



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.

Abigail Mendel 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 Mendel which fact she should rely on and why, including the earliest date when we can lodge the petition at court.

(9 marks)

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

(8 marks)

(c) Explain to Mrs Mendel any additional formalities required as a result of her and her husband's Jewish faith.

(6 marks)

(Total: 23 marks)

Question 2

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

Mrs Caroline Rowlands forwards an email from her husband (see **Document A at the end of this examination paper**).

You check the documents on Mrs Rowlands' 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 Rowlands, on the basis of these instructions.

(13 marks)

(b) Explain what action you could take on Mrs Rowlands' behalf, to protect the assets mentioned in her husband's email.

(12 marks)

(Total: 25 marks)

Question 3

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

Mrs Denise Peterson and Mr Oliver Peterson attend at the office for an appointment with you.

- (a) Explain to Mr and Mrs Peterson the initial court application that you must make on their behalf and, with reasons, whether this is likely to be successful.

(11 marks)

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

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

(18 marks)

(Total: 29 marks)

Question 4

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

Miss Wendy Venn attends at the office for her appointment with you.

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

(7 marks)

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

(16 marks)

(Total: 23 marks)

Turn over

DOCUMENT A

(To be used with Question 2)

Email received today by Caroline Rowlands from her husband

To: Caroline Rowlands
From: Ben Rowlands
Date: [Today's date]
Subject: Finances

Hi Caro,

I've received a valuation of Norton Avenue from an estate agent and they have valued it at £425,000. I've also had Harbour Cottage valued, and my valuation says it's worth £200,000.

I think we should put Norton Avenue on the market for sale and divide the proceeds between us. I want Harbour Cottage to be sold. I've instructed the estate agents who valued it to put it on the market for sale as soon as possible.

I'm not willing to pay you any maintenance for yourself. There's no reason why you can't increase your hours, now the kids are older. Increasing your hours will help with your pension, so I don't intend offering any of my pension as part of any settlement. I've worked too hard for that.

I've decided to liquidate some of my assets, and so I'm seeing my financial advisor later today to see about cashing in our life assurance policy and selling my shares. I'm spending my savings, as I don't see why you should have what is mine. You know that I've always earned more money than you. You're just going to have to learn to stand on your own two feet from now on.

Ben

End of Examination Paper