



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 12 – THE PRACTICE OF FAMILY LAW\*

**Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time**

#### **Instructions to Candidates**

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

#### **Information for Candidates**

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

**Do not turn over this page until instructed by the Invigilator.**

\* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

## Question 1

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

- (a) Explain what is meant by 'parental responsibility', giving examples of how it can be exercised.

**(4 marks)**

- (b) Advise Ajay whether he has parental responsibility for Jaden and Viera and, if not, the most suitable way for him to obtain it.

**(5 marks)**

- (c) Identify which s.8 order, under the Children Act 1989, Ajay should apply for to ensure that he has regular contact with his children, and explain its effect.

**(3 marks)**

- (d) Identify **two** factors from the welfare checklist that will be considered by the court, and explain how they will apply in this case.

**(6 marks)**

**(Total: 18 marks)**

## Question 2

Reference: Question relates to **Documents 2 and 3** of the case study materials.

- (a) Outline what protection from domestic violence can be provided by the police and the criminal justice system.

**(4 marks)**

- (b) Explain which order Katie should apply for, to protect herself and Poppy.

**(4 marks)**

- (c) (i) Explain why Katie should apply for the order identified in Question 2(b) without notice.

**(4 marks)**

- (ii) Describe the documents that will be required to apply for this order without notice.

**(2 marks)**

**(Total: 14 marks)**

### Question 3

Reference: Question relates to **Document 4** of the case study materials.

Gina has tried talking to Harry to resolve their differences, but has reluctantly decided that Harry will not change his mind about starting divorce proceedings. Gina has therefore decided that she will not defend the case.

(a) (i) Identify the ground that Harry would have to satisfy, in order to obtain a matrimonial order.

**(2 marks)**

(ii) Advise Gina how Harry could establish the ground for a matrimonial order in this case.

**(6 marks)**

(b) Describe the procedure from the time when Gina files her acknowledgement of service up to the issue of the decree absolute.

**(10 marks)**

**(Total: 18 marks)**

### Question 4

Reference: Question relates to **Document 5** of the case study materials.

(a) Identify **two** financial orders that are available to Gina, and advise how they apply in her case.

**(4 marks)**

(b) Explain any **two** statutory factors under s.25(2) Matrimonial Causes Act 1973 that a court would consider in this case.

**(6 marks)**

(c) Outline for Gina the procedure for applying for financial orders following the issue of Form A up to and including the conclusion of the case.

**(10 marks)**

**(Total: 20 marks)**

**End of Examination Paper**