



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 18 – THE PRACTICE OF CHILDCARE 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) Describe what is meant by 'parental responsibility', giving examples.

(4 marks)

(b) Explain whether both Tracey and Winston have parental responsibility for Daniel.

(4 marks)

(c) Identify and explain which s.8 order under the Children Act 1989 Winston could apply for, in order to have contact with Daniel.

(4 marks)

(d) Explain and apply **two** key principles which a court would have to consider, when deciding whether to make the above order in Daniel's case.

(6 marks)

(Total: 18 marks)

Question 2

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

Daniel's foster carer has just reported that Daniel has been talking about his daddy. He seems to have some memory of Winston. He has told his foster carer that his daddy was nasty to mummy and sometimes hit her. Daniel didn't like his daddy because of this, and said he was glad when mummy told his daddy to go away.

Tracey remains in intensive care.

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

(4 marks)

(b) Explain who will be parties to the proceedings.

(5 marks)

(c) Explain the effect of an emergency protection order in this case.

(5 marks)

(Total: 14 marks)

Question 3

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

- (a) Explain the statutory duty which Kempston County Council owes Pallam and explain why the Council should take action in his case.

(9 marks)

- (b) Explain why an assessment under s.17 Children Act 1989 should be conducted by Kempston County Council in Pallam's case and identify who would be responsible for conducting this assessment.

(4 marks)

(Total: 13 marks)

Question 4

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

Describe the long-term placement solutions to be considered in Flora's case and explain the suitability of each one for Flora.

(9 marks)

Question 5

Reference: Question relates to **Documents 5 and 6** of the case study materials.

- (a) Explain the importance of multi-agency work in protecting Jade and who this might involve in Jade's case.

(4 marks)

- (b) Explain the statutory criteria for an interim care order and whether Kempston County Council will satisfy the criteria in Jade's case.

(8 marks)

- (c) Explain the effect of an interim care order on parental responsibility and whether Chloe will be able to see Jade.

(4 marks)

(Total: 16 marks)

End of Examination Paper