

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.

- (a) Identify the order that you will apply for to prevent the removal of Jennifer from Mr Brickhill's care.
(2 marks)
- (b) Explain the overriding principles upon which the court will base its decision when considering an application to prevent the removal of Jennifer from Mr Brickill's care.
(5 marks)
- (c) Explain Mr Brickhill's eligibility under the Children Act 1989, to apply for an order in relation to Jennifer.
(3 marks)

(Total: 10 marks)

Question 2

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

- (a) Explain when Mr Brickhill can issue a divorce petition.
(2 marks)
- (b) State the ground for divorce and discuss the most appropriate fact in this case.
(5 marks)
- (c) Explain why a Statement of Arrangements for Children will be required when issuing this divorce petition.
(2 marks)
- (d) Identify any **six** sections that must be completed on the Statement of Arrangements for Children.
(6 marks)
- (e) Discuss how the most appropriate method of service may be effected in this case.
(3 marks)
- (f) Describe to Mr Brickhill the Special Procedure after service of the divorce proceedings has taken place.
(6 marks)

(Total: 24 marks)

Question 3

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

- (a) Explain the purpose of the form E and state when it must be filed with the court.
(2 marks)
- (b) State **five** possible orders or directions the court may make at the first ancillary relief hearing.
(5 marks)
- (c) (i) Identify the document that the Applicant must file with the court prior to the final ancillary relief hearing and state the time limits for filing.
(2 marks)
- (ii) Identify the document that the Respondent must file with the court prior to the final ancillary relief hearing and state the time limits for filing.
(2 marks)
- (d) Explain **five** financial orders the court may make in this case.
(10 marks)
- (Total: 21 marks)**

Question 4

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

You are asked to contact Evan Jenkins and advise him on the following points:

- (a) Explain the protection against domestic violence that the police and the criminal justice system may offer Evan.
(3 marks)

Additional information

Assume that Evan makes contact with the police but they decide to take no action.

- (b) Explain whether Evan qualifies to apply for a non-molestation and an occupation order.
(3 marks)
- (c) Describe the procedure for obtaining an on-notice non-molestation and occupation order.
(9 marks)
- (Total: 15 marks)**

End of Examination Paper

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