



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

**Unit 12 – The Practice of Family Law**

**Case study materials**

**January 2023**

**Information for candidates**

- You should familiarise yourself with these case study materials before the examination, taking time to consider the themes raised in the materials.
- You should consider the way in which your knowledge and understanding relate to these materials.
- In the examination, you will be presented with a set of questions which will relate to these materials.
- You may discuss these materials with your tutor(s).

**Instructions and information to candidates during the examination**

- You are allowed to take your own clean/unannotated copy of this document into the examination. Alternatively, you can access the electronic version of this document in the examination.
- You are **not** allowed access to any statute books in the examination.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

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## **CASE STUDY MATERIALS**

### **ADVANCE INSTRUCTIONS TO CANDIDATES**

You are a trainee lawyer employed by Kempstons, The Manor House, Bedford, MK42 7AB.  
DX Number 23654 Bedford.

The firm has a busy matrimonial client department. Your supervising solicitor is Kasha Patel and she has just handed you the following:

**Document 1** Attendance note with Janice Senior

**Document 2** Attendance note with Katie Askew

**Document 3** Attendance note with Bethany Wachtel

**Document 4** Letter from Bethany Wachtel.

**ATTENDANCE NOTE**

**Client:** Janice Senior  
**File:** KP/YS/22-01-11/DOMESTIC/CHILDREN  
**Attended by:** You and Kasha Patel  
**Date:** 18 January 2023  
**Engaged:** 8 units  
**Attending:** Janice Senior, 12 Sycamore Walk, Kempston, MK42 9XY

Janice Senior consulted us about her son Leo, who is nine years old.

Janice studied architecture at university. Following university, her total focus for many years was on developing her career. She has been very successful and has become a well-known architect, winning many awards. But this has involved hard work and there has been little time for a personal life.

When Janice was in her mid-thirties and well established, she realised that the time to achieve her other wish, to have children, was running out. So she decided to sign up to a dating website, You4Me, and met Divit.

Janice and Divit found that they had many interests in common but Divit made it very clear from the start that he simply wanted friendship; he did not want a more intimate relationship. He told Janice that he did not want children, as he did not want the responsibility and was not prepared to adapt his life to them. So they remained living separately in their own homes.

However, Janice did manage to persuade Divit to help her to achieve her wish to have a child. Divit agreed to this but only after much persuasion by Janice. He agreed only because she promised him that she would take sole responsibility for any child born and would not expect him to provide any financial, or other, support. With Divit's help she was able to become pregnant.

Janice and Divit became good friends and they continued to meet. When Divit learned that Janice was expecting a boy, his views about children began to change. He decided that he would want to have contact with his child and to have a role in his child's life.

Leo was born in July 2014. Janice did not name Divit as the father on Leo's birth certificate but she did continue to meet up with Divit on regular occasions and always brought Leo. Janice also took Divit on the occasional holiday with her and Leo, and invited him to important celebrations such as birthdays and Christmas. But she always made it clear that any decisions about Leo would be made by her and her alone.

When Divit met up with Janice and Leo at Christmas, Janice told him that she was planning to send Leo to a well-known private school. Janice believed that this would give Leo the best educational experience. Divit had very strong views about education. He believed that the state school system was the best for children. He had benefitted from his education in a state school, despite coming from a relatively poor background.

An angry discussion developed between Janice and Divit. This led to Divit raising other concerns – that Divit had not been allowed to talk about his family or his religion to Leo, or to take Leo to visit his parents.

Janice reminded Divit about their arrangement and told him to leave, saying that she would no longer let him see Leo. She is not replying to phone or text messages.

**Turn over**

## CASE STUDY MATERIALS

### DOCUMENT 2

#### ATTENDANCE NOTE

**Client:** Katie Askew  
**File:** KP/YS/22-01-11/DOMESTIC/ABUSE  
**Attended by:** You and Kasha Patel  
**Date:** 18 January 2023  
**Engaged:** 8 units  
**Attending:** Katie Askew, 43 The Green, Kempston, MK42 6XZ

Katie and Marley Askew met in October 2017, when Katie moved to Kempston to work. They have been married for four years and have a son, Ricky, aged four.

When Katie moved to Kempston it was her first move away from home. She found that she really missed her family and friends. She moved into a room in a house shared by three other girls, hoping that this would help her to settle. But she did not find the other girls easy to get on with, so life continued to be lonely.

Katie regularly stopped to get a coffee on her way to work. Marley stopped at the same café for breakfast. They got chatting. Katie found Marley a sympathetic listener and was soon telling him her problems. A friendship quickly developed.

In early January 2018, Katie had a major falling out with her housemates. Marley, who owned a two-bedroomed house, offered her his spare room. Katie jumped at the offer. She settled in well and their friendship quickly deepened and became intimate. When Marley proposed on Valentine's Day, Katie had no hesitation in accepting. They married in June 2018 and Ricky was born in September 2018. Marley agreed that Katie should not return to work. But their life changed.

Katie believes that she and Marley rushed into marriage and having a family too quickly. Marley found it very difficult to cope with the change from living as he wished to living with Katie, and then with a baby, in a short space of time. He became moody and verbally abusive, criticising the way that Katie managed the household budget, the way she cooked and the general state of the house.

