



Snapshots™

DIVORCE: SEEKING LEGAL COUNSEL

THE FIRST THING THAT MUST BE EMPHASIZED IN ANY RELATIONSHIP BREAKDOWN IS THE IMPORTANCE OF SEEKING COMPETENT LEGAL ADVICE.

Some splitting couples can sit down together and structure their separate ongoing responsibilities between themselves in a friendly way. However, the laws relating to relationship breakdown can be extremely complex and there are overlapping jurisdictional considerations. It makes a difference if the relationship was a marriage under federal law or a common-law relationship, which is subject to provincial or territorial statute.

The situation can be further complicated when there are children involved. As a general rule, the courts are concerned with children first and foremost. If the courts decide that a separation agreement is unfair to the children, then that agreement will be overturned, regardless of what the parents have agreed. Certain spousal/children's rights under law can not be given up despite what an agreement states.

Finding a Lawyer

I will be pleased to refer you to an experienced family lawyer. Alternatively, the law societies of many of the provinces and territories provide a service to direct you to a trained family lawyer in your area:

Alberta – The Law Society of Alberta: 1-800-661-1095 or in Calgary: (403) 228-1722

British Columbia – The Canadian Bar Association, British Columbia Branch: (604) 687-3221

Manitoba – The Law Society of Manitoba: (204) 942-5571

New Brunswick – The Law Society of New Brunswick: (506) 458-8540

Newfoundland and Labrador – The Law Society of Newfoundland and Labrador: (709) 722-2643

Northwest Territories – The Law Society of the Northwest Territories: (867) 873-3828

Nova Scotia – The Legal Information Society of Nova Scotia: (867) 668-4231

Ontario – Ontario Bar Association: (416) 869-1047

Quebec – The Quebec Bar: (514) 954-3400

Yukon Territories – The Law Society of Yukon: (867) 668- 4231

Mediation

Some couples, after deciding to part ways, may engage the services of a mediator. The mediator will act as an impartial third party and meet with the couple and perhaps the children, and assist them in coming to agreement on various issues of the separation such as custody. The agreement will still have to be sanctioned by the court and lawyers should be consulted, but ideally mediation will help to make the process less antagonistic and confrontational.

Finding a Mediator

The Academy of Family Mediators has a search function at their website where you can locate a mediator in your area: [Academy of Family Mediators](#)

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