

Negotiation Toolkit



Legal
Services
Society

British Columbia
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Negotiation Toolkit

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Wikibook at wiki.clicklaw.bc.ca/index.php/JP_Boyd_on_Family_Law.

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This booklet explains the law in general. It's not intended to give you legal advice on your particular problem. Because each person's case is different, you may need to get legal help.

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Before you begin

How you and your spouse work together depends on your relationship and what works for both of you. Take into account your level of trust and cooperation and how complicated your family matters are. There's not necessarily one clear path for how you work things out. You may find that your needs change as time goes on.

Use your Negotiation Toolkit to find common ground

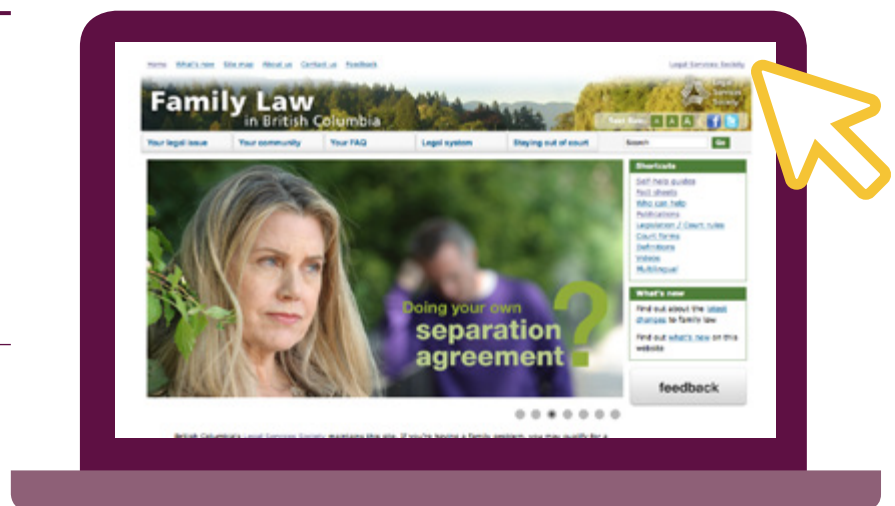
This toolkit helps you figure out where you and your spouse agree and disagree. Finding common ground gives you a strong starting point for your discussions. You're more likely to succeed if you focus on what you agree on, rather than what you disagree on.

It's important to understand your rights and responsibilities before you make any decisions. Your toolkit tells you what the law says about your family matters.

Your toolkit has calculators that let you and your spouse see what the law says is fair about support. It also has checklists you can each go through to see where you agree and disagree.

Remember: An agreement that's fair and reasonable will last. It's what's in everyone's best interests. And it's more likely that the courts will accept and enforce your agreement.

This toolkit has basic information on the law. The Family Law in BC website has more information on agreements, spousal support, dividing property and debt, child support, and parenting arrangements. It also has information on who can help. Visit the site at familylaw.lss.bc.ca.



Separation and divorce in BC

You don't need a legal separation

There's no such thing as a "legal separation." You and your spouse are separated as soon as you start living apart, as long as at least one of you wants to separate. You don't need your spouse's permission to start living separately.

You can tell others that you want to separate. But you don't have to see a lawyer, sign a document, or go to court to be separated.

You might even still live in the same house to save money. But you're usually still considered separated if:

- you don't share things like meals, a bedroom, and social activities; and
- you've been clear with each other that you consider yourselves separated.

You must get a divorce order

The most common way to legally end your marriage is to get a divorce. (In rare cases, you may need to get an annulment.) To get divorced, you must apply for a divorce order in **BC Supreme Court**.

You don't always need a court hearing

Even if you and your spouse agree about getting divorced and settle all your separation issues, you need to get a court order to get divorced. But, if you agree on everything, you won't need a court hearing. Instead you can ask for an **undefended divorce**. Your *Separation Plan* has information on how to do this.