Marley was a very sociable person and regularly met up with friends in local pubs. After Ricky was born, he started going out almost every night, often not returning till midnight. Katie could see that he was developing an alcohol problem. She was also worried about the rough way in which he handled Ricky when he had been drinking. The verbal abuse was getting worse and she was increasingly frightened that it would become physical.

Yesterday, when Marley came home from work Katie realised that he had already had several drinks. He was very angry. When Ricky ran to greet Marley, Ricky was pushed away very roughly, fell and banged his head and then started crying. Katie shouted at Marley who grabbed her by the throat, shaking her violently and banging her head against the wall. Then he threw her across the kitchen. She fell onto the cooker, suffering a deep cut to her cheek.

Marley stormed out shouting "You and your brat had better be gone by the time I come back home!" Katie locked the door so that he could not get back in.

Katie has learned that Marley is currently staying with his parents who live nearby in a three-bedroomed house. Marley is insisting that she and Ricky leave the family home, which is in his sole name, but Katie has nowhere else to go.

## CASE STUDY MATERIALS

### DOCUMENT 3

#### ATTENDANCE NOTE

**Client:** Bethany Wachtel  
**File:** KP/YS/22-01-17/MATRIMONIAL  
**Attended by:** You and Kasha Patel  
**Date:** 19 January 2023  
**Engaged:** 8 units  
**Attending:** Bethany Wachtel, The Cedars, Kempston Parva, MK42 4ZZ

Bethany studied graphic design at university. She got an administrator's job with High Flies, a firm selling fishing tackle. This was intended to be a short-term job while she applied for jobs in the design industry. However, at High Flies she met Tomasz.

Tomasz had joined the firm 10 years previously as an apprentice. He was a keen fisherman, having been introduced to the sport by his father when Tomasz was eight years old. His knowledge and understanding of fishing equipped him to be very good at his job. He had made rapid progress and by the time Bethany joined the firm in 2015 he was a senior sales manager, responsible for a team of sales people.

Bethany's job involved working closely with Tomasz and providing administrative support for his team. They developed a good working relationship, which soon led to a personal relationship and then to marriage in 2017.

They both worked hard at their jobs. In 2018, Tomasz gained further promotion to become the national sales manager. In their spare time they enjoyed trips away together, with Tomasz fishing and Bethany enjoying walks and the scenery.

However, in recent years Bethany and Tomasz have faced challenges. In 2020, High Flies sales fell dramatically owing to the pandemic. This led to both Bethany and Tomasz being furloughed and eventually made redundant. Soon after this happened, Tomasz's father and mother were killed in a car accident.

This led to Tomasz re-appraising his life. He believed there was a gap in the market for a special type of fishing rod and decided to set up his own business to meet this need. With his redundancy payment and his inheritance from his parents, he could afford to do this. He persuaded Bethany to join him.

Tomasz's sales strategy involved organising fishing trips for customers to try out his rods. He then started getting invitations back from customers. The number of fishing trips was increasing, and he was spending more and more time away from home. Bethany was unable to join him as she had to provide his office support.

Bethany has become increasingly unhappy with the changes in her life. She is feeling more and more isolated and frustrated with the work she is doing. She has tried talking to Tomasz and suggesting that they could employ someone for the office so that she could go with Tomasz on his trips but Tomasz has firmly said no.

Bethany has decided that she has had enough and wishes to end the relationship. She wants to pursue her dream to become a graphic designer. She knows that in a rapidly changing world she needs to upgrade her skills in the technology used for design before she makes any job applications.

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**DOCUMENT 4**

**LETTER**

The Cedars  
Kempston Parva  
MK42 4ZZ

20 January 2023

Dear Ms Patel

Thank you for seeing me yesterday. It has given me much to think about.

I am very upset that Tomasz does not understand how I am feeling and does not seem at all interested. He just thinks fishing, fishing, fishing. He is living his dream. I didn't mind when I was able to go with him. I love walking and some of the places where he fishes have stunning scenery but now I feel totally excluded!

His business is actually doing well and is growing. He is a natural salesperson. He could afford to employ a person to do the job that I'm doing. It's an important one – managing the sales orders and organising the fishing trips but he won't even do this to allow me to do something that I want.

Sadly, I don't feel he is going to change. So, I do think that we will have to accept that our marriage is over. However, I am concerned about my financial position, certainly until I have secured a job, which may take some time.

Re our finances, the information you requested is as follows:

The Cedars was inherited by Tomasz from his parents and is worth £115,000, with no mortgage. We moved there from our previous rented flat.

Tomasz's new business should break even this year and is then on track to becoming increasingly profitable.

Tomasz draws money out for living expenses. To date, he has not paid me a wage. The business is in his name but he says that he is doing it for us.

Other assets:

Tomasz's savings (from his parents) are approximately £150,000

Tomasz's pension fund £90,000 (he transferred his High Flies pension to a private pension)

My savings – I have a small amount of savings, approximately £6,500

My pension – I had a very small pension fund from High Flies (administrators didn't get the level of pay of sales managers!). I think it's about £15,000.

Hope this is what you wanted. If you need to know more, please let me know.

Bethany Wachtel