

**INSTITUTE OF LEGAL EXECUTIVES**  
**UNIT 20 – PRACTICE OF FAMILY LAW**

**Time allowed: 3 hours 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 may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Family Law 2011-2012, M Oldham, Oxford University Press, 2011.**
- 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 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LAW AND**

**Question 1**

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

You receive a telephone call from Mr Delroy Johnson. He explains that he has considered the advice which Georgina provided to him about his separation from Keisha. He and Keisha have discussed matters further and they are both agreed that their marriage is now at an end and that they should proceed with a divorce as amicably as possible. He asks you to make a start on the documentation required for him to start a divorce and confirms he has dropped off a copy of his marriage certificate to your office that morning (**Document A**).

- (a) Explain, using best practice, which of the divorce facts Mr Johnson should rely on and why. What further information do you need from him to draft the divorce petition and why?

**(5 marks)**

- (b) On the basis of your advice, using the attached form D8 (**Document B**) draft the divorce petition for Mr Johnson.

**Important: Write your Candidate number clearly on Document B and attach it securely to your answer booklet.**

**(15 marks)**

**(Total: 20 marks)**

**Question 2**

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

One week has passed since you initially spoke to Mr Johnson. Your secretary telephones you to say that he is in reception and has asked to see you urgently. When you meet with Mr Johnson he tells you that there is a "For Sale" sign at the matrimonial home and he hands you a note that he received from Keisha last night (**Document C**).

- (a) What immediate steps can you take to protect Mr Johnson's interest in the matrimonial home and prevent Keisha from selling it without his consent?

**Note: You are not required at this stage to consider an application to court.**

**(6 marks)**

- (b) Explain to Mr Johnson the court orders which he can, if necessary, apply for to resolve his finances on divorce.

**(You do not need to consider the likely outcome of the case.)**

**(9 marks)**

- (c) Advise Mr Johnson of the other methods of dispute resolution available to him and his wife to resolve their finances on divorce.

**(6 marks)**

**(Total: 21 marks)**

**Question 3**

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

Mr Ian Tomlinson attends at the office for his appointment with you. He tells you that things have become worse since he e-mailed Georgina. He has learnt that once she is married next month Natalie intends moving in with Nick and this will mean changing both children's schools from their current ones. Ian is very opposed to this as he knows that both Sophie and Freddie are upset at the proposal. He says that he is fed up at Natalie having all of the decision-making powers and he wants to know what he can do.

- (a) Explain to Ian how he can secure his right to be involved in the decision-making for his children.

**(6 marks)**

- (b) Assume that Ian elects to involve the court to secure his right to be involved in the decision-making for his children. Using the attached Form C1 (**Document D**) draft the court application.

**Important: Write your Candidate number clearly on Document D and attach it securely to your answer booklet.**

**(11 marks)**

- (c) Advise Ian of the orders he can apply for in relation to Natalie's proposal to change the children's school and the factors which the court will take into account when considering his application.

**(13 marks)**

**(Total: 30 marks)**

#### Question 4

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

- (a) What orders should you apply for to protect Hayley? Explain why she is entitled to apply for those orders.

**(6 marks)**

- (b) Advise Hayley of the factors which the court will consider when deciding whether to grant the orders you have applied for and the likely outcome of the case.

**(15 marks)**

- (c) Assume that you are successful in obtaining the orders sought. Outline the likely terms of the orders to Hayley.

**(8 marks)**

**(Total: 29 marks)**

**CERTIFIED COPY of an ENTRY OF MARRIAGE  
Pursuant to the Marriage Act 1949**

Registration District of Clayton								
Marriage solemnized at St. Luke's Church						in the		
Parish of Clayton in the County of Barnardshire								
Columns:-	1	2	3	4	5	6	7	8
No.	When married	Name and surname	Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname	Rank or profession of father
57	19 April 1990	Delroy Wesley Johnson	22	Bachelor	Teacher	12, Long Lane Clayton, Barnardshire	Wesley Johnson	Sales Manager
		Keisha Precious Jackson	19	Spinster	Office Administrator	12, Long Lane Clayton, Barnardshire	Karl Jackson	Company Director
Married in the <i>Parish Church</i> according to the rites and ceremonies of the <i>Church of England</i> after <i>Banns</i> by me The marriage <i>Delroy Wesley Johnson</i> in the presence <i>W. Johnson</i> was solemnized between us <i>Keisha Precious Jackson</i> of us <i>K. Jackson</i>								

I *Jonathan Daley* Vicar of St Luke's Church Clayton do hereby certify that this is a true copy of entry No. 57 in the Register Book of Marriages in the said Church  
 WITNESS MY HAND this 19<sup>th</sup> day of April 1990

CAUTION: Any person who (i) falsifies any of the particulars on this certificate or (ii) uses a falsified certificate knowing it to be false is liable to prosecution

## Document C- to be used with Question 2

Delroy,

I know we agreed that we'd do things amicably for the sake of the children and I still want this and I'm happy to go along with the divorce but Dad says that I need to make sure that I provide for myself and the children after the divorce. After all, as I see it, it will only be me keeping what's mine anyway, since he paid for pretty much everything that we have!

Dad's suggested that I put the house up for sale so that the children and I can move to a better area in Clayton nearer him and Mum. I've only just put it on the market with Stantons estate agents but great news, someone's already put in an offer for it so it's full steam ahead!

I know that you'll need a bit of money for the future too, even though the children are with me, so we'll try to agree how much. Maybe if you keep your pension and our ISAs and the shares and then I'll keep the cash from the house and the life assurance policy?

I will still need maintenance from you for the children, again hopefully we can agree this as I don't want to involve C-MEC unless I have to.

Anyway, let's try and meet up to sort out an agreement, let me know how you're fixed.

Keisha

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