Set yourself up for success

Negotiating an agreement isn't easy. You may need the help of one or more family dispute resolution professionals. Lawyers, mediators, family justice counsellors, and other mental health professionals can help you.

How do I start negotiations with my spouse?

Wait until you're both calm

For negotiation to work, both people must be able to listen and talk respectfully. Negotiations are less likely to succeed if the wounds from your relationship are still fresh.

It's easiest to start negotiations when you're both calm:

- People are less accommodating and willing to compromise when they're angry.
- People who feel guilty or are upset or sad may accept a bad deal.
- People who are stressed may accept a bad deal just to get the negotiations over with.


Figure out what works best for both of you

You know your relationship best. And you probably have an idea of how your spouse feels. It might work best to meet in person or talk over the phone. Or it might work best to keep your negotiations online only, using MyLawBC's Dialogue Tool. Or you may want to talk about some things in person and others online.

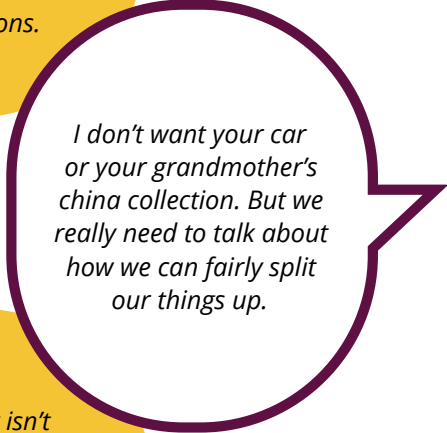
For example, perhaps you could meet in person to set out some goals and ground rules. Then you could continue your negotiation using the Dialogue Tool.

Think about what you're comfortable with. Share this with your spouse. Ask them what they think will work best. Think about how you can meet in the middle if you have different ideas.

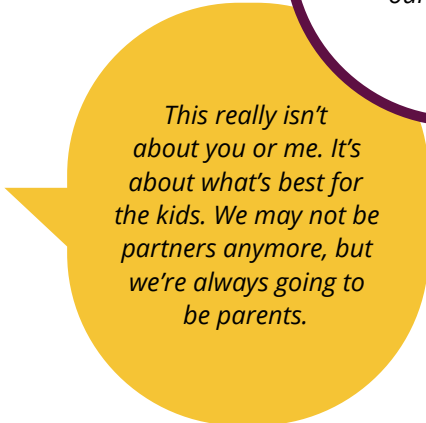
Mediators and other family dispute resolution professionals might be able to help you. They can coach you on how to have this conversation.



Hey look, I think it's time that we sat down and started to talk about things. I know you're still a bit upset about everything, but we really need to make a few decisions.



I don't want your car or your grandmother's china collection. But we really need to talk about how we can fairly split our things up.



This really isn't about you or me. It's about what's best for the kids. We may not be partners anymore, but we're always going to be parents.

Use these checklists for successful discussions

The checklists below will help you prepare for negotiations with your spouse.

Before you meet

- Suggest some topics that you need to discuss.** Encourage your spouse to send you their list.
- Make sure you understand your rights and responsibilities.** Read over the materials in the next chapter. Share this toolkit with your spouse and encourage them to read it.
 - You may also want to **discuss your rights and responsibilities with a lawyer.** This will give you a better understanding of what's fair.
 - Give your spouse time to discuss their rights and responsibilities with a lawyer.**
- Complete the checklists in this toolkit for the issues you want to discuss.** Share the results with your spouse. Encourage them to also complete the checklists. This will give you each an idea of what the other has in mind. And this will help you find areas of agreement.
- Use the support calculators in this toolkit.** Share the results with your spouse. This will give each of you an idea of what's fair. You can begin your discussions from there.
- Think about who can help.** Consider getting the help of a mediator, family law lawyer, financial planner, or child psychologist, etc. Share your ideas with your spouse. Encourage them to share their ideas.

