

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 the question paper fully.** However, you may make notes on the 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 ILEX 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 ball point 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 ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

Question 1

Reference: Question 1 relates to **Document 1** of the case study materials.

You continue to attend Millie Jones in the office. You are required to explain the following points to her:

- (a) Explain how the costs of issuing court proceedings may be met by the Legal Services Commission (assume that mediation has broken down).
(4 marks)
- (b) Identify the order that you should apply for in the event that the issue of Millie not seeing her half-sister, Hannah, remains unresolved.
(2 marks)
- (c) Explain who should be served with the application and why.
(4 marks)
- (d) State which courts the application could be filed with in this case.
(2 marks)
- (e) Describe the role of the CAFCASS officer.
(3 marks)
- (f) Explain the principles upon which the court will base its decision when considering an application for Millie to see Hannah.
(5 marks)

(Total: 20 marks)

Question 2

Reference: Question 2 relates to **Documents 2 and 3** of the case study materials.

You attend Amir Mohammed in the office. You are required to explain the following points to him:

- (a) Explain the purpose of a non-molestation order.
(3 marks)
- (b) Explain whether Maya Mohammed qualifies to apply for an occupation order in this case.
(5 marks)
- (c) Amir denies the allegations made by Maya Mohammed. Explain how the court will proceed with the case in such circumstances.
(2 marks)
- (d) Explain the range of orders that the court can make when granting an occupation order.
(5 marks)
- (e) Explain the statutory provisions which the court must take into account when considering whether to grant Maya Mohammed's application for an occupation order.
(10 marks)

(Total: 25 marks)

Turn over

Question 3

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

You continue to attend Timothy Bates in the office. You are required to explain the following points to him:

- (a) Explain which is the most suitable fact on which to base the divorce petition in this case.
(2 marks)
- (b) Explain the most likely method of service of the petition on the Respondent and how long she will have to respond to the acknowledgment of service.
(2 marks)
- (c) Explain whether Timothy will be required to attend court in respect of an undefended divorce petition.
(2 marks)
- (d) Explain the likely orders that the District Judge will make in respect of the children when considering the divorce petition and the grant of entitlement to a decree nisi.
(3 marks)
- (e) Outline the main steps in the ancillary relief procedure after the issue of Form A to the conclusion of the case. You should include a brief description of the purpose of the different court hearings.
(6 marks)
- (f) Discuss which factors the court will consider as important in this case when considering an application for ancillary relief.
(10 marks)

(Total: 25 marks)

End of Examination Paper