



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

Unit 20 – The Practice of Family Law

Question paper

June 2024

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.
- You must answer **all** questions.
- 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 use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- 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, 2022.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

Answer ALL questions

Question 1

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

In relation to your client, Mrs Nisha Thompson, you need to deal with the following.

- (a) Explain the order that Mrs Thompson should apply for to protect herself from further domestic abuse and how this order can be enforced.
- (b) Explain the order that Mrs Thompson should apply for to secure her right to remain in High Trees, the test that will be applied and the factors that the court will consider.

(7 marks)

(16 marks)

(Total: 23 marks)

Question 2

Reference: Question relates to **Documents 1 and 3** of the case study materials.

In relation to your client, Mrs Sara Wilkins, you need to deal with the following.

- (a) Advise Mrs Wilkins of the most suitable enforcement action to take to ensure payment of the lump sum if her husband continues to refuse to pay.
- (b) Explain to Mrs Wilkins the powers of the CMS to ensure that child maintenance sums due to her are paid.
- (c) Advise Mrs Wilkins whether Anton, as an unmarried co-habitant, would be able to make any claims on the former family home when it is transferred into her sole name and how Mrs Wilkins can ensure that Anton cannot make any such claim.

(6 marks)

(6 marks)

(11 marks)

(Total: 23 marks)

Question 3

Reference: Question relates to **Documents 1 and 4** of the case study materials.

In relation to your clients, Mr and Mrs Cotton, you need to deal with the following.

(a) Advise your clients as to:

- which s8 Children Act order they should apply for in order to have continued contact with Lottie;
- the initial application to court that would need to be made on their behalf before applying for such an order;
- whether this initial application is likely to be successful.

(12 marks)

For the purpose of Question 3(b) below, assume that the initial application to court is successful.

(b) Explain the principles and factors that the court will consider when deciding whether to grant the s8 Children Act order that Mr and Mrs Cotton should now apply for.

(18 marks)

(Total: 30 marks)

Question 4

Reference: Question relates to **Documents 1 and 5** of the case study materials.

In relation to your client, Mrs Carla Downes, you need to deal with the following.

(a) Advise whether Mrs Downes is able to apply to the Family Court for a divorce and, if so, of the ground for divorce and how this can be satisfied.

(9 marks)

(b) Describe to Mrs Downes the divorce process under the Divorce, Dissolution and Separation Act 2020.

(9 marks)

Mrs. Downes has also told you that Mr Downes retained all the assets in his sole name. Her only income has been a monthly allowance transferred to her bank account. She believes that Mr Downes might stop the monthly allowance and so is very concerned about her finances and whether she will be able to pay any costs involved in a divorce application.

(c) Advise Mrs Downes as to:

- the costs involved in making an application for a divorce;
- the funding options available;
- the best way for her to proceed.

(6 marks)

(Total: 24 marks)

End of the examination