If you meet in person

- Pick the right moment.** Pick a time when things are relatively calm. Pick a time that works for both of you. Make sure you aren't rushing to go somewhere.
- Arrange childcare.** You don't want to be interrupted. And you don't want your conversations to affect your children.
- Pick the right place:**
 - Pick a **neutral** place. Meet somewhere that doesn't have significance for either of you. You both need to feel comfortable. For example, meeting at one of your homes may be uncomfortable for the other spouse.
 - Pick a place where you **won't be interrupted.**
 - Pick a place where you **won't run into people you know.**

If you use the Dialogue Tool

- Pick the right moment.** Pick a time when you feel calm. Make sure you have enough time to think things through and can focus on what you're doing.
- Pick the right place.** Make sure you won't be interrupted. And make sure you have the privacy you need.

When you start the discussion

- **Let your spouse know you aim to be civil.**
- **Agree to try to make decisions together.**
You once cared for (and might still care for) this person. You may be forever linked because you share children.
- **Agree that it's important to make decisions that are fair and will last.**
- **Acknowledge how you feel.** It can help your spouse understand where you're coming from if you're honest about how you feel. Encourage your spouse to do the same.
- **Acknowledge how your spouse feels.**
- **Create a list together of what you're going to discuss that day.** Decide what's most important. Focus on those points first.
- **Use the checklists in this toolkit to create a list of what you agree on.** Finding common ground gives you a strong starting point. It sets you up for a healthier discussion, rather than focusing on what you disagree on.
- **Write down the things that you agree on as you agree on them.** The Dialogue Tool will do this for you automatically. But if you meet in person, keep a record of the issues that you've decided. This will give each of you a sense of commitment to those decisions.



Start the discussion

It's important to understand your rights and responsibilities before you make any decisions. This will help you and your spouse make decisions that are fair and in your family's best interests. And you'll set yourselves up for success with making a lasting agreement.

Once you know what your rights and responsibilities are, use the calculators and checklists to see what your initial ideas are for how you can move ahead.

Spousal support

You or your spouse may need to pay **spousal support**. Spousal support is financial support paid to a former spouse to help with living expenses.

Understand your rights and responsibilities

The law says that spouses should share the advantages and disadvantages of the financial decisions you both made during your relationship.

It doesn't matter why your relationship broke down

Canada has **no-fault divorce law**. This means that why your relationship broke down doesn't affect whether support is paid.

When is spousal support paid?

Whether spousal support is paid is based on a combination of factors.

One spouse is disadvantaged by the financial decisions you made as a couple

Spousal support is paid if one spouse is at a financial disadvantage because of the decisions you made as a couple during your relationship or separation.

Examples include:

- One spouse stayed home to raise your children, which limits their ability to get back into the workforce.
- One spouse moved because the other spouse had better job opportunities somewhere else.
- One spouse will be the main caregiver for your young children after you separate, which limits their ability to work.

One spouse gave some financial benefit to the other and hasn't been paid back

Examples include:

- One spouse supported the other while they went to school.
- One spouse had financial opportunities because of the relationship. For example, they could work longer hours or travel for work while the other spouse took care of the children.

One spouse will suffer financial hardship after you separate

Examples include:

- One spouse needs financial help from the other to become able to support themselves. For example, they may need support while they go back to school to retrain.
- One spouse is disabled.
- One spouse's standard of living will go down significantly after you separate.

There may be time limits to apply for support orders

Even if you're negotiating an agreement, keep in mind that there are time limits to apply for spousal support court orders. Your negotiations might fall through. Or they might take a long time.

Because you're married, your spousal support order can be based on either the Family Law Act or the Divorce Act.

If you apply under the Family Law Act, you must apply for spousal support *no later than two years* after getting an order for a divorce (or annulment).

There are no time limits under the Divorce Act.



If you're getting close to running out of time, apply for court orders as soon as possible.

For help with the court processes, see MyLawBC's **Get court orders** pathway.

