

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:–

LL.B.

LL.B. Part II: Family Law

COURSE CODE : **LAWSII10**

DATE : **17-MAY-04**

TIME : **10.00**

TIME ALLOWED : **3 Hours 15 Minutes**

FAMILY LAW

Answer **FOUR** questions, including at least one question from **PART A** and at least one question from **PART B**.

PART A

1. Does English child law take children's rights seriously?

2. The Child Support provisions of the Child Support, Pensions and Social Security Act 2000 are government's most recent attempt to 'improve' the system of support for children of non-cohabiting parents. What problems are these provisions designed to meet, and how successfully, in your view, will they do so?

3. Assess critically the impact of the European Convention on Human Rights on the legal legitimization of non-traditional family relationships.

4. "Law reform will not solve the problem of domestic violence because the roots of domestic violence can be traced to women's inferior status and to dominant constructions of masculinity. It is this patriarchal ideology that must be challenged if violence against women is to cease".

Discuss. How successfully does English Law deal with many forms of domestic violence?

5. Why has the law failed to protect children from child abuse?

TURN OVER

PART B

6. The marriage of Anne and Bill broke up last year. They married in 1990 and have three children, Darren who is 12, Eddie 10 and Sharon aged 6. Anne left when she could no longer take the physical abuse Bill meted out. She took Sharon with her but the boys insisted on staying with their father. The couple, both of whom are 40, have found new partners : Anne is now living with Carol, and Bill, much to Anne's disgust, with Suzi who is only 16. Bill has joined the 'New Age' religious sect: this concerns Anne who believes the boys may be indoctrinated. She also believes their education is likely to suffer since Bill has transferred them to a 'New Age' school where religious studies constitutes half the syllabus.

Anne is anxious that she gets the boys back. She wants to stop Bill seeing Sharon, who, she says, was traumatised by the violence she witnessed. Anne also wants to ensure that the boys go back to their state schools and to stop Bill and Suzi punishing the boys with a belt. Bill himself has applied for a residence order in respect of all three children: he is appalled that his daughter is being brought up in a lesbian household.

Advise Anne.

7. By reference to the Adoption and Children Act 2002 advise whether a court is likely to make an adoption order or any other order in the following cases:
- (i) Gilbert and George, two gay men, have been looking after Tim, a learning disabled boy of 5, for a year. Tim, who is in care as a result of sexual abuse and gross neglect by his parents, is being well looked after. Gilbert and George have been living together for 18 months and each has had many other relationships. They are white: Tim is Afro-Caribbean. If adoption is not allowed, Tim will probably have to go to a children's home since the local authority cannot find long-term foster parents for him.
 - (ii) Nina is 3. Mr and Mrs Jones have been fostering her. Nina's mother suffered a breakdown after her birth and could not cope with a child. There have been attempts by the local authority to reintegrate Nina with her mother but these have failed. Contact has been encouraged but it has not been very successful. The Joneses want to adopt and have local authority support to do so. The mother will not consent. She says her health is now restored and that she and her partner are capable of bringing up Nina.
 - (iii) James and Kate were divorced 5 years ago. Their only child, Fiona, is now 10. Fiona lives with Kate and, although there is a contact order, she rarely sees her father. Kate is about to remarry and she and her new husband want to adopt Fiona.

CONTINUED

8. Jean and Bob have been married for five years. They have no children. They both work full time, Jean as a commercial artist and Bob as an architect. Bob pays the mortgage instalments on the house, which is registered in his sole name. Jean has done the interior decorating, and paid for a new roof and the installation of central heating. Her salary also pays for food, the utility bills and the couple's holidays.

In the past year, Bob has become more and more depressed, and his behaviour more and more erratic. He blames this on tension induced by increased competition from new architectural firms and a slump in the building industry.

Jean learns that Bob intends to take out a further mortgage on the house in order to invest the proceeds in his ailing architectural firm.

Jean consults you seeking your advice as to whether she has any rights in their home, as against Bob and a potential mortgage lender.

Advise her.

9. Mary (aged 40) and Bill (aged 45) have been married for 15 years. They have no children. Mary is a wheelchair user and the matrimonial home has been adapted to her needs so that she is able to attend to the day to day care of the home and preparation of meals. The home, which was purchased by Bill prior to the marriage, remains in his sole name. It has a market value of £350,000 and is subject to a £100,000 mortgage.

Bill owns a flourishing business, and Mary is often expected to organise dinners to entertain business clients. In addition, she is a qualified book-keeper and ensures that the books for the business are kept in order. For this work, she is paid a small sum each month. She also has £10,000 which she inherited, invested in a building society.

She does not contribute to a pension fund. Bill does. He expects to receive a substantial pension when he retires.

Mary is unhappy in the marriage because, she says, Bill does not help with the housework. She also says he constantly criticises her and belittles her in front of other people. Bill says that Mary has a terrible temper and throws things when she is angry.

Mary wants to know whether she can get a divorce, and what orders concerning ancillary relief a court would be likely to make.

Advise her.

TURN OVER

10. Advise the following persons as to how they might acquire parental responsibility for the children in each of the examples:
- (i) Mary and Kevin commissioned Mrs Davis to act as a surrogate for them. They arranged for Mrs Davis to be inseminated with Kevin's sperm and a baby was born last month. Mrs Davis is refusing to hand over the baby.
 - (ii) Pam and Ian lived together for three years and have a child who is now 18 months. Pam will not allow Ian near the child because he is an alcoholic and can be violent. As a result Ian refuses to pay any child support.
 - (iii) Neil claims that he is the father of Rose's child. Although Rose admits to having had sexual intercourse with Neil, she says the father is Steve, and she and Steve, who are living together, have entered into a formal parental responsibility agreement. Neil, who is Jewish, believes his son will be deprived of part of his cultural heritage if he is unable to play a part in his upbringing.
 - (iv) Lorraine, who is 19, is looking after her siblings (aged 15 and 13). Their parents were killed in a recent plane crash. The 15 year old was recently told by her school that she could not go on school trips because there was no one to give her permission to go.

END OF PAPER