shouts at him and calls him selfish for leaving her. She has also accused him of having an affair, something Taj denies. As a result, Taj has started limiting any social activities and taking less jobs on at work so that he can be at home as much as possible.

Last night, Taj went out for a rare social event for his brother's stag party. He had only been out for an hour when he started to receive erratic messages from Yolanda saying that she knew he was with another woman and threatening to hurt Lola if he didn't come back immediately. He rushed home to find Yolanda in the bedroom with a knife. She said if he ever left her again, she would kill him. He managed to calm her down, waited until she was asleep and then packed up his and Lola's belongings. He left in the middle of the night and went to stay with his mother in her one-bedroom flat, taking Lola with him.

As a result of taking on less work and the fact that his business had also struggled during the Covid-19 pandemic, Taj has used up all of his savings. He is therefore worried about how he is going to pay for accommodation where he and Lola can live together. He believes Yolanda has a small amount of savings (approx. £2,000) from an inheritance she received last year.

Advise Taj as to what protective orders might be available to him.

[NOTE TO CANDIDATES: You are not required to discuss child arrangements for Lola.]

(25 marks)

End of the examination

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