

NOTEBOOK

2023

Belongs to:



To Do:

Before Contacting a Lawyer

- ☐ Do some research on your situation
- ☐ Try to speak with friends or family that have been in a similar situation
- ☐ Research different options (mediation, counselling, coaching)
- ☐ Research lawyers in your area to find your best match
- ☐ Determine how much an initial consultation would cost
- ☐ Organize documents you think may be useful to your situation
- ☐ Write down all of your questions for your lawyer

Notes:

To Do:

Choosing a Lawyer

- ☐ Research lawyers in your area that work with family law
- ☐ If you are comfortable, discuss with your friends or family on lawyers they may recommend
- ☐ Look into lawyers credentials and accomplishments
- ☐ If you have more specific issues try to look for lawyers that note a specialty (ex: separating when farming income and property is at issue or businesses are involved)
- ☐ Consider what your budget is and do not be afraid to have several consultations to find the best lawyer for you
- ☐ Consider how the lawyers communicate (email, text, in person) and which is your preferred method
- ☐ Write down all of your questions and concerns you will want addressed at your consultation

Notes:

To Do:

How to Prepare for a Prenuptial Agreement

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Establish when you will become spouses by law (i.e. date of marriage, date common law commences)

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Speak with your spouse about getting an Agreement

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Research lawyers in your area that you both agree on to draft the agreement

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Decide which lawyers will provide each of you independent

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Find out how much an initial consultation will cost

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Organize documents that may be relevant (i.e. valuations of property, pet documentation)

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Write down all the questions you want answered

Notes:

To Do:

Evaluating My Legal Health

- ☐ I know what I am entitled to
- ☐ I know what I am responsible for
- ☐ I know my options and their consequences
- ☐ I have a Plan B (and maybe even a Plan C)
- ☐ I am prepared to deal with prolonged settlement discussions - both financially and emotionally
- ☐ I am organized and my documents are in order
- ☐ I do not have any other questions or concerns - I am satisfied I know enough about my situation to make an informed decision
- ☐ I am not losing sleep at night as a result of the "unknown" at least in terms of my legal position, rights, responsibilities, or entitlements

Notes:

To Do:

Leaving an Abusive Relationship

- ☐ Try to speak with friends or family who have been in a similar situation
- ☐ Reach out to resources for help (i.e. shelter, police, support groups, counselling)
- ☐ Develop a safety plan (where will you go? how will you get out? who can you trust?)
- ☐ Create new accounts (email, bank, etc.)
- ☐ Change passwords
- ☐ Write down all of the questions you want answered
- ☐ Figure out a parenting plan (how will you keep them safe?)
- ☐ Block communication with abusive partner
- ☐ Ensure adequate finances or accommodation for the immediate future

Notes:

To Do:

Separating Without Court

- ☐ Look into options such as mediation, arbitration, parenting coordinators, and collaborative family law
- ☐ Mediation: an independent mediator can help parties discuss their issues and help with solutions
- ☐ Arbitration: an arbitrator can help parties resolve issues using mediation but making binding decisions where resolution is not possible
- ☐ Collaborative family law: both parties and their lawyers can commit to resolving issues without court through mediation
- ☐ Parenting coordinator: a child-focused, out of court dispute resolution process
- ☐ Determine if any of these options suit your situation
- ☐ Consider: can you and you ex communicate civilly? Do you both put your children's needs first? Is there a power imbalance? Is there physical abuse?

Notes:

To Do:

Responding to a Court Application page 1

- ☐ Carefully review all documents served on you
- ☐ Consider consulting a legal professional
- ☐ Write detailed responses to each paragraph from the served documents
- ☐ Review and refine responses (exclude speculation, verbal attacks, profanity, argument, and hearsay)
- ☐ Consider any third party evidence that may be relevant. Collect statements from people you may wish to include as witnesses
- ☐ Communicate with opposing party or lawyer respecting timelines for filing materials
- ☐ Organize any documents you think may be relevant and useful exhibits
- ☐ Draft statements in the form of an Affidavit
- ☐ Review affidavit drafts and make edits

Notes:

To Do:

Responding to a Court Application page 2

- ☐ Take affidavit to a Notary Public to swear
- ☐ Write down all questions you want answered
- ☐ Serve (on opposing party or lawyer) and file (with the court) all materials you intend to rely on
- ☐ Prepare your argument well in advance
- ☐ Include a response position to the opposing party's arguments
- ☐ Consider filing a brief of law summarizing your argument or any other necessary materials prior to the hearing

Notes:

To Do:

