



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 18 – THE PRACTICE OF CHILD CARE LAW\*

**Time allowed: 1 hour and 30 minutes 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 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 **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

### **Question 1**

Reference: Question relates to **Document 1** of the case study materials.

(a) Outline the initial procedure that must be followed, now that Kempston Grove Primary School has made an initial telephone referral to Kempston County Council.

**(4 marks)**

(b) Explain whether Hayat is a child in need, according to the statutory ground.

**(6 marks)**

(c) Explain the statutory duty owed by Kempston County Council to Hayat, if she is identified as a child in need.

**(6 marks)**

**(Total: 16 marks)**

### **Question 2**

Reference: Question relates to **Documents 1 and 2** of the case study materials.

It is likely that Kempston County Council will decide to continue with the existing child protection plan and that further steps will need to be taken to protect and support Hayat.

(a) Explain whether Kempston County Council should apply for an interim care order or a supervision order in this case.

**(8 marks)**

(b) Outline each of the procedural stages that must be followed, if Kempston County Council decides to apply for an interim care order.

**(10 marks)**

**(Total: 18 marks)**

### **Question 3**

Reference: Question relates to **Documents 3 and 4** of the case study materials.

(a) Explain why Kempston County Council should apply for an emergency protection order for Lucy.

**(4 marks)**

(b) Explain how the court will ensure that Lucy's interests will be represented, if an application is made for an emergency protection order.

**(6 marks)**

**(Total: 10 marks)**

#### Question 4

Reference: Question relates to **Documents 3 and 4** of the case study materials.

- (a) Describe the permanent placement solutions that could be considered for Lucy instead of adoption.

**(3 marks)**

It is decided that adoption by Paula and Tony is the best permanent option for Lucy.

- (b) Explain the legal effect of adoption on the relationship between Lucy and her father and his family.

**(3 marks)**

- (c) Advise in what circumstances the court can dispense with Mick's consent if he objects to Lucy being adopted by Paula and Tony.

**(3 marks)**

- (d) Describe any **three** factors from the Adoption and Children Act 2002 s.1 checklist which a court must take into account, when deciding whether to make an adoption order for Lucy.

**(6 marks)**

**(Total: 15 marks)**

#### Question 5

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

- (a) Describe what is meant by 'parental responsibility', giving examples.

**(4 marks)**

- (b) Explain whether both Rachelle and Adam have parental responsibility for Darren.

**(4 marks)**

- (c) Identify and explain which order Adam should apply for, if he wishes to maintain contact with Darren.

**(3 marks)**

**(Total: 11 marks)**

**End of Examination Paper**

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