

CASE STUDY MATERIALS

January 2011
Level 3
The Practice of Family Law
Subject Code L3-12

The logo for ILEX, consisting of the word "ilex" in a stylized blue font.A diagonal watermark in the top right corner that reads "StudentBounty.com".

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 the case study materials. You will be required to answer all the questions on the examination paper.
- You should familiarise yourself with the case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss the 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 relates to the case study materials.

Instructions to Candidates Before the Examination

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or text books into the examination.
- In the examination, candidates must comply with the ILEX Examination Regulations.

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* This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

ADVANCE INSTRUCTIONS TO STUDENTS

You are a trainee Legal Executive employed by the firm of Kempstons, 1 Manor House, Bedford, MK42 7AB. The firm is a 'high street' practice with a fairly large matrimonial client base. The firm has a contract with the Legal Services Commission to undertake family work. Your supervising solicitor is Kasha Patel. You have met with the following clients and recorded the attendance notes listed below.

- Document 1** - Attendance note Millie Jones
- Document 2** - Email to you from Jacki, receptionist
- Document 3** - Statement of Maya Mohammed
(Please note the application is not provided).
- Document 4** - Attendance note Timothy Bates.

DOCUMENT 1

Client: Millie Jones
File: KP/11042/Jones/Children Act
Attended by: Yourself
Date: 11 January, 2011
Engaged:

Attending Millie Jones of 435 Oxford Road, Kempston East. Millie's date of birth is 17 January, 1996. Millie attended with her maternal grandmother Judy Frost.

Millie explained that she is the daughter of Susan Jones and Aled Evans. Her parents separated when she was a month old. Her mother later formed a relationship with Christopher Rose, and from that relationship her half-sister Hannah Rose was born on 2 December 2003. Her mother never married Christopher, but Millie's grandmother stated that Christopher was named as the father on the birth certificate of Hannah. Millie tells you that her mother was a drug addict and that she found the role of motherhood challenging. Millie spent a lot of time looking after Hannah and playing with her, as her mother would often leave them on their own for hours when she went out and while Christopher was at work.

Millie instructs that her mother's relationship with Christopher Rose deteriorated in 2008 and there were often violent arguments when they were both at home. Millie's relationship with Christopher was also poor and she believed that he treated her differently to his own daughter Hannah. In December 2008, Millie ran away from home and went to live with her maternal grandparents. Shortly after Millie left home, her mother separated from Christopher Rose and Hannah has remained living with her father since this date. Neither Millie, nor her mother, have been allowed by Christopher Rose to see Hannah.

