



## 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 2018-2019, 27th edition, Claire Fenton-Glynn, Oxford University Press, 2018.**
- 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.

Zoe Newman telephones the office. She confirms that she wishes to proceed with a divorce and asks you to prepare the paperwork that she will need. She indicates that she does not expect her husband to challenge the divorce.

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

**(6 marks)**

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

**(9 marks)**

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

**(5 marks)**

**(Total: 20 marks)**

## Question 2

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

- (a) Explain the options available to Mrs Lohat to resolve financial matters with her husband amicably and without recourse to the court.

**(8 marks)**

You receive an urgent email from Trishna Lohat (**Document A**).

Mrs Lohat subsequently attends at the office with Padma to see you in connection with her email.

- (b) Advise Mrs Lohat and Padma whether Ranjiv, as an unmarried cohabitant, can make any claims on the property and what action they should take to ensure that Ranjiv cannot do so, including any documents you could prepare to clarify the position.

**(16 marks)**

**(Total: 24 marks)**

### Question 3

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

Further to his email to Melissa, Daniel Jarvis attends at the office for an appointment with you.

- (a) Advise Mr Jarvis which section 8 order he can apply for, to resolve the difficulties he is having in seeing his children, and the basis on which he is entitled to apply.

**(5 marks)**

- (b) Explain to Mr Jarvis the next steps that need to be taken to enable him to make the application to the court, including the forms that must be completed.

**(5 marks)**

**For the purposes of (c) below**, assume that Mr Jarvis instructs you to make the application required.

- (c) Advise Mr Jarvis on the likely outcome, with reference to the factors that the court will consider when deciding whether to grant this order.

**(18 marks)**

**(Total: 28 marks)**

### Question 4

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

Jessica Keane attends at the office for an appointment with you.

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

**(6 marks)**

- (b) Advise Miss Keane of the likely outcome of her case, with reference to the factors that the court will consider when deciding whether to grant the orders sought.

**(22 marks)**

**(Total: 28 marks)**

**Turn over**

## DOCUMENT A

### TO BE USED WITH QUESTION 2

(Email from Trishna Lohat)

To: Melissa Wheeler

From: Trishna Lohat

Subject: Urgent: Padma

Date: Today's date

Hi Melissa,

Could I please come into the office with Padma to see you urgently today?

I just read a newspaper article about an unmarried partner who successfully claimed an interest in her ex-partner's house even though the house was in his sole name.

I immediately panicked about what might happen to the property we transferred to Padma if she splits up from Ranjiv!

At the moment everything is going smoothly. Padma is paying the mortgage on the property herself and Ranjiv contributes £300 per month towards the other household bills.

I'd like your advice about whether Ranjiv would have any claims against the property if he and Padma split up. Also are there any steps we should take to try to protect the situation, including any documents that you can prepare to assist please?

Many thanks,

*Trishna*

**End of Examination Paper**

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