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## Family Law Guide To Understanding:

**Separation Agreements, Alternative Dispute Resolution, Property Division, Parenting Plans, Child Support, Spousal Support, and Divorce.**

155 Yorkshire St N.  
Suit 2C, 2nd Floor  
Guelph, ON N1H 2J7

519-800-8846  
1-844-622-5363  
[mfclawyers.com](http://mfclawyers.com)

**DISCLAIMER:** *Information shared in this guide is intended to provide general information but does not constitute legal advice. We suggest that you consult one of our lawyers if you have a specific legal question or issue.*



MFC Lawyers is your partner for dedicated, expert legal support with a wide range of family law legal matters.

Our experienced and caring team will be with you every step of the way, and will remain focused on achieving the best possible outcome for your unique situation.

We are experts in facilitating your process and can help you through a wide range of situations including: domestic violence, substance abuse, matters with ongoing criminal charges, return of abducted children, complex property and asset division, and more.

To help you better understand your options and make informed decisions, we created this Family Law Guide that outlines our legal services options and how they can support your desired resolution.

We encourage you to review this guide before contacting us to discuss your options with a free consultation.

**The team at MFC Lawyers is here for you.**

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Toll Free: 1-844-622-5363





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# Separation Agreements

If you are considering separating from your spouse, a separation agreement is an option that you may consider. While legal separation paperwork isn't required for you to separate from your spouse, a separation agreement is a necessary document should you decide to divorce.

## What Is A Separation Agreement?

A separation agreement is a legal document, created and agreed upon by the two spouses, that clearly outlines the rights of each party from the time of separation.

These rights can include:

- Access or Parenting Time
- Child Custody or Decision Making
- Child Support
- Debts and Repayments
- Life Insurance
- Matrimonial Home
- Pensions
- Pets
- Property
- Spousal Support
- And more



# Separation Agreements

## Benefits of A Legally Prepared Separation Agreement

A separation agreement drafted by a lawyer will:

1 Save you time and money if you have future court proceedings.

2 Include clear terms in the writing, with no ambiguity, in order to enforce the agreement and reduce arguments.

3 Ensure there are no gaps in your agreement when it comes to common issues and that each party is fairly represented.

4 Allow for amendments to be made to the original agreement, as your life changes.

5 Fully comply with the provincial requirements and can be enforced by the court, if needed.

Following the signing of your separation agreement, your lawyer can assist you in filing your paperwork with the court to ensure that all agreement obligations in the agreement can be enforced should any issues arise.

## How To Start The Process

If you have decided to separate from your spouse, we recommend that you take the following steps:

1. Determine your date of separation: When did you decide that your relationship was over? How can you confirm that end date?
2. Review your debts, assets, income: You will need to be able to prove your income and outline your financial needs and those of your children, if applicable.
3. Consider your living situation: Are you still residing with your spouse? Do you want to move out? Will you need to continue living together while you get your affairs in order?

In the event that we cannot reach an agreement, or you don't feel safe negotiating with your spouse, you may need to go to Court. In Court, we will advocate on your behalf and the judge will determine a resolution to your matter.

**The team at MFC Lawyers is here to help you.  
Contact us at 1-844-622-5363.**



# Alternative Dispute Resolution

If you are considering separation or divorce, and you don't want to go through the traditional process of going to court with all of the ensuing disputes, disagreements, and high fees, alternative dispute resolution may be right for you.

## What Is Alternative Dispute Resolution?

Alternative dispute resolution uses negotiation, mediation, arbitration, and working with third-party professionals to resolve disputes, without going to court. This process allows all parties to benefit from reduced legal fees, while resolving conflicts to achieve successful outcomes.

Alternative dispute resolution can help to solve a variety of family law issues, including:

- Spousal Support
- Child Support
- Child-related issues of parenting time, decision-making responsibility, etc.
- Property Division
- Conflict resolution
- Periods for future review

# Alternative Dispute Resolution

## Benefits of Alternative Dispute Resolution with a Lawyer

This method of agreement development and resolution will:

1. Include the preparation of a summary of facts, issues and documents for the facilitator to review in advance of the mediation.

2. Help to identify points of agreement and disagreement in advance to ensure time in session is spent productively.

3. Provide support to you during mediation – helping you articulate your concerns, needs, and wants; advocating for you in situations where emotions are high, and protecting your interests at all times.

4. Allow for the attendance of a lawyer on site to give immediate feedback and legal advice on the spot, helping you make the best decisions for yourself and your family.

5. Maintain a sense of personal safety and security by having someone present who is concerned only for your interests.

Throughout the Alternative Dispute Resolution (ADR) process you may be able to resolve all, some, or none of the issues in your family law matter. Making use of lawyer assisted ADR processes may allow you to skip certain steps in the Court process, saving you time and money.