Share your ideas

Get an idea of how much support will be

The amount of support and how long it's paid depends on your situation.

The amount of support is usually based on the Spousal Support Advisory Guidelines. To find out what the Guidelines say, go to the Department of Justice website:

1. Go to justice.gc.ca/eng/index.html.
2. Under **Family Law**, click **Spousal Support**. The Spousal Support page appears.
3. Click **Consult the Spousal Support Advisory Guidelines**.

A support calculator gives you an idea of how much support might be appropriate in your situation:

1. Go to mysupportcalculator.ca.
2. On the home page, click **Calculate Support**.
3. Pick the calculator that's right for you. Enter your information in the text boxes and click **Calculate**.

(Legal Aid BC doesn't claim these figures are precise. We don't endorse the lawyers advertised on this site.)

The calculator gives you a range. Where you fall in the range is based on a number of factors, including:

- If you or your spouse worked outside the home during your relationship
- How long you lived together
- If you're both able to support yourselves
- If one of you is or was at home with your children
- Whether one of you earns a lot less than the other
- If the spouse being asked to pay is able to pay

Share this calculator with your spouse. Use this range to help you figure out what's fair and what works for your family.

The amount of spousal support changes if you're also paying child support. You can't calculate child support and spousal support separately. If one of you is also claiming child support, the calculator also tells you how much child support will be.

Get legal advice if you're not sure

Spousal support is a complicated area of law. You may want to get a lawyer to help with a more accurate calculation. Or if your situation isn't clear, get legal advice.

Dividing property

Understand your rights and responsibilities

You each have a right to half your family property

Family property is everything either you or your spouse got during your relationship. **It doesn't matter whose name the property is in.**

Family property includes:

- Bank accounts
- **Real property** (land or homes), including your family home
- Investments, pensions, and RRSPs
- Insurance policies
- An interest in a business

You can choose not to divide family property equally in some situations

If you have an agreement that says otherwise

You don't have to divide property equally if you have a cohabitation or pre-nuptial agreement that says you'll divide it differently.

If you make a separation agreement — As long as it's fair

You can make a separation agreement that divides property unequally. But the courts won't enforce an agreement that's significantly unfair. The courts take into account a number of factors before making this decision.

You don't have to divide excluded property equally

Property that isn't family property is called **excluded property**. You don't have to split excluded property equally. Excluded property may include:

- Property one of you owned before you lived together
- Property bought with excluded property
- Inheritances or gifts that others gave you or your spouse

But if excluded property increases in value while you live together, the increase in value is considered family property.

Share your ideas

Make a list of your family property

Make a list of your family property and write down the details:

- Whose name the property is in
- How much it's worth
- Whether you or your spouse owned the property before you started living together
- Get copies or take photos of any documents related to the property

Think about how you can divide your property equally

Here are some ideas for how you might divide your household goods. Select the ones you think will work:

- You each write down the items that are important to you. This way you can keep items that have sentimental value before dividing the rest of your property.
- You each take turns selecting items. You can each select items that are valuable to you.

Here are some ideas for how to deal with your family home. Select the ones you think will work:

- Sell your family home and split the proceeds 50/50.
- One person stays in the home and buys out the other.
- One person stays in the home until your children reach a certain age.

Share this list with your spouse. Have them make their own list. Compare your list to theirs. Look at where you agree and disagree. Think of ways you can meet in the middle on the points you disagree on.



Dividing debt

The people you owe money to are called your **creditors**. Creditors can only collect the debt from the person who signed for the debt. If you both signed, the creditor can collect from either of you.

Understand your rights and responsibilities

You each have a right to divide your family debt equally

The law says that debts either spouse takes on while you live together are shared equally. **It doesn't matter whose name they're in.**

Debts that either of you take on after separation to take care of family property are also shared equally.

You can choose not to divide your debt equally in some situations

If you have a cohabitation agreement

You don't have to divide your debts equally if you have a cohabitation or pre-nuptial agreement that says you'll divide them differently.



