

GX 1693

**Ollscoil na hÉireann, Gallimh**  
**National University of Ireland, Galway**

**Semester II Examinations, 2003/2004**

<b>Exam Code(s)</b>	2BL1, 2BL2, 2CW1, 3BA6, 3BL1, 3BL2, 3CW1, 4BA8, 4BL2
<b>Exams(s)</b>	2 <sup>nd</sup> 3 <sup>rd</sup> & 4 <sup>th</sup> LL.B 2 <sup>nd</sup> & 3 <sup>rd</sup> Bachelor of Civil Law 3 <sup>rd</sup> & 4 <sup>th</sup> Bachelor of Arts (Public & Social Policy)
<b>Module Codes(s)</b>	LW312
<b>Module(s)</b>	Family Law
<b>Paper No.</b>	1
<b>Repeat Paper __ Special Paper</b>	
<b>External Examiner(s)</b>	Mr. Ciaran White
<b>Internal Examiner(s)</b>	Ms. Marie McGonagle
<b><u>Instructions</u></b>	Please answer <b>THREE</b> questions only.
<b>Duration</b>	<b>THREE</b> Hours
<b>No. of AnswerBooks</b>	
<b><u>Requirements:</u></b>	
<b>Handout</b>	
<b>MCQ</b>	
<b>Statistical Tables</b>	
<b>Graph Paper</b>	
<b>Log Graph Paper</b>	
<b>Other Material</b>	
<b>Department(s)</b>	Law

PTO

1. Answer **EITHER** a) **OR** b):

a) Children at risk and children who get into trouble with the law need help and support but this is often not available. Discuss with reference to non-emergency measures, interventions and forms of child-care provided for in Irish law.

**OR**

b) The virtue of marriage is that it is a legal concept with generally clear rules governing its foundation. We can usually determine without major difficulty who is married to whom. Reforms with the intention of modernising marriage have centred on measures to support it, to terminate it and to clarify the situation in cases of invalidity (nullity). Critically assess what you consider to be key reforms to date and priorities for further reform.

2. Critically assess the criteria to be applied by an Irish court in dealing with a case where a parent has abducted a child and brought her to Ireland. In your answer explain the position in **EACH** of the following circumstances:

a) The father agrees to the mother bringing the children to Ireland for a summer holiday, allows them to remain because their grandmother is ill and does not seek their return until the following summer because he himself is away serving on a U.N. peace-keeping mission until then;

**AND**

b) The father abducts a child to Ireland even though neither parent has any prior connection with Ireland.

3. When Jim met Dorothy she already had a three-year-old son, Ben. Jim and Dorothy lived together for five years and had twin girls, before splitting up. Jim went to live abroad and Dorothy, who could not cope, placed the twins for adoption without telling him. A few months later Jim returned, renewed the relationship and asked Dorothy to marry him. He now wants to get the twins back. By this time Dorothy has given consent to the making of the adoption order and is worried that the babies, now aged eighteen months will not be returned to her. She is also worried about Ben's status if she marries Jim. Advise her, by reference to decided cases where appropriate, as to her legal position.

4. Molly and her boyfriend Brian, both students, have been living together as a couple for eight months. They share a house with two other students, Mark and Stella. The house is owned by Molly's parents, and she and Brian are not paying rent, only household bills. Mark and Stella are paying rent. Stella's brother, who came to stay for a while when he dropped out of college, was often drunk and abusive. On one occasion he smashed property and threatened Molly. Molly and Brian tried to throw him out but Mark and Stella begged them to let him stay until he found somewhere else to live. Eventually he moved out but began to stalk Molly and send her sinister text messages. Brian began to wonder if Molly was seeing Stella's brother and became verbally abusive towards her. Molly does not want to upset Brian or Stella but seeks your advice as to any remedy she would have in law a) in relation to the stalking, and b) if the situation with Brian continues to deteriorate and he becomes physically violent towards her. Advise Molly as to any remedy under the Domestic Violence Act 1996 that might be available in her situation.

**PTO**

5. Tom and Anne were married for fifteen years and had four children, one of whom was autistic. Tom, an accountant, was originally from Northern Ireland, and owned a small hotel there as well as business interests in the Republic, where the family home was. The marriage deteriorated and Tom moved out six months ago. He wanted the two older boys to live with him but they did not want to. Anne is worried that Tom will file for divorce in Northern Ireland and seeks your advice as to her legal options. She is not too keen to divorce Tom but wants to ensure that she has suitable accommodation and financial security for herself and the children and wonders if she should institute proceedings for judicial separation. She also seeks your advice as to whether Tom can get custody of the two boys, now aged 14 and 12 against their wishes, or whether a court would be likely to award joint custody. Advise Anne.

6. Critically assess the current law in relation to ONE OF THE FOLLOWING:

- (I) The role of the guardian ad litem (GAL) in court cases involving children;
- (II) The appropriateness and effectiveness of the "welfare principle" in making decisions affecting children;
- (III) The status of ante-nuptial agreements;
- (IV) The operation of the *in camera* rule in family law cases.
- (V) The approach of the courts in family law cases, with particular reference to the provisions of the Constitution and the legislation protecting the family home.

END