

## FAMILY LAW & DIVORCE

### Types of Divorces:

The separation of a married couple for at least one year is the leading ground for divorce in Canada. Since a party needs only to establish that they have been separated for one year – they don't need to blame the other party - these divorce applications are referred to as **no-fault divorces**. If the couple doesn't have kids, we call it a **simple divorce**. It is an **uncontested divorce** if the other party doesn't defend or take exception to the terms of the divorce application.

**Law Boutique LLP** handles **uncontested, no-fault divorce applications – both with or without kids (simple divorce)**. We prepare and file all the materials required for your divorce – most of them by the next business day. We ensure your application is correct and complete and your divorce is granted, often within two months of filing. Clients have to provide a government-issued marriage certificate (or acceptable equivalent) and to arrange to have a friend or family member serve their spouse with the divorce application. You may save money using a divorce-kit – but a good lawyer can save you time, stress and relieve you of the worry that you are giving too much - or you or your children are getting too little.

### Types of Family Law Agreements:

A **Separation Agreement** is the first step in the uncontested divorce process for most couples. A signed Separation Agreement will confirm that all spousal support, child support, child access and custody, property and pension division issues have been settled between the parties and that there is an agreed process for transferring or selling the home or other assets.

Your bank, credit union or mortgage lender will require a formal Separation Agreement – complete with certificates of independent legal advice for both spouses - in order to calculate your debt service ratio for your new mortgage.

A **Prenuptial Agreement** is prepared for couples prior to marriage and a **Cohabitation Agreement** is prepared for a couples commencing a common law relationship - both agreements set limitations on the spousal support or property that the other spouse may receive if the new relationship ends.

Candidates for a Prenuptial or Cohabitation Agreement are typically like-minded couples that have already suffered an expensive breakup in the past, are retired or close to retirement (and have no time to recoup any financial losses) and those that want their children (not the spouse) to inherit the bulk of their estate.

**Legal fees** are listed below. **Third party costs**, such as marriage certificates, private detectives, skip tracing, process servers and court costs (about \$290) are extra. If matters become contested or agreements take more than 3 hours to finalize, extra time will be charged at \$240 to \$360 hour based on the seniority of the lawyer.

<u>Item</u>	<u>Legal Fee</u>	<u>Taxes</u>	<u>Total</u>
Separation, Cohab or Prenup Agreement	\$1,000.00	\$ 120.00	\$1,120.00
Uncontested Divorce (Simple)*	\$1,000.00	\$ 120.00	\$1,120.00
Additional Orders at \$250 each: parenting, spousal support, property division	\$250.00	\$ 30.00	\$ 280.00
Minutes of Settlement (for Divorce)	\$600.00	\$ 72.00	\$ 672.00
ILA/Consultation Under 45 minutes	\$250.00	\$ 30.00	\$ 280.00

# FAMILY LAW QUESTIONNAIRE

Client is M F X Spouse Future Spouse Interview Date: \_\_\_\_\_ Lawyer: \_\_\_\_\_

Date and Place of Marriage/Cohab: \_\_\_\_\_

Date of Separation: \_\_\_\_\_

Do you have a Marriage Certificate: No Original attached

Have any Agreements been signed or Court Orders been made: No Copy(ies) attached

Prior to Marriage Client was: Unmarried Common Law Divorced Widower

Client's Name on Marriage Certificate: \_\_\_\_\_

Client's Name at Birth: \_\_\_\_\_

Client's Date and Place of Birth: \_\_\_\_\_

Client's Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Tel: \_\_\_\_\_ BC Resident since: \_\_\_\_\_

Client's Ann. Income: \$ \_\_\_\_\_ Client's Occupation: \_\_\_\_\_

Prior to Marriage Other was: Unmarried Divorced Widower

Other's Name on Marriage Certificate: \_\_\_\_\_

Other's Name at Birth: \_\_\_\_\_

Other's Date and Place of Birth: \_\_\_\_\_

Other's Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Tel: \_\_\_\_\_ BC Resident since: \_\_\_\_\_

Other's Ann. Income: \$ \_\_\_\_\_ Other's Occupation: \_\_\_\_\_

Are there children of the marriage who: are under the age of 19, have special needs or still in school?

No Yes, details as follows (attach list if insufficient room)

Child #1 Name: \_\_\_\_\_

who: is under 19 years and born on \_\_\_\_\_ has Special Needs is in School

Child #2 Name: \_\_\_\_\_

who: is under 19 years and born on \_\_\_\_\_ has Special Needs is in School

Child #3 Name: \_\_\_\_\_

who: is under 19 years and born on \_\_\_\_\_ has Special Needs is in School

Child #4 Name: \_\_\_\_\_

who: is under 19 years and born on \_\_\_\_\_ has Special Needs is in School

Special Requirements: Marriage Certificate Divorce Certificate Process Server Sub-Service

Child Custody/Access Order No Yes: \_\_\_\_\_

Child Support No Yes: \_\_\_\_\_

Spousal Support No Yes: \_\_\_\_\_

Personal Property Claim No Yes: \_\_\_\_\_

Real Estate Claim No Yes: \_\_\_\_\_

Pension Claim No Yes: \_\_\_\_\_

Certificate of Pending Litigation: No Yes: \_\_\_\_\_

Other: \_\_\_\_\_