



INSTITUTE OF LEGAL EXECUTIVES

UNIT 7 – FAMILY LAW*

Time allowed: 1 hour and 30 minutes plus 15 minutes reading time

Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper 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 question paper or in your answer booklet during this time, if you wish.
- **The question paper is divided into TWO sections. You must answer ALL the questions from Section A. There are three scenarios in Section B. You must answer the questions relating to ONE of the scenarios in Section B ONLY.**
- 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**

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SECTION A

(Answer ALL questions in Section A)

1. Name **three** examples of legal personnel who may deal with family law cases.

(3 marks)
2. Explain when a couple have capacity to enter a valid marriage.

(5 marks)
3. State which Article of the European Convention on Human Rights may have been breached if a party believed that they did not have a fair trial in relation to a family case.

(1 mark)
4. Describe how parental responsibility can be obtained.

(4 marks)
5. Describe the key principles of law on which cohabitants must rely for division of property if their relationship breaks down.

(5 marks)
6. State the consequences of seeking a judicial separation.

(4 marks)
7. Name **two** statutes under which financial provision can be made during marriage.

(2 marks)
8. (a) State the ground for divorce.

(1 mark)

(b) Identify any **four** of the facts which can be relied upon when seeking a divorce.

(4 marks)

(Total: 5 marks)
9. Identify the statute and the section under which civil partners are able to apply for financial and property orders on the dissolution of their civil partnership?

(1 mark)

(Total marks for Section A: 30 marks)

SECTION B

(There are three scenarios in Section B. Answer the questions related to **ONE** of the scenarios **ONLY**)

Scenario 1

Zoe and Alessandro met 15 years ago and began living together shortly afterwards. Their daughter, Giuliana, was born when they had been together for two years and is now 13 years old. The couple married eight years ago when Giuliana was five years old. Last year, Zoe and Alessandro divorced and, shortly after the divorce, Zoe gave birth to their second child, a son, Bruno, who is now eight months old.

Since the divorce, Giuliana has lived with Alessandro and Bruno lives with Zoe. The couple disagree about the children in many ways. The children do not see each other very much, as Giuliana does not have much contact with her mother. Although Giuliana is happy living with her father, when she spends time with her mother and brother, she returns to her father very upset because she misses them. As a result, Alessandro feels Giuliana should no longer see her mother, so that Giuliana can get on with her life.

Alessandro does wish to see Bruno. He also wishes for the children to spend more time together with him. Alessandro has told Zoe that, for this reason, he will apply to the court for Bruno to live with him and Giuliana, as he believes that the children should live together as brother and sister. Alessandro tells Zoe that Giuliana wants to live with her brother.

When Zoe asks Alessandro if Giuliana has said she wants to continue to live with him, he refuses to answer her. Zoe does not wish to upset Giuliana further by asking her directly.

Zoe would like both of the children to live with her, or to spend equal time between her and Alessandro as their homes are near to each other.

Scenario 1 Questions

1. Explain who has parental responsibility for Giuliana and Bruno.
(6 marks)

2. (a) Advise Zoe of the orders the court could make to ensure that she can see Giuliana regularly;
(4 marks)
and
(b) Explain if Zoe is eligible to apply for one of these orders.
(2 marks)
(Total: 6 marks)

3. Advise Zoe on the orders the court could make in relation to where the children will live.
(5 marks)

4. (a) Explain to Zoe the principles the court must follow when deciding to make any orders in relation to children.
(6 marks)
(b) Explain any **two** factors the court will take into account in these particular circumstances.
(4 marks)
(Total: 10 marks)

5. Describe the order a court could make after the divorce to help the family in relation to contact and residence if they all agree to its implementation.
(3 marks)

(Total Marks for Scenario 1: 30 marks)

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Scenario 2

Cristina (aged 25) and Felix (aged 30) married four years ago. They have lived in many countries as Felix is a professional footballer. A year ago, Cristina and Felix came to the UK, where Felix signed a contract with Kempston United Football Club. They had hoped to settle permanently in the UK and start a family but they do not have any children yet. The couple have not yet purchased their own property but instead rent a large house owned by the football club, which includes the provision of extensive security.

As a trained nurse, Cristina has personally nursed Felix through several football injuries and he has recovered well. Because the couple often travel and are the subject of intense publicity Cristina is unable to work as a nurse. Instead she has written several books on the treatment of sporting injuries, making a good career for herself and becoming quite wealthy in her own right.

Felix is the club's star player and since the couple have moved to Kempston they have been constantly followed by press photographers. Cristina has found the intrusion into their lives oppressive and has felt that she must face this alone as Felix is always training. When she raises the issue with Felix, he tells her it is part of his job and a small price to pay for such a large salary and the lifestyle they enjoy. He refuses to talk about it with her any further and becomes quite angry with her if she tries to discuss it. Cristina feels increasingly isolated and, worse still, the newspapers have recently printed a series of articles in which young women claim to have had sexual relationships with her husband.

Cristina has decided to divorce Felix and she seeks your advice.

Scenario 2 Questions

1. Advise Cristina if she can divorce Felix and if so on what basis.
(10 marks)

 2. Describe a clean break order and explain whether it is appropriate in this case.
(5 marks)

 3. (a) Identify **five** factors the court will take into account when deciding which financial orders to make and how they apply to Cristina and Felix.
(10 marks)

 - (b) Identify and explain **two** cases that the court might consider when making financial orders for Cristina and Felix.
(5 marks)
- (Total: 15 marks)**

(Total Marks for Scenario 2: 30 marks)

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Scenario 3

Jervis & Luke

Jervis and Luke entered into a civil partnership two years ago. Jervis is seeking your advice on dissolving the partnership as he has discovered that Luke has been involved in a sexual relationship with another man. Jervis and Luke each live in rented properties, having separated six months ago. They both work and earn the same amount in salary. Neither has any savings or pensions.

Harmony & Reuben

Harmony and Reuben met at a festival last summer and married nine months ago. The day after their marriage Reuben disappeared and Harmony has not seen or heard from him since. She called the police, who carried out an investigation and located Reuben who was fine, but refused to return or contact Harmony and told the police he wanted nothing more to do with her.

Harmony would like to divorce Reuben as soon as possible and separate all of their finances and property.

Harmony is expecting Reuben's baby which is due to be born at any time now. Harmony has not been able to tell Reuben about the baby because of his refusal to contact her. Harmony plans to raise their child alone and she hopes that Reuben will never find out because she feels he would be unreliable and this would not be in their child's best interests. She tells you she is worried that Reuben will find out about their child and take action to try and see the baby.

Scenario 3 Questions

Jervis & Luke

1. Explain what is meant by a civil partnership.

(4 marks)

2. Advise Jervis on the basis for dissolution of his civil partnership with Luke.

(5 marks)

Harmony & Reuben

3. Advise Harmony whether or not she can start divorce proceedings.

(4 marks)

4. (a) Advise Harmony if she is eligible to pursue an application for judicial separation.

(8 marks)

(b) Advise Harmony of the consequences of judicial separation.

(5 marks)

(Total: 13 marks)

5. Advise Harmony what orders the court could make in Reuben's favour to allow him to see their child and to decide where the child will live.

(4 marks)

(Total Marks for Scenario 3: 30 marks)

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