

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

January 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.
- You must comply with the CILEX Exam Regulations Online Exams at Accredited Centres/CILEX Exam Regulations Online Exams with Remote Invigilation.

Turn over

Question 1

Reference: Question relates to Document 1 of the	ne case stud	y materials.
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(a)	Explain what is meant by	'parental responsibility'	' and give one example o	of how it can be
	exercised.			

(4 marks)

(b) Explain whether Divit has parental responsibility for Leo and, if not, the most suitable way for him to obtain it.

(5 marks)

(c) Identify and explain which s8 order under the Children Act 1989 Divit should apply for to ensure that he has regular contact with Leo.

(3 marks)

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

(9 marks)

(Total: 21 marks)

Question 2

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

(a) Explain a non-molestation order and why Katie should apply for one.

(4 marks)

- (b) Explain:
 - (i) an occupation order and why Katie should apply for one;

(4 marks)

(ii) whether Katie is eligible to apply for this order.

(5 marks)

(c) Identify **three** factors the court will consider when deciding whether to grant an occupation order to Katie and explain how they apply in this case.

(6 marks)

(Total: 19 marks)

Question 3

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

(a) State the statutory ground upon which Bethany can apply for a divorce.

(2 marks)

(b) Describe the procedure for applying for a divorce.

(8 marks)

(Total: 10 marks)

Question 4

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

(a) Explain any **two** financial orders that Bethany might apply for in this case.

(4 marks)

(b) Explain any **two** statutory factors contained in s25(2) Matrimonial Causes Act 1973 that a court would consider and explain how they would apply in this case.

(6 marks)

(c) Describe 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)