



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 18 – THE PRACTICE OF CHILD CARE 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 **Documents 1 and 2** of the case study materials.

(a) Identify and explain the statutory powers which the police have exercised in this case.

(5 marks)

(b) Explain why Kempston County Council should apply for an emergency protection order in this case.

(4 marks)

(Total: 9 marks)

Question 2

Reference: Question relates to **Documents 1 and 2** of the case study materials.

Reports regarding Tracey Bryant indicate that it would not be suitable for Polly to live with her mother. It has been agreed that an interim care order should be applied for.

(a) Identify the statutory criteria for an interim care order, and explain whether Kempston County Council can satisfy the criteria in this case.

(7 marks)

(b) Identify:

(i) the form required to commence proceedings for an interim care order;

(1 mark)

(ii) the additional documents that must be filed with the application.

(6 marks)

(c) Explain who will be parties to the proceedings in this case.

(3 marks)

(Total: 17 marks)

Question 3

Reference: Question relates to **Document 3** of the case study materials.

- (a) Explain whether Katie fulfils the statutory criteria of a child in need.
(6 marks)
- (b) Explain in this case:
- (i) why a child protection conference might be arranged and who will attend;
(4 marks)
- (ii) why a child protection plan may be devised.
(4 marks)
- (c) Outline what further action should be taken by Kempston County Council, if the child protection plan does not result in an improvement to Katie's circumstances.
(6 marks)

(Total: 20 marks)

Question 4

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

In the circumstances, it has been agreed that Jade should be placed for adoption.

- (a) Explain the effect that adoption will have on Jade and her natural parents, and whether contact will be possible after the adoption.
(5 marks)
- (b) Identify the order that Kempston County Council must apply for, if it decides that Jade should be adopted, and explain the effect of that order.
(6 marks)

(Total: 11 marks)

Question 5

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

(a) Identify and explain which order under s.8 of the Children Act 1989 Stewart should apply for:

(i) to ensure that he has regular contact with Dylan, Layla and Nancy;

(4 marks)

(ii) to resolve the disagreement with Julie over whether he can take the children on holiday.

(3 marks)

(b) Explain and apply **two** factors from the s.1(3) Children Act 1989 welfare checklist that the court must consider, in determining an application by Stewart for these s.8 orders.

(6 marks)

(Total: 13 marks)

End of Examination Paper