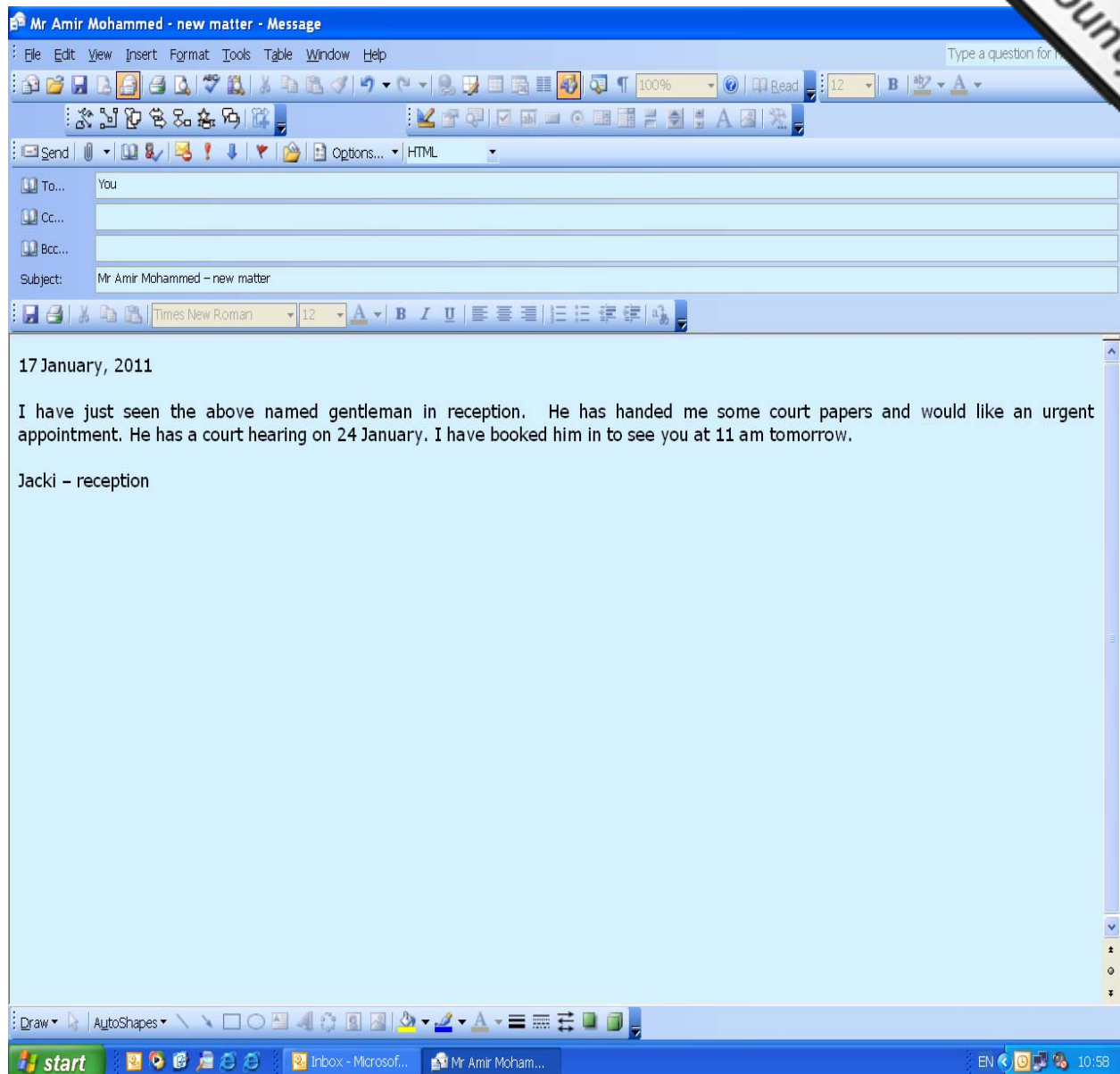
Millie, however, misses Hannah. She feels that she had a close relationship with Hannah particularly as she did a lot for her when her mother and Christopher Rose were not around. When Hannah was old enough to move out of a cot she slept with Millie in a bed together. Millie explained that Hannah would often cry herself to sleep at night. It was Millie that would read and sing to Hannah as their mother was usually high on drugs, and Christopher did not expect to do anything in the house or with the children after a day at work.

Millie would like to see Hannah again and believes that her half-sister would also wish to see her. Millie has tried to ring Christopher to make arrangements to see Hannah but, when he hears her voice on the phone, he puts the phone down.

Since Millie is at school, she has no income or capital.

Note to candidates: you are to assume that Millie is 'Gillick' competent and able to provide instructions to you in any court proceedings that maybe issued.

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DOCUMENT 3

IN THE EAST KEMPSTON COUNTY COURT

CASE NO: EK 11 215

BETWEEN:

Maya Mohammed

Applicant

and

Amir Mohammed

Respondent

**Statement of Maya Mohammed in support of
an application for a Non-Molestation and
Occupation Order**

I, Maya Mohammed of 523 Mill Lane, East Kempston, Bedford MK24 1AB, teacher, make oath and **say as follows:-**

1. My name is Maya Mohammed. I was married to Amir Mohammed on 26 January 2008. We live together at 523 Mill Lane, East Kempston, which is the matrimonial home and jointly owned by us. We have one son namely Sayeed Mohammed who was born on 6 June, 2010. I am employed as a science teacher at East Kempston High School and the Respondent is employed as the Highways Director at East Kempston County Council.
2. On 14 January, my friend Anita Reeves came to see me. Anita also works at East Kempston County Council, albeit in a different department to the Respondent. Anita told me that she was aware that Amir was having an affair with his secretary and, as my friend, she thought she ought to tell me.

