

FAMILY LAW

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"Divorce should not be financially or emotionally devastating," says Gary S. Joseph, senior partner at MacDonald & Partners, LLP.

A successful divorce should always be within reach. What is a "successful" divorce? One with minimal conflict. One that respects children's interests. And one where all parties feel they have been treated fairly.

There are many ways to resolve issues arising from a marital relationship breakdown. Parties may choose mediation, arbitration, a combination of mediation and arbitration, to negotiate a separation agreement through counsel, to proceed collaboratively through counsel committed to keeping disputes out of the courtroom – with the assistance of other professionals such as a parenting coordinator, or they may proceed through the courts. No matter what the route, proper legal advice is needed.

The obligations and rights arising out of a divorce are always changing. For

example, the legislature has made new requirements for non-parents seeking custody and courts are commonly dealing with claims of parental alienation, where one parent has turned the children against the other. The role of the Child Support Guidelines and the new Spousal Support Advisory Guidelines shape the way support is determined, including how much and for how long. Further, dramatic changes in assets and/or income after separation need to be considered. In all financial matters in family law, disclosure of financial records is increasingly significant and the use of expert evidence more common in valuing income and assets, such as houses, businesses, and pensions.

But family law is not just about divorce. People seek the advice of family law lawyers for cohabitation or marriage contracts, paternity agreements, adoption, in vitro fertilization, gestational carriage,

children in need of protection, abducted children and grandparents' rights, to name a few other matters. All these issues are emotionally charged. All of them should be dealt with in a way that leaves the client in a better position than when he or she entered the lawyer's office.

The lawyers of **MacDonald & Partners, LLP**, a Toronto-based firm dedicated to the successful resolution of family law issues, have authored many of Canada's leading texts in this specialized field, including: **Canadian Divorce Law and Practice, 2nd Ed.**, **Handling a Family Law Matter in Ontario** and **Child Support Guidelines Law and Practice, 2nd Ed.**, Published by Carswell.

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