## How To Start The Process

Alternative dispute resolution may not suit every situation and we recommend that you reach out to discuss your unique circumstances. MFC Lawyers works with numerous practitioners and professionals in our region, and we will help you find the right fit to support you.

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# Property Division

During a relationship, parties obtain assets that may need to be divided upon separation or divorce.

## What Is Property Division?

Property division ensures that you leave the relationship with an equitable share of the assets you and your spouse built during your relationship. You have a certain amount of time to bring a claim for your share of the property acquired during the relationship. It is best to make a property claim as soon as possible after the separation. The more time that passes between the date of separation and the property claims, the more difficult it can be to obtain the necessary financial documentation.

You may need to divide property such as:

- Matrimonial Home (the home where you and your spouse lived during the marriage)
- Other real estate properties
- Bank accounts and retirement savings
- Pensions
- Businesses owned or operated by either or both spouses
- Vehicles



# Property Division

## Benefits of Property Division with a Lawyer

Assistance obtaining full financial disclosure of all assets obtained during the relationship.

Expertise in completing calculations to ensure that property is divided appropriately.

Access to experts to help value complicated assets, such as businesses and pensions.

Determination of how to exclude certain assets and remove them from the process of property division.

Litigation support to force the sale of jointly owned property and/or gain access to funds to help you move forward financially.

## How To Start The Process

1. Determine the date of separation; if your spouse does not agree, gather evidence supporting your choice of separation date.
2. Gather supporting documentation for the value of assets or debts as of the date of marriage, and the same as of the date of separation.
3. Consider options for fulfilling an equalization payment – cash payments from sale proceeds of a home, transfers of retirement accounts, or transfers of property for value.

The team at MFC Lawyers is here to help you.  
Contact us at 1-844-622-5363.

## Parenting Plans

We understand that protecting your children and planning for their future is your number one priority. When making plans for children, here are some things we consider:

### Parenting Time

- Where will your children live, and how will they spend time with both of their parents?
- What kind of schedule will work best for your family?
- Are there any safety issues that we need to consider?

### Decision-Making

- Who will make decisions for your children, and how will those decisions be made?
- Can you and the other parent communicate to make decisions together?
- Will you make decisions for your children alone?

Major decisions for children include, but are not limited to:

- Major non-emergency medical care
- Education
- Significant extracurricular activities which may require a commitment from both parents
- The cultural, religious, and linguistic traditions in which your children are being raised

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## Child Support

The children of separated or divorced parents (whether legally married or not) are entitled to financial support, typically until they reach the age of 18 or another age has been agreed upon by both parents. In some cases, the payment terms can be reached amicably and be included in a separation agreement. In other cases, child support orders and payments will require court rulings to be enforced.

## What Is Child Support?

Child support is the money that one parent pays to another to support their children financially after a separation or divorce. It is the parents' legal responsibility to provide child support and it is calculated using set rules and guidelines based on income. Whether you will need to pay or receive child support will depend on your child's specific circumstances.

There are many factors that need to be considered when arranging child support, including:

- Determining which party will be providing the support.
- Determining the frequency and amount of each payment.
- Considering standard-of-living costs.
- Considering extraordinary expenses, like sports fees, orthodontics, etc.
- Examining potential for undue hardship, meaning that the amount of child support is unmanageable.

# Child Support

## Benefits of Legally Prepared Child Support Documents

Child support documents drafted by a lawyer will:

We will ensure that all necessary documentation is in place for you to claim appropriate child support, including confirming paternity and eligibility of your children.

Your child support agreement, or Order, will fully comply with provincial or federal requirements for the support of children.

You will have a formal, written agreement or Court Order with clear payment calculations that address your child's needs.

We will help you understand the tax implications of child support and that you can receive appropriate benefits and credits through the Canada Revenue Agency.

Documents will be filed with the Court and the Family Responsibility Office for enforcement to ensure collection and distribution of payments.

If any aspect of your agreement changes (e.g. address, banking information, financial situation, etc.) or your support has not been paid, a lawyer can assist you with updating the agreement, submitting changes to all relevant parties, and filing a statement of arrears for unpaid support and interest. There may also be instances when you will need the court to change a support order.

## How To Start The Process

If you have decided to formalize a plan for child support, we recommend that you take the following steps:

1. Determine your date of separation: When did you decide that your relationship was over? How can you confirm that end date?
2. Review your debts, assets, income: You will need to be able to prove your income, and outline your financial needs and those of your children, if applicable.
3. Consider your living situation: Are you still residing with your spouse? Do you want to move out? Will you need to continue living together while you get your affairs in order?