If you make a separation agreement — As long as it's fair

You can make a separation agreement that divides debt unequally. But the courts won't enforce an agreement that's significantly unfair. There are a number of factors the courts look at before deciding this.

Share your ideas

Make a list of your debts and write down the details:

- Who the debt is owed to
- How much is owed
- Whether you or your spouse took on the debt before you started living together
- Whose name is on the debt
- Get copies or take photos of any documents related to the debt

Think about how you can divide the debt equally. Here are some ideas. Select the ones you think will work:

- You split the debts down the middle.
- You each agree to pay for specific debts in equal amounts.
- You each pay the debts you took on. And you split others that you took on together.
- You take on a debt but keep the item you took on the debt to buy (for example, a car).

Share this list with your spouse. Have them make their own list. Compare your list to theirs. Look at where you agree and disagree. Think of ways you can meet in the middle on the points you disagree on.

Deciding who stays in your family home

Most couples don't want to live together once they decide to separate. You and your spouse may already have informal arrangements to decide who moves out. You can still make formal arrangements and set them out in an agreement.

Understand your rights and responsibilities

You're still entitled to your share of the property value

The question of who moves out of your family home is a practical one. It won't affect your rights to any share in the property that you're entitled to when your separation is final. It doesn't matter who moves out. And it doesn't matter whose name is on the title.

For example, if you and/or your spouse bought your home during your relationship, you'll share the value equally.

Or if you bought your home before your relationship started and you move out, you still get to keep what you put into the home before your relationship started.

Share your ideas

Think about what makes the most sense for your family. Use the checklist below to make a list.

- What will give your children the most stability?
- What situation would be the best for making sure both of you can spend time with your children?
- Do you feel safe in your home?
- Is one of you more emotionally attached to your home?
- Is your home closer to one spouse's work or support network, including family?

- Will it be more emotionally difficult for one of you stay in your home?
- Is one of you better able to take care of your home?
- Is it easier for one of you to find another place to live?

Share this list with your spouse. Have them make their own list. Compare your list to theirs. Look at where you agree and disagree. Think of ways you can meet in the middle on the points you disagree on.



Child support

Child support is money one parent pays to the other to help provide for their children's daily needs.

Understand your rights and responsibilities

Child support is your children's legal right

Parents have a duty under the law to support their children. This applies even if one parent doesn't see or take care of their children. Child support laws are based on the idea that children should benefit from both parents' abilities to support them in the same way they would if the parents lived together.

Children under 19 or **dependent** adult children (over 19) are entitled to support. Adults are dependants if they can't take care of themselves.

Another common reason for support to continue for an adult child is because they're going to post-secondary school.



Who pays child support?

The parent whom your children live with most of the time is entitled to support from the other parent.

If your children spend equal (or almost equal) time with both parents, the parent with the higher income usually pays support.

If your parenting time is close to equal, usually child support is based on the difference between what you would pay each other in child support.

You can't bargain away child support

The courts won't accept an agreement that says a parent doesn't have to pay child support.

Share your ideas

Think about what's best for your children

Think about what your children need in order to stay happy and healthy after you separate. Here are some things to consider:

- How can you make sure you meet your children's basic needs? This includes making sure they have the food, clothing, and shelter they need.
- Your children may need emotional supports to help them deal with the separation. How can you make sure they get the support they need?
- How can you make sure your children get a good education?
- Is it possible to continue to give your children opportunities to enjoy after-school programs such as sports or music lessons?

Share this list with your spouse. Have them make their own list. Compare your list to theirs. Look at where you agree and disagree. Think of ways you can meet in the middle on the points you disagree on.

Get an idea of how much support will be

Basic child support amounts are based on the Federal Child Support Guidelines. These guidelines have clear rules that courts use to set child support. The courts are unlikely to enforce a child support order if it differs too much from the guidelines.

