

January 2022

Level 3

THE PRACTICE OF FAMILY LAW

Subject Code L3-12

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 12 – THE PRACTICE OF FAMILY LAW

CASE STUDY MATERIALS

**Information for Candidates on Using the Case Study Materials**

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

**Instructions to Candidates Before the Examination**

- A clean/unannotated copy of the case study materials is attached to this examination.
- You are permitted to take your own clean/unannotated copy of the case study materials into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.
- In the examination, candidates must comply with the CILEX Examination Regulations – Online Examinations or with the CILEX Examination Regulations – Online Examinations with Remote Invigilation.

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## **CASE STUDY MATERIALS**

### **ADVANCE INSTRUCTIONS TO CANDIDATES**

You are a trainee lawyer employed by Kempstons, The Manor House, Bedford.

The firm has a busy matrimonial client department. Your supervising solicitor is Kasha Patel and she has just handed you the following:

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|-------------------|--|
| <b>Document 1</b> | Attendance note with Wendy Johnson                 |
| <b>Document 2</b> | Attendance note with Monique and Kingston Williams |
| <b>Document 3</b> | Note of telephone call with Harry Grant            |
| <b>Document 4</b> | Attendance note with Harry Grant                   |
| <b>Document 5</b> | Statement of Financial Information for Harry Grant |

**ATTENDANCE NOTE**

**Client:** Wendy Johnson  
**File:** 2022/1/17/MAT/WJ  
**Attended by:** Yourself and Kasha Patel  
**Date:** 17 January 2022  
**Engaged:** 6 units  
**Attending:** Wendy Johnson, 22 Camellia Avenue, Kempston, MK10 2YZ

Wendy moved in with her ex-partner, Gary Stephens, shortly after meeting him in 2012. They lived in the house that Gary had inherited from his grandfather. Wendy and Gary lived together for seven years. They have two daughters, Poppy, aged 8 years, and Lily, aged 6 years. Gary is named as the children's father on their birth certificates.

Gary worked as a site manager for a development company and earned a good salary plus bonuses. He gave Wendy a generous housekeeping allowance, but in return he expected Wendy to stay at home and look after the children. Wendy found Gary to be increasingly controlling and demanding, and their relationship became very volatile.

Wendy had hoped to return to work when the girls were settled in school, but Gary would not agree to this. This led to arguments, which eventually involved physical violence, often in the presence of the girls.

Six months ago, they had a particularly heated row. For Wendy it was one row too many. She told Gary that their relationship was over. Wendy suggested that he should go and live with his parents, who lived locally, and leave her and the girls in the family home.

Gary did as she asked. But he began making phone calls several times a day and these had become increasingly threatening. Wendy told him to stop, which he agreed to do. However, over the past week she has continued getting phone calls, but no one speaks when she answers. She believes that Gary is making these calls. She has also been told by several neighbours that they have seen Gary regularly loitering in the street.

Wendy is becoming increasingly concerned. She is worried that Gary might think he can return home to live and she is concerned that the physical violence might start again. She is also concerned that the girls are aware that something is going on and are becoming increasingly unsettled. Poppy has started sleepwalking at night, and the school has raised concerns about both children.

Matters came to a head last night. Gary, who had been drinking, arrived at the house and stood outside shouting at Wendy to let him into 'his house'. He shouted that he would get in and she wouldn't be able to stop him. Luckily, the neighbours called the police, who persuaded Gary to return to his parents' home.

Wendy has no close family and has been unable to work since she met Gary. She is now very concerned about the welfare of Poppy and Lily and herself. The recent incident has made her realise that she must take action to protect herself and the girls.

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**ATTENDANCE NOTE**

**Clients:** Monique and Kingston Williams  
**File:** 2022/1/17/CHILD/K&MW  
**Attended by:** Yourself and Kasha Patel  
**Date:** 17 January 2022  
**Engaged:** 6 units  
**Attending:** Monique and Kingston Williams, Flat 10 Valley House, Blenheim Drive, Kempston, MK11 3YQ

Monique and Kingston Williams are the parents of Jaden Williams. He was their only child.

Jaden was in a relationship with Debbie Scoles for 10 years. Although they lived together, they never married. They had two children, Anya, aged 9 years, and Naomi, aged 7 years. Debbie was named on their birth certificates as their mother, but omitted to name Jaden as father.

Debbie and Jaden had a good relationship, even though Debbie had a high level of control over their lives, and the lives of their children. However, Monique and Kingston found it difficult to get on with Debbie. Despite this, they were able to build a good relationship with their granddaughters, as Jaden ensured that regular visits were made to Monique and Kingston.

But six months ago, the situation changed. Jaden was diagnosed with a terminal illness, and died within weeks. Since then, Debbie has refused to let Monique and Kingston see the girls. They have repeatedly asked to visit or have invited Debbie to visit, but Debbie has consistently refused their requests and invitations.

Matters came to a head last week, when a birthday present they had sent to Anya was returned unopened. Monique and Kingston rang Debbie about this and to discuss their concerns in general. Debbie told them that she thought that they were a bad influence on the girls. She was particularly concerned that they kept talking about Trinidad, where they grew up and where Jaden was born.

