

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 20 – THE PRACTICE OF FAMILY LAW*

Time allowed: 3 hours 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 may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Family Law 2020-2021, 29th edition, Rob George, Oxford University Press, 2020.**
- 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 following CILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

Question 1

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

Tamara Fitzpatrick telephones the office. She explains that she was rather upset after the appointment and cannot recall all of the advice she received. She would like to proceed with a divorce immediately. She blames her husband for the breakdown and would like you to indicate how she can best proceed. She does not expect her husband to challenge the divorce but asks you whether it is possible for him to contest it.

- (a) Draft the statement of case for Mrs Fitzpatrick in your answer booklet, based on the one fact that you believe is the most appropriate.

(6 marks)

- (b) Describe the process of the divorce from this point to its conclusion.

(11 marks)

- (c) Explain, with reference to the facts of Mrs Fitzpatrick's case, how you will follow best practice from the Family Law Protocol, when issuing her divorce proceedings.

(5 marks)

(Total: 22 marks)

Question 2

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

Jameelah Adebayo attends for her appointment with you. You have this morning received an email from her husband's lawyers (**see Document A at the end of this examination paper**).

- (a) Explain to Mrs Adebayo the effect of the Notice of Severance mentioned in Document A.

[NOTE TO CANDIDATES: In your answer, you should explain any further action that Mr Adebayo's lawyers should take to formalise the changes effected by the Notice, and whether either party needs to do anything to protect their position as a result of this Notice.]

(5 marks)

- (b) Advise Mrs Adebayo whether she should accept her husband's offer, in light of the factors that the court would consider if the application for financial orders proceeded to court.

(25 marks)

(Total: 30 marks)

Question 3

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

Owen Williamson attends at the office for his appointment with you.

- (a) Explain to Mr Williamson how he can secure his right to be involved in the decision-making about Evangeline.

(7 marks)

- (b) Advise Mr Williamson on the likely outcome of his application in relation to the proposed holiday, with reference to the factors which the court will take into account when deciding whether to grant the relevant order.

(16 marks)

(Total: 23 marks)

Question 4

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

Christine Gordon attends at the office for her appointment with you.

- (a) Explain, with reasons, which orders you should apply for, in order to protect Mrs Gordon.

(7 marks)

- (b) Advise Mrs Gordon on the likely outcome of her application, with reference to the factors that the court will consider when deciding whether to grant these orders.

(18 marks)

(Total: 25 marks)

DOCUMENT A
(for use with Question 2)

LETTER FROM QUINN LLP, KOFI ADEBAYO'S LAWYERS

Kempstons LLP
The Manor House
Bedford
MK42 7AB

Our Ref: JL/AM/A221

[dated last Friday]
Without Prejudice

Dear Sirs,

Re: Your client: Jameelah Adebayo
Our client: Kofi Adebayo

Further to your letter of 13 June 2021, we have now received the joint surveyor's valuation of the former family home. We can confirm that our client agrees the suggested valuation figure of £425,000.

Please find attached a Notice of Severance* in relation to the former family home – we would be grateful if you would kindly acknowledge safe receipt.

In an effort to resolve matters amicably and without incurring the further costs of the upcoming Financial Dispute Resolution Hearing, our client has instructed us to put forward the following offer in full and final settlement of your client's claims:

- 1) that the former family home, 1 Regent's Gate, Clayton, Barnardshire, be sold and the net proceeds of sale divided equally between the parties
- 2) that the joint life assurance policy be surrendered and half the proceeds paid to our client
- 3) that both parties retain their own remaining assets (including their pensions)
- 4) that our client continues to pay child maintenance via the CMS
- 5) that there should in all other respects be a clean break in respect of all capital and income claims between the parties
- 6) that both parties bear their own costs.

We look forward to hearing from you with the necessary acknowledgement and with your client's reply to our client's offer of settlement.

Yours faithfully,

Quinn LLP

[*NOTE TO CANDIDATES: You can assume that the Notice of Severance referred to is attached to this letter and is correctly drafted.]

End of Examination Paper

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