



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 2019-2020, 28th edition, Rob George, Oxford University Press, 2019.**
- 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.

You receive an urgent email from Saskia Ogden (see **Document A**).

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

- (a) Advise Mrs Ogden whether Adam, as an unmarried cohabitant, would be able to make any claims on the former family home and the actions she should take (or should avoid taking) to ensure that Adam cannot do so.

[NOTE TO CANDIDATES: Do not discuss any formal legal documents at this stage, as these will be covered in part (b) below.]

(11 marks)

- (b) Discuss what documents you could prepare for Mrs Ogden, to clarify and protect her position.

(7 marks)

- (c) Explain to Mrs Ogden what action she could take, if her ex-husband withdraws his agreement to pay voluntary child maintenance payments.

[NOTE TO CANDIDATES: Assume that there is no court order providing for child maintenance.]

(6 marks)

(Total: 24 marks)

Question 2

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

Carl Porter attends at the office for an appointment with you.

- (a) Advise Mr Porter 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)

For the purposes of (b) below, assume that Mr Porter instructs you to make the application required.

- (b) Advise Mr Porter on the likely outcome of his application, with reference to the factors that the court will consider when deciding whether to grant this order.

(18 marks)

- (c) Explain to Mr Porter the nature of a Family Assistance Order and how it could help with his difficulties in seeing Jasmine and Violet.

(5 marks)

(Total: 28 marks)

Question 3

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

Martyna Nowak 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) Draft the statement of case for Mrs Nowak 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 Nowak's case, how you will follow best practice from the Family Law Protocol when issuing her divorce proceedings, on the basis that Mr Nowak has not yet instructed a solicitor.

(5 marks)

(Total: 20 marks)

Question 4

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

Brett Young attends at the office for an appointment with you.

- (a) Explain which orders you should apply for to protect Mr Young and why he is entitled to apply for them.

(6 marks)

- (b) Advise Mr Young of the likely outcome of his application, with reference to the factors that the court will consider when deciding whether to grant the orders sought.

(22 marks)

(Total: 28 marks)

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DOCUMENT A
(to be used with Question 1)

EMAIL FROM SASKIA OGDEN

To: Idris Adeyemi

From: Saskia Ogden

Subject: Urgent

Date: [Today's date]

Hi Idris,

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

I've been seeing a guy called Adam. Now that I've got my decree absolute and myself and Lewis have reached an agreement about the finances, Adam and I have decided to live together.

As Lewis and I have agreed that the former family home is to be transferred into my sole name, I've suggested to Adam that he move in with me.

I just came off the phone to one of my friends and I thought she would be happy to hear my news, but she said that I needed to be careful, as she'd heard of cases where an unmarried partner successfully claimed an interest in his ex-partner's house, even though the house was in her sole name.

I'd like your advice about whether, if Adam moves in and lives with me, he would have any future claims against the property, should we split up. Also, are there any steps we should take to try to protect the situation?

Oh, and Lewis has found out and threatened to stop paying child maintenance for Elliott! Can you let me know whether he can do this?

Many thanks,

Saskia

End of Examination Paper