



## THE CHARTERED 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 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 PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

### Question 1

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

#### **Additional information**

Assume that Alice has informed the police but they decide to take no action.

- (a) Explain the purpose of a non-molestation order and how it applies in this case.  
**(4 marks)**
- (b) Explain whether Alice is entitled to apply for a non-molestation order.  
**(3 marks)**
- (c) Describe the procedure for obtaining a without-notice non-molestation order.  
**(7 marks)**
- (d) Advise Alice of the action that can be taken should Charlie breach the non-molestation order.  
**(4 marks)**

**(Total: 18 marks)**

### Question 2

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

- (a) Advise Alice of:
- (i) the ground that she must satisfy in order to obtain a divorce;  
**(2 mark)**
- (ii) the appropriate fact to be used in this case in order to prove the ground for divorce.  
**(6 marks)**

Alice decides to proceed with the divorce.

- (b) List the documents which will need to be filed at court to commence divorce proceedings.  
**(3 Marks)**
- (c) Advise Alice how service can be effected if Charlie moves to London without providing any contact details.  
**(2 marks)**
- (d) Assuming Charlie returns the Acknowledgement of Service and the divorce proceeds undefended, outline the key stages in the divorce process.  
**(7 marks)**

**(Total: 20 marks)**

### Question 3

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

- (a) Explain why a Statement of Arrangements will be required in this case.  
**(2 marks)**
- (b) Explain the orders available to deal with the family home in this case.  
**(7 marks)**
- (c) Explain the procedure for applying for financial orders after the issue of Form A to the conclusion of the case.  
**(9 marks)**

**(Total: 18 marks)**

### Question 4

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

- (a) Explain to Lady Livia the concept of parental responsibility.  
**(2 marks)**
- (b) Explain to Lady Livia whether she has parental responsibility for each of the children and advise her how this might be obtained if she does not have it.  
**(4 marks)**
- (c) Identify the order that Sir Peter's parents may apply for if they wish to see their grandchildren.  
**(2 marks)**
- (d) Explain the **three** principles upon which a court will base its decision when considering an application from Sir Peter's parents under the Children Act 1989, s1.  
**(6 marks)**

**(Total: 14 marks)**

**End of Examination Paper**

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