Separating from my Partner

- ☐ Try to speak with family or friends if they have been in a similar situation
- ☐ Reach out to resources for help (ie: support groups, counselling, etc)
- ☐ Develop a Plan
- ☐ Create new accounts (email, bank, etc)
- ☐ Change passwords - consider the possibility that your partner may have used surveillance tools to track private information and passwords
- ☐ Write down all questions you want answered - separate legal and non-legal questions
- ☐ Figure out parenting plan - consider what their schedule will be and how to maintain stability
- ☐ Ensure adequate finances or accommodation for the immediate future
- ☐ Research and choose method of communication with opposing party that you can control (ie: separate and new email address, Our Family Wizard)

Notes:

To Do:

Mediation

- ☐ Try to speak with family or friends if they have been in a similar situation
- ☐ Reach out to resources for help (ie: support groups, counselling, etc)
- ☐ Develop a Plan
- ☐ Review and refine responses (exclude speculation, verbal attacks, profanity, argument, and hearsay)
- ☐ Consider any third party evidence that may be relevant. Collect statements from people you may wish to include as witnesses
- ☐ Serve (on opposing party or lawyer) and file (with the court) all materials you intend to rely on
- ☐ Figure out a parenting plan (how will you keep them safe?)
- ☐ Block communication with abusive partner
- ☐ Ensure adequate finances or accommodation for the immediate future

Notes:

To Do:

Separating from my Common Law Partner

- ☐ Determine if you are in a common law relationship. A common law relationship means you have been living together for 2 or more years
- ☐ Research the legal definition for common law in your province - each have different rights
- ☐ Make a list of potential shared property between you and your common law partner
- ☐ Make a list of pensions, bank accounts, and debts
- ☐ If you have a written agreement with your spouse, consider reviewing it with a lawyer to understand your rights
- ☐ If the relationship ended due to the death of your partner property rights may still be triggered

Notes:

To Do:

Special & Extraordinary Expenses

- ☐ Determine if your child(ren) have any special and extraordinary expenses
- ☐ These are expenses above the basic expenses for food, clothing, and housing
- ☐ Do you have costs for childcare? Determine the year amount with receipts to support
- ☐ Do you have costs for your child(ren)'s medical or dental insurance premiums?
- ☐ Do you have costs for your child(ren)'s extra educational expenses?
- ☐ Do you have costs for your child(ren)'s post-secondary education?
- ☐ Do you have costs for your child(ren)'s extracurricular activities?
- ☐ Determine the yearly amount with receipts to support the total
- ☐ Keep in mind that the expenses must be reasonable and consider each parent's income when considering extraordinary expenses

Notes:

To Do:

Spousal Support

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Do you have a spousal support entitlement or obligations?

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Determine if you, or your spouse, cannot maintain a reasonable standard of living on their own

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Spousal support can last through a transition period or can be indefinite depending on the situation

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Tax is usually applied to support payments unless paid in a lump sum - the payor gets a tax deduction on support payments

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If unmarried, determine if your relationship qualifies for spousal support

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Determine when you need to make a spousal support claim

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Entitlement is determined based on length of relationship, roles of spouses, having children, income disadvantages or advantages

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Keep note that if your circumstances change support amounts may be able to be adjusted

Notes:

To Do:

Parenting after Separation

- ☐ Focus on your children's needs and make decisions with their best interests in mind
- ☐ Help your children keep a good relationship with both parents - even when it is hard at first
- ☐ Make clear parenting plans ahead of time to avoid conflict
- ☐ Research information on resources for your family during transition
- ☐ Protect yourself and your children if you are at risk of an abusive situation
- ☐ Protect your finances - spend wisely to save money for your children's future
- ☐ Consider your children's interests and wishes when making decisions
- ☐ Consider counselling to ensure you remain a stable and healthy parent
- ☐ Try to maintain stability in the children's lives during the transition period

Notes:

To Do:

Dealing with Debt

- ☐ Create a list of all debts with amounts owing
- ☐ Consider negotiating payment plans with creditors
- ☐ Consider applying for a consolidation order
- ☐ Consider making a consumer proposal
- ☐ Research insolvency trustees, insolvency lawyers, and credit counsellors to find a good fit for your finances
- ☐ Get in writing any negotiation settlements regarding debts
- ☐ If applicable, consider declaring bankruptcy

Notes:

To Do:

Legally Changing My Name

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You do not need to apply for a legal name change if you: get married, get divorced, or are widowed

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If you want to update your banking information, SGI, or CRA accounts contact eHealth Sask

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Get a Criminal Record Check

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Have a copy of your marriage certificate (if applicable) ready to provide

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If common-law, file a declaration with eHealth Sask to change last name

Notes:

To Do:

Legally Changing My Child's Name

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If your child is between the ages of 14-18 they must give written permission for a new change

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Obtain written consent from any other person who shares legal custody of the child

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If you cannot obtain written consent from another person that shares legal custody over the child, considering contacting a lawyer

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Consider submitting an Order through the Court to dispense the required consent

Notes:

To Do:

