



THE CHARTERED 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 CILEx 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 CILEx qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

Question 1

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

You attend James Thompson in the office. You are required to explain the following points to him:

(a) State when the simultaneous exchange of completed Form E should take place.

(1 mark)

(b) Briefly explain the purpose of a Financial Dispute Resolution Hearing.

(2 marks)

(c) Explain the concept of a 'clean break' and how it may apply in this case.

(5 marks)

(d) Explain which financial orders the court is likely to make for the benefit of James.

(10 marks)

(Total: 18 marks)

Question 2

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

You attend Daniel McTaggart in the office.

- (a) State the ground upon which Daniel can apply for a divorce. **(2 marks)**
- (b) Explain which is the most appropriate fact upon which he can base his application for a matrimonial order (divorce petition). **(3 marks)**
- (c) Identify the most likely method of service for the application (petition) and how long the respondent will have to return the acknowledgement of service. **(2 marks)**
- (d) Explain the procedure for divorce in undefended cases up to and including the grant of the decree nisi. **(10 marks)**
- (e) Explain whether Daniel will be required to attend court if Marie does not defend the divorce. **(2 marks)**

(Total: 19 marks)

Question 3

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

You attend Emily Jones in the office.

- (a) Identify and explain what orders might protect Emily from David's behaviour and why. **(8 marks)**
- (b) Explain the procedure for obtaining and effecting the orders identified in 3(a) without notice. **(8 marks)**

(Total: 16 marks)

Question 4

Reference: Question 4 relates to **Document 5** of the case study materials.

You attend William Clark in the office.

- (a) Explain the concept of 'parental responsibility'.
(2 marks)
- (b) Advise William whether he currently has parental responsibility in relation to Rose and Ian and, if not, identify the most suitable way for him to obtain it.
(6 marks)
- (c) Explain the most appropriate order that William should apply for if the following matters cannot be resolved:
- (i) The dispute over William seeing the children.
(2 marks)
- (ii) The dispute concerning the proposed trip to Florida.
(2 marks)
- (d) Explain the overriding principles upon which the court will base its decision when considering an application from William under the Children Act 1989.

(5 marks)

(Total: 17 marks)

End of Examination Paper