



**CILEX Level 3 Certificate in Law and Practice/
CILEX Level 3 Professional Diploma in Law and Practice**

Unit 12 – The Practice of Family Law

Question paper

November 2023

Time allowed: 1 hour and 45 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.
- You must answer **all** questions.
- This question paper is out of 70 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 use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- You are allowed to make notes on your scrap paper during the examination.
- You are **not** allowed access to any statute books.
- A basic calculator is provided should you require the use of one.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

Answer ALL questions.

Question 1

Reference: Question relates to **Document 1** of the case study materials.

- (a) Explain the statutory concept of parental responsibility, with examples. **(4 marks)**
- (b) Explain who has parental responsibility for David and Naomi. **(3 marks)**
- (c) Explain which Section 8 Children Act 1989 order Reuben should apply for:
- (i) to ensure that he maintains regular contact with the children; **(4 marks)**
- (ii) to resolve the disagreement regarding the children's education. **(3 marks)**
- (d) Describe the procedure for obtaining a Section 8 Children Act order. **(9 marks)**
- (Total: 23 marks)**

Question 2

Reference: Question relates to **Document 2** of the case study materials.

- (a) Explain:
- (i) why Shanyse should apply for a non-molestation order; **(4 marks)**
- (ii) the key considerations for the court in deciding whether to make a non-molestation order. **(2 marks)**
- (b) Explain:
- (i) which order would allow Shanyse to remain in the family home with the children; **(3 marks)**
- (ii) the test the court must apply when considering whether to grant this order in Shanyse's case. **(5 marks)**
- (Total: 14 marks)**

Question 3

Reference: Question relates to **Documents 3 and 4** of the case study materials.

- (a) Describe the statutory ground upon which Morna can apply for a divorce and explain how she can satisfy the ground. **(4 marks)**
- (b) Explain:
- (i) the procedure Morna must follow to commence divorce proceedings; **(4 marks)**
- (ii) how the application for divorce may be served on Paul and the time limit within which this must be done. **(3 marks)**
- (c) Describe to Morna the procedure for obtaining a divorce from the acknowledgement of service. **(3 marks)**
- (Total: 14 marks)**

Question 4

Reference: Question relates to **Documents 3 and 4** of the case study materials.

- (a) Explain **two** financial orders that Morna could apply for. **(6 marks)**
- (b) Explain the concept of the 'clean break' and how it might apply in this case. **(3 marks)**
- (c) Outline the procedure for applying for financial orders following issue of Form A to the conclusion of the case. **(10 marks)**
- (Total: 19 marks)**

End of the examination

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