Moving with my Child

- ☐ If you have a court order under the Divorce Act you must give notice of your plan to move
- ☐ Give notice to: any person with parenting responsibilities and any person with contact under a contact order
- ☐ Determine if this is a move or a relocation
- ☐ For a move inform others of: date of move, new address, and new contact information
- ☐ For a relocation you must: give at least 60 days notice and provide a Notice of Relocation - this must be done even if you are not moving with the child
- ☐ If you are scared for your child's safety you can apply to the court for a change to the notice rules - you will need evidence of family violence (911 calls, police reports, photos)
- ☐ Things to consider when wanting to relocate - best interests of the child
 - impact of relocation on the child
 - parenting time and involvement with both parents
 - compliance with court order, agreement, parenting arrangement
 - could the move wait?
 - if you do move, can the parenting time be made up through other days? (summer, holidays, etc)

Notes:

To Do:

Travelling with a Child

- ☐ Ensure child(ren) have current passport and that non-accompanying parents have a copy
- ☐ Put printed identification in child(ren)'s pocket in case of separation
- ☐ Have recent digital photographs of the child(ren)
- ☐ Have a Travel Consent notarized and signed by non-accompanying parent
- ☐ Consult with airline and destination country's embassy whether further documents are required
- ☐ Complete the above if child is travelling alone - ensure they have an airline escort and check for airline age restrictions
- ☐ If you anticipate issues getting consent to travel with the child(ren) consult with a family lawyer well in advance of travel plans
- ☐ Note that, without consent, you could be accused of child abduction and face serious consequences

Notes:

To Do:

Helping Children Cope with Separation

- ☐ Tell your child(ren) about your separation in words they can understand
- ☐ Do not argue or discuss upsetting aspects of the separation in front of the child(ren)
- ☐ Remind the children they are not the reason for the separation and that they are not at fault
- ☐ Do not wait until the last moment to tell the child(ren)
- ☐ Do not talk poorly about or blame the other parent
- ☐ Do not make hasty promises or give false hope of reconciliation
- ☐ Encourage the child(ren) to ask questions and listen to what they have to say
- ☐ Speak with people involved in the child(ren)'s life about the transition - coaches, teachers, daycare workers, and other careworkers

Notes:

To Do:

Dealing with Property

- ☐ Create an inventory list for your household items
- ☐ Create an inventory list of vehicles, boats, and trailers
- ☐ Create an inventory of any jewelry, antiques, collectibles, and hobby equipment
- ☐ Create a list of any real property or businesses
- ☐ Create a list of bank accounts and TFSAs with account numbers
- ☐ Create a list of pensions, RRSPs, and RESPs with account numbers
- ☐ Create a list of all debts (including mortgage, lines of credit, and credit cards)
- ☐ Determine if you have any exempt property (this may include things owned prior to the relationship or bought after the relationship ended)
- ☐ Give your property an estimated resale value (use sites like Kijiji & Facebook Marketplace to determine resale values)

Notes:

To Do:

Mind

Going through a family law matter can be a challenging and difficult time. It is paramount to take care of yourself to help you cope during this transition. Here are some things you might want to consider:

- ☐ Counselling - some places we love: Penney Murphy, Adam Lorenz Psychology, BetterHelp (online services)
- ☐ Relaxation practices - mindfulness, meditation, deep breathing exercises
- ☐ Engage in work that makes you feel purposeful
- ☐ Consider volunteer work - some places we love: Friendship Inn, Saskatoon Food Bank, SPCA, EGADZ
- ☐ Consider buying a journal to write out your feelings - try to write one positive thing each day - things we love: 5 Minute Journal
- ☐ Go outside! Ensure you prioritize fresh air and sunshine

Notes:

To Do:

Body

Going through a family law matter can be a challenging and difficult time. It is paramount to take care of yourself to help you cope during this transition. Here are some things you might want to consider:

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Don't skimp on sleep

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Eat a brain-healthy diet - if you find yourself unable to maintain a regular eating schedule consider meal services such as: HelloFresh, Chef's Plate, Goodfood

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Consider trying a new workout class - places we love: Lifecycle Spin Studio, Local Barre, Peak Climb, Saskatoon Loves Pilates

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Consider joining a gym to use as an outlet - places we love: Motion Fitness

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Reduce screen time - consider getting a screen time manager or putting your phone on Do Not Disturb

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Ensure you are drinking enough water - consider getting a water tracking app

Notes:

To Do:

Spirit

Going through a family law matter can be a challenging and difficult time. It is paramount to take care of yourself to help you cope during this transition. Here are some things you might want to consider:

- ☐ Clean your spaces and open the windows
- ☐ Read an uplifting novel
- ☐ Take charge of your schedule - make time for friends and family
- ☐ Get something done that you've been procrastinating
- ☐ Try a DIY project
- ☐ Watch the sunrise or sunset
- ☐ Don't beat yourself up for having a hard time

Notes:

Evolve Family Law

www.evovelaw.ca