You can learn about the guidelines on the Department of Justice website:

1. Go to justice.gc.ca/eng/index.html.
2. Under **Family Law**, click **Child Support**. The Child Support page appears.
3. Click **Understand the Federal Child Support Guidelines**. The Child Support Guidelines: Step by Step page appears.

The guidelines also have tables that list the amount of support the **payor** has to pay. (The payor is the spouse being asked to pay support.) These amounts are based on how much the payor earns and how many children the payor must support. Each province has its own table. See the one for the province where the payor lives.

To figure out how much basic support the payor will pay under the guidelines, use the Child Support Table Look-up tool to calculate the correct amount:

1. Go to justice.gc.ca/eng/index.html.
2. Under **Family Law**, click **Child Support**. The Child Support page appears.
3. Click **Look up child support amounts**. The Child Support Table Look-up page appears.
4. Enter your information in the fields provided and click **Lookup**. The amount appears under the fields.

This amount gives you and your spouse an idea of what's fair. Share this calculator with your spouse. Use this amount to help you figure out what's fair and what works for your family.

Figure out your share of special and extraordinary expenses

Special and extraordinary expenses are expenses that go above and beyond what child support covers. These are things like childcare, after-school activities, or private school.

Usually you and your spouse share these expenses **proportionately**. This means you each pay a share that is in proportion to your income.

Discuss with your spouse what you each can afford after you separate:

- Make a list of your children's special and extraordinary expenses. Include expenses they might have in the future. This could include childcare, private school, high-level sports, medical, and dental expenses.
- Estimate how much you'll spend on these.
- Estimate the proportion that each of you'll pay.

For example, if you earn \$25,000 a year and your spouse earns \$50,000 a year, and you have \$7,500 a year in special expenses, you'll pay \$2,500. Your spouse will pay \$5,000.

Parenting

Since you and your spouse lived together with your children, you're both your children's **guardians**. You continue to be guardians after you separate. The only way to end guardianship is by agreeing in writing or getting a court order.

Understand your rights and responsibilities

You're both responsible for caring for and making decisions about your children

As guardians, this is the case even when you stop living together.

Parental responsibilities

Decisions about your children are called **parental responsibilities**. Parental responsibilities include day-to-day decisions about things like homework, bedtime, and chores. They also include bigger decisions about healthcare, education, and religious upbringing.

Parenting time

The time you spend with your children is called **parenting time**. During parenting time, you're responsible for supervising, caring for, and making day-to-day decisions about your children.

Your children's best interests

You must make decisions about parenting time and parental responsibilities based on your children's best interests.

Share your ideas

Think about what would be best for your children. How can you and your spouse take care of their physical and emotional needs? How can you make sure they feel safe?

Here are some things to consider:

- How can you make sure your children can foster healthy relationships with both parents?
 - We agree to not argue in front of our children.
 - We agree to not talk negatively about each other to our children.
- What types of arrangements would give your children the most stability?
 - Our children will stay in the same home.
 - Our children will stay in the same school.

- Other than you and your spouse, are there other adults in your children's community who support them? What kind of arrangements would help your children to stay close to the other adults in their lives?
 - We'll make sure our children's grandparents stay involved in their lives.
 - We'll make sure our children's extended family stay involved in their lives.
 - We'll make sure our children get to stay with the teachers and coaches they enjoy.
- How will you make decisions about your children after you separate? Consider how you made decisions when you lived together. Do you want to try to stay close to that model after separation?
 - We'll communicate about our children mainly by text and email.
 - We'll meet in person to discuss important decisions.
 - If we can't agree on important decisions, we'll use a mediator or **parenting coordinator**.

Parenting coordinators help you settle disagreements about how to **carry out** the parenting arrangements in your agreement or court order. (They don't help you to make an agreement.)

For more information, see the Family Law in BC website's Parenting coordinator fact sheet at familylaw.lss.bc.ca. (Under **Your legal issue**, click **Parenting, custody & access**. Under **Fact sheets**, scroll down to **Getting help**. Then click **Parenting coordinators**.)

