



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 12 – THE PRACTICE OF FAMILY 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) Advise Angie of the ground that Stewart must satisfy in order to obtain a matrimonial order.

**(2 marks)**

- (b) Explain to Angie the procedure that Stewart should follow to commence an application for a matrimonial order.

**(5 marks)**

- (c) Assuming that Angie decides not to defend the case, describe the procedure following the time when her acknowledgement of service is filed up to the obtaining of the decree absolute.

**(10 marks)**

**(Total: 17 marks)**

## Question 2

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

- (a) Advise Angie of **three** financial orders that she could apply for.

**(6 marks)**

- (b) Explain the concept of the 'clean break' and how it might apply in this case.

**(3 marks)**

- (c) Outline the procedure for applying for financial orders following issue of form A to the conclusion of the case.

**(9 marks)**

**(Total: 18 marks)**

### Question 3

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

- (a) Explain to Ismael:
- (i) why he should apply for a non-molestation order; **(5 marks)**
  - (ii) whether he is eligible to apply for this order. **(3 marks)**
- (b) Explain to Ismael:
- (i) why he should apply for an occupation order; **(4 marks)**
  - (ii) any **three** factors that the court will apply in considering Ismael's application. **(6 marks)**
- (Total: 18 marks)**

### Question 4

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

- (a) Explain which s.8 Children Act 1989 order is required to allow Matthew to continue to have regular contact with Penny. **(3 marks)**
- (b) Advise Matthew whether he is eligible to apply for this order. **(3 marks)**
- (c) Explain any **two** factors from the welfare checklist that will be considered by the court in this case. **(6 marks)**
- (d) Describe the role of Cafcass should Matthew decide to apply for a section 8 order. **(5 marks)**
- (Total: 17 marks)**

**End of Examination Paper**

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