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3. Later that evening, when the Respondent arrived home from work at about 6.30 pm, I confronted him about the affair. We were both stood in the kitchen and, at the time, I was holding Sayeed in my left arm. The Respondent grabbed my right arm and twisted it behind my back and said 'Don't you ever question my relationships with other women. If I want to see another woman that is up to me'. He then let go of my arm and hit me in the face with his fist, breaking my nose. I screamed in pain and pushed past him while still holding onto Sayeed. I ran out of the house. I went to a friend's house and I rang the police. I spoke to the police operator but nobody came to visit me about the assault. I could not stay at my friend's house as she has four children of her own so had no room for me, and I did not want to return home. When it became apparent that the police were not going to help me, my friend suggested that I ring a women's help line. Women's Aid have arranged for me to stay in a refuge out of the area. I have been to East Kempston Hospital who have confirmed that I have a broken nose, a black eye and bruising to my face.
4. I cannot stay in the refuge indefinitely; I need to return to the matrimonial home so that I can go back to work. I do not drive but my home is located a close walk from East Kempston High School, as well as Sayeed's childminder. The mortgage on the matrimonial home is £626 per month. The Respondent earns £87,000 per annum and his parents live in the East Kempston area, where he can stay temporarily. In the long term he has sufficient income to pay both the mortgage on the matrimonial home and rent a small flat.
5. I ask that the court grant both a non-molestation order, and an occupation order allowing me to return to the matrimonial home together with a power of arrest.

Sworn in the East Kempston County Court.

In the County of Bedfordshire

This 17 January day of 2011 *Maya Mohammed*

Before me *Joshua Mann*

Officer of the Court appointed
by the Judge to take
Affidavits

DOCUMENT 4

Client: Timothy Peter Bates.

File: KP/110678/Bates/Divorce and ancillary relief.

Attended by: Yourself.

Date: 17 January, 2011.

Engaged: 10 units.

Attending Timothy Peter Bates of 49 West Way Road, East Kempston. His date of birth is 15 August, 1956. He is married to Linda Anne Bates date of birth 4 December 1970. The parties have been married for 20 years.

On 4 January 2009, Linda announced that she was leaving Timothy. Much to Timothy's astonishment, Linda claimed that the marriage was loveless and at an end. Timothy did not share those feelings and begged Linda to stay. When Linda left, Timothy believed that his wife would one day return, if only for the sake of their two children who remained living with him. Linda has asked Timothy to start divorce proceedings and that she will consent to any petition, whatever the allegation and she will not apply for residence in respect of the children.

The children's details are as follows:

Chloe Helen Bates born on 16 November, 1999.

Felix Marcus Bates born on 3 December, 2000.

Both children are healthy and attend East Kempston Primary School. Both children see their mother every other weekend from Friday 5 pm until Sunday 5 pm.

The financial history of the marriage is as follows:

The house is rented from the East Kempston Housing Association.

Timothy is solely dependant on disability benefits as he has multiple sclerosis. He had worked full-time until five years ago.

Linda is a clerical officer employed by East Kempston Doctors' surgery. Her income is approximately £15,000 pa. As far as Timothy can recall, Linda opted out of a government pension as she could not afford the contributions.

Chloe and Felix went to stay with their mother this weekend. When Chloe and Felix returned home, they arrived with a suitcase of new clothes and shoes. When Timothy asked how their mother could afford to spend so much money, Chloe explained that her mother had won £2.2 million on the lottery last weekend!

Timothy instructs that he now recognises that the marriage is at an end and wishes to commence divorce proceedings. He also wishes to resolve the outstanding financial issues arising from the breakdown of the marriage.

End of Case Study Materials