Share this list with your spouse. Have them make their own list. Compare your list to theirs. Look at where you agree and disagree. Think of ways you can meet in the middle on the points you disagree on.

Work through difficult conversations

Sometimes no matter what you try, nothing seems to work. This is normal. Separation is emotional and difficult. It takes time to work through all the issues.

Take a break

Often all that can help is taking a break. Give yourselves more time. You may need time to grieve and get your emotions under control before you can continue your discussions.

Take time if your temporary arrangements work

If things are relatively stable and you can wait, do so.

For example, if you're both satisfied with your living situations but can't agree on how to divide property, it might be a good idea to wait.

Or, if you have a temporary arrangement for co-parenting that everyone, including your children, is comfortable with, it might be a good idea to wait to make formal arrangements.

Agree to contact each other in a few months and see if you're both ready.

Get more help

As discussions go on, you might realize that you and your spouse have different ideas about what the law says about an issue. This is the perfect time to take a break and get the information and help you need. Arrange to meet later.

Get the information you need

You might need to get more information from:

- Your bank
- A financial specialist
- Your pension administrator
- A child specialist

Even with all the information you need, you may still need help reaching an agreement.

Who can help you reach an agreement?

There are people who are specially trained to help you reach an agreement:

- Family justice counsellors
- Mediators
- Family lawyers
- Collaborative family lawyers
- Arbitrators

Family justice counsellors

Family justice counsellors give free services to families with modest incomes. They offer free mediation services. They can also:

- give information about the law and about Provincial (Family) Court process,
- give referrals,
- help you fill out family court forms, and
- help you plan a separation agreement.

How to find a family justice counsellor

Family justice counsellors are government employees who work at Family Justice Centres. These are located across BC. Some Family Justice Centres are in the local courthouse. To contact a family justice counsellor, call Service BC.

Service BC:

604-660-2421 (Greater Vancouver)
250-387-6121 (Greater Victoria)
1-800-663-7867 (elsewhere in BC)

Ask to transfer to a family justice counsellor near you. The call is free.

Mediators

A **mediator** is a neutral third party who can help you and your spouse reach an agreement. Mediators are specially trained to help people discuss their issues and resolve conflict.

After you and your spouse reach an agreement, the mediator will help you write down what you agreed to. You can use this document as a basis for your separation agreement.

Your *Separation Plan* has more information on mediation.

How to find a mediator

Mediate BC has a directory of mediators on its website at mediatebc.com.

Family lawyers

You can hire a lawyer to give you legal advice or help you with steps along the way. Or they can represent you for your whole case.

Tell the lawyer your goal is to negotiate the issues, not fight about them.

How to find a family lawyer

The Lawyer Referral Service can give you the name of a family law lawyer. You can meet with the lawyer for up to 30 minutes for \$25 (plus taxes) to discuss your case.

Lawyer Referral Service:

1-800-663-1919 (no charge)

If you can't afford to hire a lawyer

You may be eligible for free legal advice over the phone through Legal Aid BC's Family LawLINE.

Legal Aid BC:

604-408-2172 (Greater Vancouver)
1-866-577-2525 (no charge outside
Greater Vancouver)

Remember — You don't need to go to court

Even if you hire a lawyer, it doesn't mean that you have to go to court. Most lawyers will write a letter to your spouse explaining that you've hired them to start or continue negotiations. They'll let your spouse know that you want to reach a settlement.

And of course, the lawyer will be there if nothing works and you have to start a court proceeding.

Collaborative family lawyers

With **collaborative family law**, you and your spouse agree to work with collaborative family lawyers to find solutions that work for both of you. You and your spouse each have your own lawyer.

Collaborative family law is different from the traditional separation proceedings:

- **No court** — You, your spouse, and your lawyers sign an agreement to resolve your issues without going to court.
- **Honest communication** — You and your spouse agree in writing to open and honest communication. This includes openly sharing information, such as information about your finances.

