



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 2017-2018, 26th edition, M. Oldham, Oxford University Press, 2017.**
- 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.

Chloe Vine telephones the office. She confirms that she wishes to proceed with a divorce and asks you to prepare the paperwork that she will need.

- (a) Explain to Mrs Vine which fact she should rely on and why, including the earliest date when you can lodge the petition at court.

(9 marks)

- (b) Advise Mrs Vine what statutory defence, if any, her husband can use.

(7 marks)

- (c) Discuss with reference to the facts of Mrs Vine's case how you will follow best practice from the Family Law Protocol in relation to issuing her divorce proceedings.

(5 marks)

(Total: 21 marks)

Question 2

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

Your secretary tells you that Mrs Sadia Mahmood telephoned the office this morning. She hands you a copy of the telephone attendance note which she took (**Document A**).

You check the documents on Mrs Mahmood's file and see that the parties' positions and the orders sought in their financial statements are reflected in the instructions from the client contained in **Document 3** of the Case Study Materials and in **Document A**.

- (a) Draft the Statement of Issues for the applicant, Mrs Mahmood, on the basis of these instructions.

(15 marks)

- (b) Explain to Mrs Mahmood what action she could take if her husband withdraws his agreement to pay voluntary child maintenance payments.

[Assume that there is no court order providing for child maintenance.]

(6 marks)

(Total: 21 marks)

Question 3

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

Mrs Janet Dunn and Mr William Dunn attend at the office for their appointment with you.

- (a) Explain to Mr and Mrs Dunn the initial court application you must make on their behalf and whether this will be successful.

(11 marks)

For the purpose of question (b), assume that you are successful with this initial application to the court.

- (b) Analyse the factors that the court will consider, when deciding whether to grant the relevant section 8 order that Mr and Mrs Dunn should seek.

(18 marks)

(Total: 29 marks)

Question 4

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

Ursula Fairhurst attends at the office for her appointment with you.

- (a) Explain which orders you should apply for to protect Miss Fairhurst and why she is entitled to apply for those orders.

(7 marks)

- (b) Advise Miss Fairhurst on the likely outcome, with reference to the factors that the court will consider when deciding whether to grant these orders.

(16 marks)

For the purpose of question (c), assume that the orders that you have applied for in question (a) have been granted by the court.

- (c) Explain to Miss Fairhurst how those orders would affect the court's approach to any application by Mr Quinn for a child arrangements order to spend time with Yasmin.

(6 marks)

(Total: 29 marks)

Turn over

DOCUMENT A

FOR USE WITH QUESTION 2(a)

Extract from your secretary's Telephone Attendance Note with Sadia Mahmood

Mrs Mahmood telephoned the office this morning. She was rather upset and said that she had just come off the phone from her husband, Mr Nasser Mahmood.

It appears that Mr Mahmood has obtained his own valuations of the former family home and the investment property, which he told her he had given to his lawyer for use in his financial statement. Apparently the estate agent, who her husband has instructed, valued the former family home at £475,000 and the investment property at £175,000. Mrs Mahmood told me that she does not accept these figures.

She said that during their conversation, her husband had accused her of cohabiting with her new partner at the former family home. Mr Mahmood said that he had asked his lawyer to include this piece of information in his financial statement and to ask for an order for sale of the former family home as well as an order for the transfer of the investment property into his sole name.

Mrs Mahmood explained that although she had recently met another man, Faheem, they were not living together and she had no intention that they should move in together in the foreseeable future, as she was worried about the effect that this change would have on her children.

She thinks that Mr Mahmood is upset about her new relationship. She is aware that he found out about it from the children, when they saw him earlier this week. Mr Mahmood told her that he had instructed his lawyer that he had no intention of supporting her after the divorce, and that it was time she went back to work full-time and supported herself. He said that he had also made it clear that he wouldn't agree to her getting her hands on any of his pension.

Mr Mahmood also threatened that he might not adhere to the agreement that the parties had reached about him paying voluntary child maintenance for Aisha and Rashid.

I confirmed to Mrs Mahmood that we had, in fact, received her husband's financial statement from the court this morning, and that I would ask you [the trainee] to check the contents of the statement and to ring her back to discuss matters.

End of Examination Paper