

27 January 2022
Level 6
THE PRACTICE OF FAMILY LAW
Subject Code L6-20

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 2021-2022, 30th edition, Rob George, Oxford University Press, 2021.**
- 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.

Question 1

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

Susie Bosstek has called the office to confirm that she wishes to proceed with divorce and asks you to prepare the paperwork that will be needed.

(a) Explain to Susie the ground for divorce and the fact that she should rely upon, giving your reasons for this choice.

(8 marks)

(b) Advise Susie of what she needs to demonstrate to the court. State and explain **four** of the possible options available to her in the event that Helen Brown should ignore, or fail to return, the relevant documentation.

(7 marks)

(c) Explain to Susie the effect that divorce has on pensions and inheritance matters.

(5 marks)

(Total: 20 marks)

Question 2

Reference: Question relates to **Documents 1 and 3** of the case study materials.

You request an urgent virtual meeting with Mrs Jennifer Clarke, as this morning you have received a letter from the solicitor representing her husband. A copy of this letter is attached at the end of this question paper **[see DOCUMENT A]**.

(a) In respect of the unpaid child maintenance, explain to Jennifer the powers that the CMS has available in order to ensure that sums due to her are paid.

(6 marks)

Jennifer would like the financial issues to be resolved as soon as possible.

(b) Explain to Jennifer what the court will take into account when making decisions in relation to financial matters and advise her as to whether she should accept the offer that has been received.

(24 marks)

(Total: 30 marks)

Question 3

Reference: Question relates to **Documents 1 and 4** of the case study materials.

Ravi Jodha attends a virtual meeting with you online.

- (a) Describe and explain to Ravi what process would need to be followed in order for him to be able to participate in decisions regarding Bruno, assuming that Izzy agrees to this, and what the legal result of this agreement would be.

(7 marks)

- (b) Explain the order that Ravi could apply for, in order to resolve the holiday arrangements, and set out the factors that the court would take into account in determining whether or not to grant the order.

(18 marks)

(Total: 25 marks)

Question 4

Reference: Question relates to **Documents 1 and 5** of the case study materials.

- (a) Explain to Kate Flynn the orders that you could apply for on her behalf and why she is entitled to apply for these.

(9 marks)

- (b) Advise Kate on what she must prove to the court and explain any factors that may be taken into account by the court when deciding which order(s) should be granted for her protection and of the likely outcome of the application.

(16 marks)

(Total: 25 marks)

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**DOCUMENT A
FOR USE WITH QUESTION 2**

Letter from Wollans LLP, acting for Mr Clarke

Kempstons LLP,
The Manor House,
Bedford MK42 7AB

Our Ref: ClarkeE/2021/2546

Your Ref: SA/OL/2021/0034

Date: [Last Friday]

Without Prejudice

Dear Sirs,

Re: Your client: Jennifer Clarke

Our client: Edward Clarke

We thank you for your letter of 7th January 2022 and will address these issues in due course. We are aware that the FDR hearing is approaching, and our client has instructed us to make an offer in the following terms to your client:

- 1) that the former family home, 27 Honeysuckle Avenue, Wrights Way, Bedford be sold and the net proceeds of sale divided equally between the parties;
- 2) that the joint life assurance policy be surrendered, and the proceeds paid to our client;
- 3) that both parties retain their own remaining assets to include pensions;
- 4) that child maintenance be reinstated and paid as per the CMS assessment.

We confirm that we would seek a clean break as part of this offer and that both parties would be expected to bear their own costs.

We confirm that we have received the report valuing the family home and our client agrees the suggested figure of £400,000. A Notice of Severance* in relation to the former family home is attached and we ask that you acknowledge receipt as soon as possible.

We look forward to your reply in due course, with a view to finalising matters without the need to attend further hearings.

Yours faithfully,

Wollans LLP

[*NOTE TO CANDIDATES: You may assume that the Notice of Severance referred to is attached to this letter and is correctly drafted.]

End of Examination Paper