

UNIVERSITY OF LONDON

266 0019 ZB

**LLB EXAMINATION**  
for External Students

PARTS I AND II EXAMINATIONS (Scheme A)  
THIRD AND FOURTH YEAR EXAMINATIONS (Scheme B)  
GRADUATE ENTRY LEVEL II (Route A)  
GRADUATE ENTRY THIRD YEAR (Route B)

**Family Law**

Tuesday 26 May 2009 : 10.00 - 1.15 pm

Candidates will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their answer books. They then have the remaining **THREE HOURS** in which to answer the questions.

Candidates should answer **FOUR** of the following **EIGHT** questions.

Candidates should answer all parts of a question unless otherwise stated.

1. 'The reality is that parental responsibility is largely redundant as a concept. It is the court that will be the ultimate arbiter of what is the best decision for the child.'

Critically assess the validity of this statement.

2. Doris lives in a one bedroom council flat. She has three children, Andrew, aged 12, Carol, aged 9 and Roger, aged 4. Andrew has recently developed behavioural problems and has taken to self harming and bullying other children at school. Roger is a very demanding child who has learning difficulties and has difficulty getting to sleep every night. Doris's GP has advised her that Andrew is probably reacting to the death of his father, Sam, two years ago. Sam died in a car accident after leaving the house following an argument with Doris. Doris and the GP both think that Andrew blames Doris for his death.

Things came to a head recently when Doris's new partner, Wayne, left her because he was sick of her 'disturbed kids'. As a result Doris has started drinking heavily every evening to 'de-stress' and is finding it very hard to cope with the children on her own. She has responded neither to the latest letter from the school concerning Andrew's behaviour nor to her neighbour's complaints concerning Carol, who recently threw a rock through her window. The neighbour contacted social services who have asked Doris to come in and see them. Doris is terrified that social services will take her children away from her.

Advise Carol.

3. Roger and Pam married ten years ago and have one child from their relationship, Sandra, aged 11. Roger and Pam divorced five years ago and Pam moved in with Alan two and a half years later. Roger and Sandra have regular contact with each other. Pam and Alan have one child from their relationship, Katrina, aged two. When Katrina was born, Alan and Pam decided that he should stay at home and look after both children. This means that Alan usually prepares the children's evening meal and puts them to bed as Pam often works late. He also drops Sandra off at school everyday. Pam and Alan have not been getting along very well and Pam has recently informed Alan that she has met another man over the internet, Gordon, who lives in Glasgow. At present all the parties live in London. Pam has also informed Alan that she intends to move in with her new lover as soon as possible. She intends to give three months notice to her employer, and is confident she will find a suitable job and school for Sandra in Glasgow. She says that she has already informed the school that Sandra will be leaving at the end of term. Gordon's mother Janet has agreed to 'mind' both children when Pam eventually finds a job but in the meantime she intends to look after them herself. Gordon does not have any children of his own and currently lives in a two-bedroomed flat. Alan is devastated as he has a very good relationship with both children and is worried about how Pam will manage the care of both of them. Roger is extremely concerned about the impact this will have on his contact with his daughter.

Advise Alan and Roger.

4. 'Pre-nuptial contracts, and the so called "Big Money" judgments, are of little relevance to the average family in the UK'.

Critically assess the validity of this statement.

5. 'The reality is that people need someone to blame when a marriage breaks down. Divorcing 'responsibly' and 'reflectively' is nothing more than a liberal dream.'

Discuss with reference to the current law.

6. Erika and Janet are in a relationship. Erika bought her one-bedroomed flat in London ten years ago for £100,000 and Janet has never owned her own property. Erika asked Janet to move in with her four years ago and told her 'to treat the flat as her own'. The flat was worth approximately £180,000 at that point. Janet paid the market rent for a flat share by direct debit into Erika's account; the money appeared as 'rent' in Erika's account each month. About one year later, Erika told Janet that they were now a 'couple' and they would 'share the flat forever'. This suited Janet as she had been thinking about buying a flat of her own, having saved up a £10,000 deposit. Because this was no longer necessary, Janet spent half of the money on a luxury holiday for both of them to the Caribbean and most of the other half on a new bathroom. Janet has recently discovered that Erika has been having an affair and Janet has therefore moved out. Janet has asked Erika to give her half of the net worth of the property but Erika has offered her £3,000 to help her 'buy a place of her own'. Janet is incensed at this treatment.

Advise Janet.

7. Critically discuss the extent to which the legal definition of 'family' has changed to acknowledge changing social trends and attitudes.
8. Liz and Sam have recently split up because of Sam's violence. They had lived together for the last two years and have one child from the relationship, Amy, aged 2. Although Sam was often violent to Liz and on one occasion broke her arm, she never reported this to anyone. However, when he tried to hit Amy, Liz decided that she had to move out. Sam has recently found out where Liz has been living and has been pestering her by telephone for contact with Amy. Liz is adamant that Amy should not come into contact with Sam and believes Sam is only asking for contact with Amy so that he can have contact with Liz. One night, Sam comes to Liz's flat, drunk, and starts banging on the door. When Liz threatens to call the police, he shouts, 'I will come back later and finish off both of you.' Liz is extremely frightened.

Advise Liz of her options.

END OF PAPER