

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 : 16-MAY-06

TIME : 10.00

TIME ALLOWED : 3 Hours 15 Minutes

FAMILY LAW

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

PART A

1. "Since there is no great benefit to a parent in having parental responsibility, unmarried fathers might as well be given parental responsibility automatically."

Critically analyse this statement.

2. "The Civil Partnership Act 2004 is really just marriage in all but name."

Critically analyse this statement.

3. Does meeting the objective of 'fairness' between the parties in a claim for ancillary relief on divorce mean determining a claim for compensation, entitlement, neither or both?

4. Critically evaluate the effect of Article 8 of the European Convention on Human Rights on one area of family law.

5. "The law must strike a balance between upholding parental autonomy and family integrity while offering sufficient protection to children."

Discuss this statement, including your view as to how successfully the balance has been struck.

6. Are the following adequately protected in the adoption process?

Answer **BOTH a) AND b)**:

- a) The wishes and feelings of the child, and
- b) The interests of the child's biological family members.

TURN OVER

PART B

7. Calvin and Helen have been living together for six years in the home that Calvin bought eight years ago when he graduated from UCL. They had originally intended to live in that home for a short time only, buying something together after a few months. But, as often happens, they never got round to it, and after the first two years, they eventually simply agreed to extending and redecorating the home to make it feel more 'theirs'. Helen took all responsibility for organising and supervising all the renovations and decorating.

Both Helen and Calvin work full time and have always done so. Helen is a journalist and Calvin is a high school teacher. Things were comfortable for them financially; Calvin has always paid the original mortgage (currently outstanding at about £100,000) and Helen all the other expenses dealing with the house, including council tax and insurance and, since undertaking home improvements, the additional home improvement mortgage (currently outstanding at about £20,000). They have always split all other expenses such as food and holidays.

Calvin hit Helen on two occasions when they first moved in together. The first time he gave her a black eye and the second time he dislocated her jaw. After that Helen told him that if he ever hit her again, she would call the police and leave him to them. Since that time six years ago Calvin has not hit Helen again but recently she has become worried; she is pregnant now and since she told him of the pregnancy Calvin has begun to act unpredictably. He is agitated in the evenings on his return from work, and the two have argued on a number of occasions. On one occasion Calvin smashed a lamp and overturned a table in his anger, on another, he grabbed Helen by the shoulders and shook her, and finally, last night he shoved her against the wall as he stormed out of the house, saying he wanted her out of his house by the end of the month.

Helen is frightened of Calvin and wants to know what rights, if any, she has to remain in the house.

CONTINUED

8. Marge and Homer, who are married, entered into an arrangement with their local IVF Clinic and with Fred and Wilma, who are also married, whereby Marge would be inseminated with Fred's sperm and then hand over any resulting child to Fred and Wilma to rear. All concerned, including Homer, thought this was splendid idea.

Unfortunately, Wilma was very ill when Baby Maggie was born and was not sufficiently recovered to take care of her until she was four months old. Maggie remained with Marge and Homer for those four months. Wilma is now completely recovered. It was difficult for Marge and Homer to hand Maggie over to Fred and Wilma, but they did it. Now, however, one month later, Homer has changed his mind and wants Maggie to come back to live with him and Marge and their two other children, aged eight and ten. Marge, Fred and Wilma are dismayed and want the original agreement upheld.

What proceedings are likely to be taken and how will the court assess the competing claims?

9. The London Borough of Euston seeks your advice, as the borough solicitor, on the following cases:

- (a) It has just found a new, and it believes better, placement for a thirteen year old troubled teenager whom it has been accommodating for three years. The parents object to the move, but the child himself approves.
- (b) A girl of fourteen is refusing to go to school. With her parents' support, she spends her days working on what they say will be a revolutionary new computer programme to assess and collect child support.
- (c) Neighbours of a seven year old boy and his family have said they have not seen the boy for some two weeks now but have heard screaming and crying from the house and have seen the parents come and go as normal. The boy has not been in school for two weeks. Your social worker attempted to visit the boy but was told he was unwell with the sniffles.

TURN OVER

10. Steve and Julia have been married for ten years and have two children, Gareth aged nine and Penny, aged four. Julia works part time and has always been the parent primarily responsible for the care of the children. Steve usually spends time with them in the evenings and at weekends.

Steve told Julia six months ago that he was in love with Carol and has since moved in with her. Since moving out of the home, Steve has only seen the children once. He says that Julia has turned them against him, but Julia says that Gareth and Penny do not want to see him and become distraught at the thought of visiting him again. Gareth says he hates both Steve and Carol and will run away if he is made to see them again. Penny does what Gareth does.

Steve maintains that the children should live with him, as he would never keep them from seeing their mother, something he thinks Julia is doing to him. He has more money and can offer them their own rooms in the house he now shares with Carol. He says also that a young boy ought to be with his father. Finally, Carol is unemployed and will care for Gareth and Penny while he is at work.

Julia, on the other hand, wants to maintain her part time work and so will require child support from Steve. He has not paid anything yet, but he says he will, just as soon as he sees his children. This is the only financial issue that is outstanding between them.

Advise Steve, including whether he can obtain a divorce from Julia.

END OF PAPER