If you already have a child support agreement and you wish to have it amended, we recommend that a lawyer review, update, and file your contract to ensure it can be enforced by the court.

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# Spousal Support

If you are separated or divorced from your spouse, you may be required to pay support or entitled to receive support. An agreement or Court order for support may be a part of your separation or divorce process.

## What Is Spousal Support?

The purpose of spousal support is to:

- Help a spouse become financially self-sufficient.
- Prevent a spouse from experiencing serious financial difficulty due to the breakdown of the relationship.
- When ordered, spousal support is paid by the spouse with the higher income to the spouse with lower income.
- Share the costs of caring for children.
- Compensate one spouse for being financially disadvantaged during the relationship, for example, if one person stopped working to take care of children.

# Spousal Support

## Benefits of Legally Assisted Support Claims

Spousal support claims prepared by a lawyer will:

We will ensure that all necessary documentation is in place for you to claim appropriate spousal support, including financial disclosure and details of your needs.

Your spousal support agreement or Order will fully comply with provincial or federal requirements for the support of financially interdependent spouses.

You will have a formal, written agreement, or Court Order with clear payment calculations, incorporating relevant concerns such as retirement, remarriage or repartnering.

We will help you understand the tax implications of spousal support and ensure that you can receive appropriate benefits and credits through the Canada Revenue Agency.

Documents will be filed with the Court and the Family Responsibility Office for enforcement to ensure collection and distribution of payments.

Your spousal support agreement will reflect established formulas for the calculation of support, any pertinent exceptions, entitlement thresholds, considerations for children, and any circumstances regarding re-partnering or remarriage.

## How To Start The Process

If you have decided to formalize a plan for spousal support, we recommend that you take the following steps:

1. Determine your date of separation: When did you decide that your relationship was over? How can you confirm that end date?
2. Review your debts, assets, income: You will need to be able to prove your income, and outline your financial needs and those of your children, if applicable.
3. Consider your living situation: Are you still residing with your spouse? Do you want to move out? Will you need to continue living together while you get your affairs in order?

If you already have a spousal support agreement and you wish to have it amended, you will need to complete extensive documents and draft orders for the judge to sign.

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# Divorce

If you and your spouse have decided to divorce, you will need to apply for a formal divorce, meet the grounds for divorce, ensure that any unusual exceptions have been incorporated, consider arrangements for child support, custody, spousal support, and property, and file all required paperwork with the appropriate jurisdictions.

## Do I Need Legal Support For A Divorce?

While you are able to file for divorce without the assistance of a lawyer, it is recommended to work with the support of a family law lawyer. There are numerous considerations, exceptions, terms, and arrangements that need to be agreed upon and finalized in order to be enforced in a court of law. A lawyer can identify unfair situations, provide you with helpful resolutions, and expedite the paperwork, filing, and finalization of your divorce so you can move forward with your life.

There are many factors that need to be considered when formalizing a divorce, including:

- Determining grounds for divorce.
- Accessing all relevant certificates and paperwork.
- Ensuring that appropriate support arrangements are made for dependents.
- Examining any residency requirements or exceptions.
- Determining the payment terms associated with the proceedings.

# Divorce

## Benefits of A Legally Prepared Divorce

Divorce applications drafted by a lawyer will:

1. Ensure that all the legal requirements with respect to residency, separation periods, etc. are met and that the divorce application is ready to proceed.

2. Complete all paperwork fully and accurately for filing, and affecting personal service of divorce applications on your spouse via our trained professionals.

3. Help to obtain any missing documents, such as lost marriage certificates, and inclusion of all supporting documentation.

4. Follow up with Court staff with respect to unexpected bureaucratic issues or delays and work to resolve them.

5. Help you obtain your Certificate of Divorce.

## How To Start The Process

If you have decided to divorce, we recommend that you take the following steps:

1. Determine your date of separation: When did you decide that your relationship was over? How can you confirm that end date?
2. Review your family matter and ensure that appropriate arrangements have been made for your support, for the support of your children, for the division of your property, and for any other issues. If you have not resolved these issues, consider whether you want to obtain a divorce prior to doing so.
3. Ensure you have your marriage certificate and copies of any agreements, court orders, or other documentation required.

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**LAWYERS**

Thank you for taking the time to read our MFC Lawyers Family Law Guide. We hope that it has helped you have a better understanding of the different types of family law services available, what they offer, and the benefits of each.

If you have any questions, or would like to speak with a member of our team about your case, please don't hesitate to contact us at 1-844-622-5363.

We're here to help you. We have your back and won't give up.