

INFORMATION BEFORE YOU START YOUR FAMILY CASE,

Family Law:

You have a family law matter if you're faced with issues concerning:

- Separation;
- Divorce;
- Children, including the time they spend with each parent;
- Dividing family property between you and your spouse;
- Determining who will live in the family home;
- Support for you, your partner or your children after your relationship ends;
- Adoption; and
- Child protection (Children's Aid Society matters).

Unless your issues are urgent, we at Mutual Consensus think it's a good idea to do some research on the options available to you to resolve your family issues.

Talking to a lawyer can help you understand or give you a better idea of your rights and responsibilities.

Talking to a local Mediator will help you understand which voluntary options may be best for you and your family.

Options to Resolve Family Law Issues:

At Mutual Consensus we strongly believe that Court should be the last resort.

Keep in mind that when you go to court, you are asking someone you don't know and who doesn't know you, to make serious decisions about your family. Court can be expensive and can take a long time. It can also be stressful for you, the other person, **and your children.**

Our Mutual Consensus list, below, is in the order, from the least amount of cost, time, and stress to the most.

These options include:

- Mediation;
 - Arbitration;
 - Mediation / Arbitration combination;
 - Collaborative family law;
 - Collaborative lawyers working with a Mediator and or an Arbitrator;
- or
- Going to court.

The above options of Mediation or Arbitration can be used with or without you being accompanied with your lawyer of choice.

NOTE:

Not all of these options would be appropriate in every circumstance. For example, mediation and/or arbitration is not appropriate where there is domestic violence in the relationship. In these circumstances Mutual Consensus strongly recommends that the only and best option is to go to court.

THE RIGHT COURT FOR YOUR FAMILY CASE

There are three different courts in Ontario that deal with family law cases and it is important that you have the right court. They are;

- Superior Court of Justice;
- Family Court Branch of the Superior Court of Justice; and
- Ontario Court of Justice

Only certain kinds of decisions can be made in each court.

For Wellington, Grey and Bruce counties there are only two Courts that apply to family law issues.

The **Superior Court of Justice** can hear family law cases involving:

- Divorce;
- Division of family property;
- Claims relating to the family home;
- Trust claims and claims for unjust enrichment;
- Applications and appeals relating to family arbitrations;
- Child support;
- Spousal support; and
- Custody of and access to children.

The **Ontario Court of Justice** can hear family law cases involving:

- Custody of and access to children;
- Child support;
- Spousal support;
- Enforcement of support set out in a domestic contract or separation agreement;
- Adoption; and
- Child protection.

RESOURCES

Legal Advice

Before choosing an option listed above, it is important to speak to a lawyer.

A lawyer is in the best position to advise you of your legal rights and obligations and to help you understand the legal consequences of your decision.

A Mediator or an Arbitrator at Mutual Consensus cannot practice law. A Mediator does not represent any party; the Mediator's job is to get the Parties to reach an agreement.

At Mutual Consensus, Mediators and Arbitrators only review or suggest options that maybe feasible to the clients specific set of circumstances.

If you chose of the above options including going to court, you can represent yourself, but you need to know that judges, court staff, mediators and arbitrators cannot give you legal advice. **Only** lawyers can do that.

Parties who represent themselves are responsible for informing themselves about the law.

If you decide to hire a lawyer and you do not know whom to call, you can contact the Lawyer Referral Service operated by the Law Society of Upper Canada. The Lawyer Referral Service will provide the name of a lawyer in your area who practices family law. That lawyer will provide a free half-hour consultation. The telephone number for the service is 1-800-268-8326.

If you can't afford a lawyer, you may wish to contact Legal Aid Ontario to see whether you would qualify to receive legal aid. You may contact Legal Aid Ontario by calling 1-800-668-8258 or by visiting www.legalaid.on.ca.

You can also visit an Advice Lawyer (a lawyer provided by Legal Aid Ontario) at the Family Law Information Centre at the family court in your municipality. If you meet the financial requirements for legal aid, an Advice Lawyer can give you legal advice about your case.

Note:

If you qualify for Legal Aid, ask the Legal Aid Lawyers to help represent a Party during either mediation or an arbitration process. At Mutual Consensus we welcome this option.

This guide does not provide legal advice. It is recommended that all parties seek legal advice where possible.