- **Team approach** — Lawyers, divorce coaches, child specialists, and financial advisors can help. You, your lawyers, and coaches will work as a team.
- **Four-way meetings** — Instead of letting your lawyers do the talking, you and your spouse and your lawyers participate in a series of meetings.

Since collaborative family law involves hiring lawyers and other professionals, it can be expensive.

How to find a collaborative family lawyer

See the following websites:

BC Collaborative Roster Society
(Greater Vancouver and Greater Victoria):
bccollaborativerostersociety.com

The Collaborative Association
(Greater Vancouver): nocourt.net

Collaborative Divorce Vancouver
(Greater Vancouver):
collaborativedivorcebc.com

Collaborative Family Separation Professionals
(Greater Victoria):
collaborativefamilylawgroup.com

Collaborative Law Group of Nelson
(East and West Kootenays): nocourt.ca

North Shore Collaborative Family Law Group
(Greater Vancouver): northshorecollaborative.ca

Okanagan Collaborative Family Law Group
(Okanagan Valley): collaborativefamilylaw.ca

Or the Lawyer Referral Service can give you the name of a lawyer who practises collaborative family law. You can meet with the lawyer for up to 30 minutes for \$25 (plus taxes) to discuss your case.

Lawyer Referral Service:

1-800-663-1919 (no charge)

Family law arbitrators

You can pay a family law **arbitrator** to decide some or all of your family law matters for you.

An arbitrator acts like a judge. They'll make a written decision that's legally binding and that the court can enforce. The arbitrator must be accredited with the Law Society of BC. Their decisions must follow family law in BC.

Before the arbitrator makes a decision, everyone must agree on what rules apply. For example, you, your spouse, and the arbitrator must agree on how the arbitrator will hear evidence and arguments from both sides. You also must agree on:

- what the issues are,
- how you'll share financial information,
- whether you need experts to help, and
- how you'll pay the arbitrator.

This is so everyone is heard before the arbitrator makes their decision. Usually, you and your spouse each have your own lawyer.

How to find an arbitrator

Go to the British Columbia Arbitration and Mediation Institute website at bcami.com. Click **Find a Professional**.

Or go to the Arbitrators Association of British Columbia website at labour-arbitrators.ca/index.html.

Or the Lawyer Referral Service can give you the name of an arbitrator. You can meet with the arbitrator for up to 30 minutes for \$25 (plus taxes) to discuss your case.

Lawyer Referral Service:

1-800-663-1919 (no charge).

Before you sign your agreement

Never feel pressured to sign an agreement before you're comfortable doing so.

If you file your agreement with the court, most of it's enforceable, just as a court order would be.

Make sure your agreement is fair

The law encourages and supports using agreements to resolve family law issues. Courts respect fair agreements. But in some situations, the court will **set aside** (cancel) the agreement and replace all or part of it with a court order.

Use the checklist below to make sure your agreement meets the courts' standards.

Always get independent legal advice, especially if you're worried that your agreement is unfair.

Use this checklist to see if your agreement works

In order for a judge to uphold your agreement, it must meet some basic tests. Ask yourself the following questions:

- Did you and your spouse provide each other with "full and true information"? Fair and lasting agreements are based on being honest about the facts.
- Are your children's best interests your only concern in the arrangements you've agreed upon for your children?

- Did you each get independent legal advice on your rights and responsibilities before signing the agreement?
- Did one of you feel pressured to sign the agreement? Did one person take advantage of another's distress, vulnerability, or lack of knowledge?
- Did you both fully understand the agreement?

Have a lawyer look at your agreement

It's a very good idea to have a lawyer look at your agreement before you sign it. Your *Separation Plan* has information on how to get legal help.

You each need to have your own lawyer look at your agreement. Lawyers aren't allowed to act for both people in a separation or divorce. That would be a conflict of interest.

