

INSTITUTE OF LEGAL EXECUTIVES
UNIT 12 – 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 case study materials

You continue to attend Sally in the office. You are required to explain the following points of concern to her:

(a) Explain to Sally what protection against domestic violence can be offered by the police and the criminal justice system.

(3 marks)

(b) Explain the purposes of a non-molestation order.

(2 marks)

(c) Discuss the factors that a court will take into account when considering an application for a non-molestation order in relation to Sally's case.

(4 marks)

(d) State the order that Sally could apply for to ensure that she and Joshua return to the flat.

(1 mark)

(e) Explain what other possible orders the court could make in relation to the matrimonial home (do not discuss any order that allows for Sally and Joshua's return to the matrimonial home).

(7 marks)

(Total: 17 marks)

Question 2

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

You continue to attend Joanne in the office. You are required to explain the following points of concern to her:

- (a) State the ground for divorce.
(1 mark)
- (b) Explain the **two** possible facts for divorce in this situation and recommend the most appropriate fact in this case.
(10 marks)
- (c) Identify the documents that need to be prepared in order to start divorce proceedings.
(3 marks)
- (d) Identify the level of legal funding Joanne would qualify for and what work it would cover.
(2 marks)
- (e) Explain why a Statement of Arrangement would need to be filed in this situation.
(2 marks)

(Total: 18 marks)

Question 3

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

You continue to attend Joanne in the office. You are required to explain the following points of concern to her:

- (a) Identify the form that Joanne will need to complete in order to start ancillary relief proceedings.
(1 mark)
 - (b) Explain **two** orders that are available to the court in order to address financial matters in this case. (Do not consider orders relating to the house).
(4 marks)
 - (c) Explain **five** factors the court will take into account when considering Joanne's application for ancillary relief.
(10 marks)
- (Total: 15 marks)**

Question 4

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

You continue to attend Abida and Imran Khan in the office. You are required to explain the following points of concern to them:

- (a) Explain the purpose of a residence order.
(1 mark)
 - (b) Advise who could apply for a residence order in relation to Husna.
(3 marks)
 - (c) Explain the purposes of the first hearing dispute resolution appointment after filing a section 8 application.
(6 marks)
 - (d) Discuss how any **five** factors on the welfare checklist may be applied by the court in this case.
(10 marks)
- (Total: 20 marks)**