



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 7 – Family Law

Question paper

January 2025

Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- There are **two** sections in this question paper — Section A and Section B. Each section has four questions.
- You must answer **four** of the eight questions — at least **one** question must be from **Section A** and at least **one** question must be from **Section B**.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities decided cases and examples should be used where appropriate.
- You are allowed to make notes on your scrap paper during the examination.
- A basic calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book – ***Blackstone’s Statutes on Family Law, 31st edition, Rob George, Oxford University Press, 2023.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

SECTION A

Answer at least one question from this section.

1. 'Allegations of domestic abuse are not taken seriously enough by the family court when making decisions about private law child arrangements.'

Critically analyse this statement.

(25 marks)

2. Critically evaluate whether the current child maintenance position is fit for purpose for:

(a) biological children;

(12 marks)

(b) step-children.

(13 marks)

(Total: 25 marks)

3. 'Judicial separation is an outdated legal option which is no longer required following the introduction of the Divorce, Dissolution and Separation Act 2020.'

Critically analyse this statement.

(25 marks)

4. Critically analyse whether existing family law provisions provide sufficient protection to those who may be, or have been, forced into a marriage against their will.

(25 marks)

SECTION B

Answer at least one question from this section.

Question 1

Carla and Liam met while taking Italian lessons four years ago. The relationship developed quickly, and they were soon spending most evenings together. Carla introduced Liam to her 11-year-old daughter, Kylie. The three of them got on well and they were soon starting to feel like a family. Carla had a relatively low-paid job as a part-time receptionist and was still repaying her legal bills following her divorce from Kylie's father. Carla was struggling to pay the rent for the flat that she and Kylie lived in and communicated her financial worries to Liam.

After six months, Liam suggested that Carla and Kylie move in with him. Liam had purchased his three-bedroomed house five years previously and had a well-paid job as a deputy head teacher. He was happy to financially support Carla and Kylie until Carla had repaid her legal bills and was in a better financial position; he therefore refused to let her pay towards the bills or mortgage. To make up for this, Carla assumed responsibility for all household chores, including decorating, replacing curtains and soft furnishings, and gardening.

With Liam's support, Carla was soon able to repay her debts and even saved up enough money to pay for a small extension on the house last year. The idea of the extension was to provide them all with a bit more space as Liam had been complaining that they had no time to themselves as a couple without Kylie. The extension also provided an area for Kylie to be able to study for her upcoming exams without being disturbed.

Last week, Liam told Carla that their relationship had come to an end. Liam told her that he would allow her a couple of weeks to find somewhere else to live with Kylie. When Carla asked Liam about repaying her the money she paid for the extension, he said that the house was in his name and as he had supported her and Kylie for years, he owed her nothing.

Giving reasons for your answers, advise:

(a) whether Carla can obtain an order allowing her to remain in the family home with Kylie;
(10 marks)

(b) whether Carla will be able to recover the money she paid for the extension.
(15 marks)

(Total: 25 marks)

Turn over

Question 2

Aliya and Brian have been married for 10 years but separated two years ago. They separated because Aliya discovered that Brian was having an affair with a work colleague. They have jointly applied for a divorce, and this is now at the conditional order stage.

When they separated, Brian rented a small flat to live in so that Aliya could continue to live in the family home with their two children, Danielle (aged six years) and Elliot (aged four years). Brian has been providing child maintenance of £600 per calendar month.

Brian is a doctor, earning £90,000 per annum, and has an NHS pension with a current value of £350,000. He also has savings of £50,000. Aliya is a teacher and works part time (three days a week). Her pro rata salary is £30,000 per annum and she has savings of £15,000. She has a teacher's pension with a current value of £200,000. The family home is estimated to be worth £350,000 and is mortgage free. Brian and Aliya each put down £50,000 as a deposit when they purchased the property. Four years ago, Aliya paid off the remaining balance using money that she had inherited when her mother passed away.

Brian has now told Aliya that his relationship with his work colleague, Fiona, has developed and they hope to start a family together. He wants to be able to buy a house with Fiona and says that he needs the family home to be sold so that he can do this. He has suggested that they split the profits from the family home jointly. Aliya is not in agreement and wants to remain in the family home with the children.

Advise Aliya on what financial orders a court is likely to make and the reasons for this.

(25 marks)

Question 3

Matthew and Timothy have been married for five years. Initially they discussed adopting children but found the adoption process stressful and intrusive. They decided not to continue with the adoption process, but this left them feeling at a loss as to how they were going to be able to have the family together that they both wanted.

One evening, Matthew and Timothy went out for dinner with their friend Una and confided in her about this. Una has children of her own with her husband Victor and so understood the couple's desire to have a family. Seeing how upset Matthew and Timothy were, Una offered to be a surrogate, using her own eggs.

Matthew and Timothy have decided that Matthew's sperm will be used. Rather than going through an invasive clinical procedure, they have discussed using an 'at home' informal method to save time. They have agreed that they will put Matthew's name on the birth certificate and then deal with any other legalities later.

Una and Victor have wanted an extension on their property for a while, so Matthew and Timothy have discussed offering to pay them for this as a thank-you gift. This is in addition to paying for private healthcare for Una throughout the pregnancy.

Victor is happy that this may allow Matthew and Timothy to have a child but has concerns that Una is rushing into it without knowing enough about the legalities. He has therefore come to you for advice on the legal implications so that they can be fully informed before proceeding.

Advise Victor on the potential legal implications of the arrangement that Una is making with Matthew and Timothy.

(25 marks)

Turn over

Question 4

Graham and Harriet have two children together, Isabelle (aged seven years) and James (aged nine years). Graham and Harriet's relationship came to an end six months ago when Graham seriously assaulted Harriet in front of the children, resulting in her being hospitalised and Graham being arrested. Graham is currently serving a prison sentence for the assault. He currently has no contact with the children.

Harriet does not have a good relationship with her own parents so while she was recovering from her injuries, Graham's parents, Margaret and Neil, looked after the children. They have a good relationship with Isabelle and James, having looked after them regularly since they were born, including during school holidays while Harriet and Graham worked. Margaret and Neil were shocked to hear about the assault, even though they had been aware of arguments between Harriet and Graham.

The children are now back in Harriet's care, and she has cut off all contact with Margaret and Neil. She sent them a text message to say that she does not want the children to have any contact with their paternal family going forward. She wants a fresh start away from Graham and his family. Margaret and Neil are upset by this and want to see the children. They have not spoken to Graham since his arrest and are prepared to not be involved with him in the future if it means that they can continue to see Isabelle and James.

Advise Margaret and Neil on the legal options they could pursue to resume contact with Isabelle and James, and how the court will approach any application they might make.

(25 marks)

End of the examination