



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 2016-2017, 25th edition, M Oldham, Oxford University Press, 2016.**
- 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**

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Question 1

Reference: Question relates to **Document 2** of the case study materials.

Rebekah Bernstein telephones the office. She confirms that she wishes to proceed with a divorce and states that she does not expect her husband to challenge the divorce. She asks you to prepare the paperwork that she will need.

- (a) Draft the statement of case for Part 6 of Mrs Bernstein's Petition, in support of the fact you believe is the most appropriate.

(5 marks)

- (b) Outline the process of the divorce from this point to its conclusion.

(9 marks)

- (c) Explain to Mrs Bernstein any additional formalities required as a result of her Jewish faith.

(6 marks)

(Total: 20 marks)

Question 2

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

- (a) Discuss the options available to Mrs Collins to resolve financial matters amicably and without recourse to the court.

(8 marks)

You receive an urgent email from Fiona Collins (**Document A**). Mrs Collins subsequently attends at the office to see you in connection with her email.

- (b) Explain what action you could take on Mrs Collins' behalf to protect each of the realisable assets.

(19 marks)

(Total: 27 marks)

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Question 3

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

Dominic Wilson attends at the office for his appointment with you.

- (a) Explain to Mr Wilson how he can secure his right to be involved in the decision-making about Oliver.

(7 marks)

- (b) Analyse the factors which the court will take into account in relation to the court order that Mr Wilson should apply for regarding the proposed holiday.

(18 marks)

(Total: 25 marks)

Question 4

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

Eleanor Knight attends at the office for her appointment with you.

- (a) Explain which orders you should apply for to protect Miss Knight, and why she is entitled to apply for them.

(6 marks)

- (b) Advise Miss Knight of the likely outcome of her case with reference to the factors the court will consider when deciding whether to grant the orders sought.

(22 marks)

(Total: 28 marks)

Document A to be used with Question 2
(Email from Fiona Collins)

To: Geraint Hughes
From: Fiona Collins
Subject: Urgent: Finances
Date: Today's date

Hi Geraint,

Could I please come and see you urgently today?

I got back from my training course this morning to find that there was a 'For Sale' sign outside of 3 Gainsborough Court!

The children told me that whilst I was away their uncle had been around to the house to see their father and had said to them that he expected they would miss their father when he moved away but at least they would have great holidays in the Bahamas. Their father had told their uncle to be quiet and had told the children that Uncle Pete was only joking.

As soon as I heard this I telephoned Luke to confront him. He tried to deny it but eventually admitted that he had applied for and obtained a job in the Bahamas and that he needed to sell off 'his assets' before he left so that he could make a fresh start there after the divorce.

He told me that to get things started he had put 'his' house 3 Gainsborough Court on the market for sale and had sold the investment property at 22 Smithfield Street to his brother Pete. He said that he had had to take the price Pete could give him at short notice which was £150,000. He also told me that he has an appointment with his financial adviser in the next few days to sort out selling his shares and ISAs.

I'm really worried because Luke finished the call by saying that none of this was any of my business as he was just selling off what already belonged to him.

Many thanks,

Fiona

End of Examination Paper

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