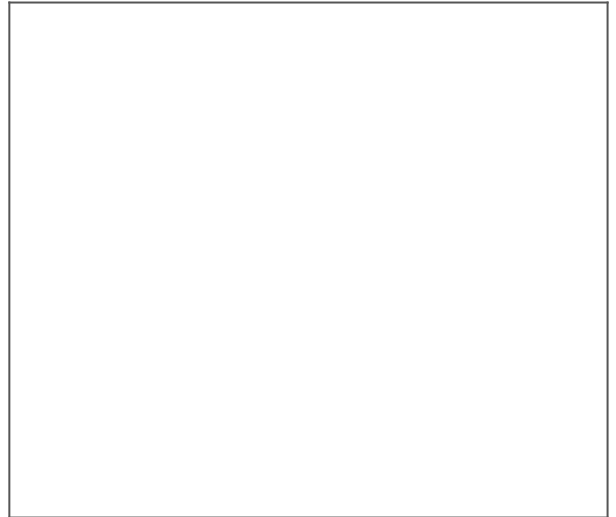


Legal Tips To Help Deal With The Difficulties Following a Separation

published 05/30/2011

Author Gerald Ashcroft has retired as of July 1, 2019. Please contact us for further assistance.

In Canada approximately 40% of marriages come to an end prematurely. Separation from a spouse is one of the most difficult, painful and stressful experiences that anyone will ever face. Children of separating parents face their own challenges. After a separation, individuals often experience feelings such as anxiety, isolation, anger, fear, guilt, depression, loss of control, incompetence and/or insecurity. For many, these emotions are at times almost overwhelming. It is important that anyone going through a separation or divorce seek advice from a family law lawyer as soon as possible after the separation.



There are many resources available to help you and your family through the separation, and your family law lawyer should be able to provide this information to you. The following internet sites have very relevant and helpful resource material:

- **For the Sake of the Children**
- Family Law in Manitoba
- **Because Life Goes On . . . Helping Children and Youth Live with Separation and Divorce: A Guide for Parents.**

Family law is complicated, and there are some significant differences from province to province. Important decisions need to be made soon after a separation, as mistakes in what you do can have long-term adverse consequences. It is crucial that you make yourself aware of your rights and responsibilities at an early stage.

When you meet with your family law lawyer, he/she will obtain necessary background information from you. You will be advised of your rights, obligations and options with respect to divorce, parenting arrangements, child and spousal support, occupancy of the family home, property division, protective relief (where necessary), financial disclosure and costs. There will also be a discussion about different approaches to resolving your case, including

court proceedings, mediation or arbitration, and tactics. The strengths and weaknesses of your case will also be reviewed, and where possible, you will be provided with an opinion as to how your case might reasonably be resolved. You will be provided with information about resources that may be of benefit to you and your family. Any questions that you have will also be answered.

You can prepare for a more efficient and productive initial meeting with your family law lawyer by assembling necessary background and financial information. The financial information should include particulars of income, expenses, assets, and liabilities, along with any available supporting documentation, for both you and your spouse. Copies of recent income tax returns and Canada Revenue Agency notices of assessments are also necessary.

We understand that in family law our client's values, needs, goals and desires often extend beyond the traditional legal practice parameters. We are acutely aware that the adversarial system in family law often exacerbates the situation by causing lawyers to aggressively posture the strength of their client's case and the weakness of the opponent's case. While TDS has been recognized by Lexpert(R) as having one of the leading litigation departments in Manitoba, we are aware that a "legal" win may be a hollow victory if other important outcomes have been sacrificed (for example, fueling an existing conflict in such a way as to forever damage the relationship between a parent and child). We believe that civility is a more effective practice over the long-term. We pursue fair and reasonable resolutions in a manner that will not unnecessarily deplete our client's resources.

Often people who are going through a separation believe that they can sort things out on their own, and therefore do not seek the advice of a family law lawyer. The more that you and your spouse can resolve on your own the better, but this can only be done when you are fully aware of your legal rights and obligations. Consulting a family law lawyer early in the process is crucial.

DISCLAIMER: *This article is presented for informational purposes only. The content does not constitute legal advice or solicitation and does not create a solicitor client relationship. The views expressed are solely the authors' and should not be attributed to any other party, including Thompson Dorfman Sweatman LLP (TDS), its affiliate companies or its clients. The authors make no guarantees regarding the accuracy or adequacy of the information contained herein or linked to via this article. The authors are not able to provide free legal advice. If you are seeking advice on specific matters, please contact Keith LaBossiere, CEO & Managing Partner at kdl@tdslaw.com, or*



204.934.2587. Please be aware that any unsolicited information sent to the author(s) cannot be considered to be solicitor-client privileged.

While care is taken to ensure the accuracy for the purposes stated, before relying upon these articles, you should seek and be guided by legal advice based on your specific circumstances. We would be pleased to provide you with our assistance on any of the issues raised in these articles.