



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 20 – The Practice of Family Law

Question paper

January 2023

Time allowed: 3 hours and 15 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 100 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 exam.
- You are allowed to make notes on your scrap paper during the exam.
- You can use your own unmarked copy of the following designated statute book – ***Blackstone's Statutes on Family Law 2021 -2022, 30th edition, Rob George, Oxford University Press, 2021.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Answer ALL questions

Question 1

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

Advise your client, Hubert Shumaker, as to:

- (a) The order that Hubert Shumaker could apply for to be given the right to stay at 27 Tattling Road, and explain the test that will be applied and the factors that will be considered.

(10 marks)

- (b) The order that can be made to protect Hubert Shumaker from violence by Frances Smith and whether no notice application is appropriate. Also explain how such orders can be enforced.

(10 marks)

(Total: 20 marks)

Question 2

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

Advise your client, Raul Samir, as to:

- (a) What possible offence Desiree Plantsun could be committing if she were to take Simon abroad and what process would need to be followed to prevent her from doing so.

(9 marks)

- (b) The order that he could apply for to ensure that this situation did not arise again and the factors that the court will consider to determine whether or not to grant such an order.

(16 marks)

(Total: 25 marks)

Question 3

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

Your client, Clara Bellfont, has requested a virtual meeting with you to discuss any further information that is required in order to complete the financial settlement for her divorce.

- (a) In respect of the unpaid child maintenance, explain to your client the powers that the Child Maintenance Service (CMS) has available in order to ensure that sums due to her are paid.
(5 marks)
 - (b) Your client would like the financial issues resolved as soon as possible. Explain what information is required to enable form E to be completed.
(5 marks)
 - (c) Explain to your client what factors the court will consider when deciding how to divide the assets and the likely orders that the court might make.
(20 marks)
- (Total: 30 marks)**

Question 4

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

- (a) Advise your client, Damien Shore, of the ground for divorce under the Divorce, Dissolution and Separation Act 2020 ('the 2020 Act') and how it is satisfied.
(7 marks)
 - (b) Describe to your client the process for divorce under the 2020 Act.
(11 marks)
 - (c) Explain to your client what money laundering is and the rules on money laundering that relate to any solicitors' firm when handling a client's money.
(7 marks)
- (Total: 25 marks)**

End of the examination