Monique and Kingston told Debbie that Jaden would have been devastated for them. Shortly before he died, Jaden had told his parents that he wanted them to fill the gap in the children's lives that losing him would leave. But Debbie replied that Jaden must have misunderstood his position. As their mother, she was the only person with the right to make decisions – and she would do what she thought best for the girls.

Monique and Kingston are heartbroken. They do not believe that Debbie will change her mind. However, they are also convinced that Jaden, as the girls' father, must have had rights and that these, in turn, should pass to them.

NOTE OF TELEPHONE CALL

**Caller:** Harry Grant  
**Call handler:** Yourself  
**Subject:** Matrimonial – initial advice required  
**Date:** 14 January 2022

**Spouse:** Tina Grant  
**Date of Marriage:** 10 August 2012  
**Family:** Evie Grant (DOB 15 March 2012); Olly Grant (DOB 28 September 2014)

Tina and Harry had a normal family life until 4 years ago, when Olly was diagnosed with a serious degenerative illness. This had a great impact on the family, as Olly's condition required major changes in their lifestyle and significant costs to adapt their home.

At the time of the diagnosis, Harry was made redundant. As Tina had a good career working in a government department, they agreed that Harry would stay at home and become Olly's carer, while Tina continued her career.

Tina was ambitious. She worked hard to gain promotion to a senior level. However, due to the pressures of her new job, Tina was often expected to work late. Eventually she decided to stay overnight in London when working late.

Recently, Harry noticed changes in their relationship. Tina seemed less interested in joining in family activities, and there had been a few arguments over this. Harry thought that this was due to the increased pressures of Tina's job. So it was a complete surprise when Tina arrived home last week and announced that she was leaving him. Tina told Harry that she had fallen out of love with him a long time ago and had only stayed out of a sense of duty.

Nine months ago Tina had started working with Robert Laing, a junior government minister, on an important project. Working closely together, their relationship had developed into an intimate personal one. This had led to Tina re-evaluating her life. She said that she and Robert were in love and wished to get married. She now wants a divorce as soon as possible, as she has just discovered that she is pregnant with Robert's baby, which is due in July.

Harry is devastated. He recognises that Olly with his demanding needs has been the focus of his attention. But he thought that the roles that he and Tina had agreed were the best for them and their family. Harry felt that Tina was being unreasonable and did not appreciate the effort he had made to make things work. He just could not see what he had done wrong. He told Tina that he still loved her and that he thought that together they could work on addressing the issues with their relationship.

However, Tina is adamant that she wants to end the marriage and move on. Nothing Harry can do will change her mind. Tina wants matters settled and is not prepared to accept any further delay. She has told Harry that she plans to instruct lawyers to make an immediate application for a divorce, so that she can marry Robert before their baby is born.

Harry has contacted us for advice.

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ATTENDANCE NOTE

**Client:** Harry Grant  
**File:** 2022/1/17/MAT/HG  
**Attended by:** Yourself and Kasha Patel  
**Date:** 17 January 2022  
**Engaged:** 6 units  
**Attending:** Harry Grant, 12 Fishers Lane, Kempston Magna, MK33 8QZ

Following his telephone call with us, Harry spoke to Tina. Harry says that Tina is adamant that she will progress the divorce application immediately, to allow her to focus fully on her work, which involves an important international summit in April. Harry believes that Tina does not seem to fully understand her options at this time. She seems to think that her lawyers will just be able to sort it out very quickly. He has asked us to confirm our advice to him.

Harry is also concerned about how a divorce will affect him financially. This is a particular concern, as Tina has indicated that she wants a clean break to enable her to move on with her new life.

Harry is therefore determined to ensure that if Tina proceeds with the divorce, provision is made to ensure that he and the children are financially secure. Caring for Olly has been a full-time role for Harry. He has not had paid employment for the past 4 years, and cannot see the situation changing. Some financial support is received for Olly, but it is Tina who has been the breadwinner, a role which she happily agreed to take on when Olly's diagnosis was given.

Harry is also concerned about how he will be able pay the normal costs of running the home. Another worry is whether he will be able to stay in the family home with the children, as it has been specially converted to accommodate Olly.

Tina has been managing all the finances, so Harry has only been able to provide some information about their finances. This is detailed in the attached document **[Document 5]**.

## STATEMENT OF FINANCIAL INFORMATION

<b>Client name</b>	Harry Grant
<b>Client address</b>	12 Fishers Lane, Kempston Magna, MK33 8QZ
<b>Contact details</b>	<b>Tel:</b> 07777 666999 <b>Email:</b> h.grant@suremail.com

<b>Details</b>	<b>Asset</b>	<b>Debt</b>
12 Fishers Lane	£540,000	
Mortgage on 12 Fishers Lane		£140,000
Savings – joint	£55,000	
Pension provision – Harry	None	
Pension provision – Tina	Has generous pension provision – believed to be planning to continue working.	
	<b>Income</b>	<b>Expenses</b>
Harry Grant	£0.00	
Tina Grant	£95,000 per year	
Mortgage		£485 per month
Household costs (based on monthly allowance paid to Harry)		£2,000 per month

End of Case Study Materials