

Legal Topic Checklist

This checklist will help you find legal information about the topics that may apply to your circumstances. Place a checkmark next to the issues that apply and provide explanations about your situation. You can also click on the links to learn more.

Do any of the following urgent situations apply?

- My partner was abusive, and I fear for my safety or our children's safety

For information, see:

<https://stepstojustice.ca/legal-topic/family-law/partner-abuse>

To make a safety plan and find someone who can help, see:

https://www.cleo.on.ca/sites/default/files/book_pdfs/plan.pdf

<https://stepstojustice.ca/questions/family-law/where-can-i-find-legal-support-if-i-have-experienced-partner-abuse-2>

- A child protection agency (Children's Aid Society or Child and Family Services) has recently been involved with our family

For information, see:

<https://stepstojustice.ca/questions/family-law/what-can-cas-do-if-they-think-my-child-being-abused-or-neglected>

<https://stepstojustice.ca/questions/family-law/what-if-cas-takes-my-child>

- My partner is trying to take our children from Ontario without my permission.

Explain: _____

For more information, see:

<https://stepstojustice.ca/questions/family-law/what-if-my-partner-takes-our-child-another-country-without-my-permission-0>

- Someone has immigration issues

For information, see:

<https://stepstojustice.ca/questions/family-law/will-i-be-forced-to-leave-Canada-if-i-leave-my-partner>

<https://stepstojustice.ca/questions/immigration/where-can-i-get-legal-advice-and-help-problem-about-immigration-status-canada>

There are other urgent issues about our children or finances.

Explain: _____



These are important and time sensitive issues - Talk to a lawyer.

LEARN MORE:

Now is a good time to learn about the law and your options for how to resolve your dispute. Links to additional information are included throughout this document.

You can visit <https://stepstojustice.ca/legal-topic/family-law> for more information about family law topics.

If a court case has or will be started, see <https://familycourt.cleo.on.ca/en/steps-family-law-case>.

Information is also available from the Ministry of the Attorney General about which documents you need to file at each step in a family court case:

<https://www.attorneygeneral.jus.gov.on.ca/english/family/guides/fc/>.

A guided pathways tool is available from Community Legal Education Ontario to help fill out common family court forms: <https://stepstojustice.ca/guided-pathways-divorce-forms>.

Additional information about processes in the Superior Court of Justice (including all Unified Family Court sites) is available at www.ontariocourts.ca/scj/family/.

It is important to obtain legal advice regarding your family law issues. See <https://stepstojustice.ca/legal-topic/family-law/getting-legal-help-family-law> for information about getting help from a family lawyer.

This document has been prepared for the **Family Law Limited Scope Services** project with assistance from family lawyers Katherine Batycky, Valerie Brown, Vanessa Lam, Laura Oliver, Frankie Wood and Julia Vera, as well as Community Legal Education Ontario.

The working group also thanks the authors of Maryland's **Custody & Divorce Client Notebook** for permitting us to use their work to build similar tools for separating families in Ontario.

General

- I am considering trying mediation or another dispute resolution process

For information about whether mediation, collaborative family law or arbitration may be right for you, see: <https://stepstojustice.ca/questions/family-law/can-we-resolve-our-issues-without-going-court>

- I want to start a court case

See the Steps in a Case flowchart: <https://familycourt.cleo.on.ca/en/applicant>

For more information, see: <https://stepstojustice.ca/questions/family-law/how-do-i-start-family-law-court-case>

- My partner has already started a court case.

Note: there are deadlines for when you must reply to the case and certain steps that must be taken.

See this Steps in a Case flowchart: <https://familycourt.cleo.on.ca/en/respondent/get-served-your-partners-application>

For more information, see: <https://stepstojustice.ca/questions/family-law/my-partner-started-family-law-court-case-against-me-how-do-i-respond-0>

Child-Related Concerns – This section deals with how decisions about your children will be made, where they will live and who will spend time with them.

- Emergency** – Our children are in danger.

What's the danger? _____

<https://stepstojustice.ca/questions/family-law/what-if-im-worried-about-my-childs-safety-when-theyre-my-partner>

- Emergency** – We have separated but my partner is not giving me regular contact with our children.

Explain: _____

<https://stepstojustice.ca/questions/family-law/what-can-i-do-if-my-partner-wont-let-me-see-my-child>



These are important and time sensitive issues - Talk to a lawyer.

- Making decisions about the children (for example, daycare/school, religion, medical decisions):

How are important decisions about the children made now?

Do you want any changes to these arrangements?

Why?

Are there any urgent decisions that need to be made?

<https://stepstojustice.ca/questions/family-law/what-custody-and-who-gets-custody>

- Residency and time with the children:

Describe where the children live and the time they spend with each parent:

Do you want any changes to these arrangements? Why?

<https://stepstojustice.ca/questions/family-law/who-will-my-child-live>

<https://stepstojustice.ca/questions/family-law/who-can-get-access-and-spend-time-my-child>

- There is no order or agreement about the children
- There is already an order or agreement about our children

Is it a court order, separation agreement, or other kind of agreement? What does it say?

- This order or agreement about our children is being ignored.

Explain:

<https://stepstojustice.ca/legal-topic/family-law/child-custody-access-and-parenting>

<https://stepstojustice.ca/questions/family-law/what-can-i-do-if-my-partner-doesnt-show-access-visits-our-child>

- This order or agreement about our children should be changed.

Explain:

<https://stepstojustice.ca/questions/family-law/how-do-i-change-custody-access-and-parenting-arrangements-my-agreement>

<https://stepstojustice.ca/questions/family-law/what-if-i-have-court-order-and-i-want-change-it-0>

- I want to get input from a professional (for example, social worker, psychologist, children’s lawyer) about the parenting arrangements for our children.

Explain why you feel that the involvement of a child professional is needed: _____

<https://stepstojustice.ca/questions/family-law/what-child-custody-and-access-assessment-why-would-i-want-one>

https://www.attorneygeneral.jus.gov.on.ca/english/family/ocl/faq/family_law_and_child_protection.php

Financial Concerns – Child Support

This section deals with the parents’ responsibility to support their children financially. Child support is usually paid by the parent who spends the least amount of time with the children to the parent who takes care of the children most of the time. Child support is calculated based on the *Child Support Guidelines*.

For more information, see:

<https://stepstojustice.ca/questions/family-law/what-child-support>

<https://stepstojustice.ca/questions/family-law/who-pays-child-support>

<https://stepstojustice.ca/questions/family-law/how-much-child-support-must-be-paid>

- There is no order or agreement for child support to be paid.
- I am asking for support for our _____ children who live _____ (mostly with me, at least half the time with me or somewhere else e.g. university).
- My partner is asking for support for our _____ children who live _____ (mostly with them, at least half the time with me or somewhere else e.g. university).
- There is already an order or agreement for child support as follows:
Is it a court order, separation agreement, or other kind of agreement? What does it say?

- This order or agreement for child support is being ignored, or not paid in full.

Explain:

<https://stepstojustice.ca/questions/family-law/my-partner-isnt-paying-child-support-what-should-i-do>

<https://stepstojustice.ca/questions/family-law/how-does-family-responsibility-office-enforce-child-support>

- This order or agreement for child support should be changed (increased, decreased, or ended)

Explain: _____

<https://stepstojustice.ca/questions/family-law/when-does-child-support-end-how-do-i-end-it>

<https://stepstojustice.ca/questions/family-law/how-can-child-support-be-changed>

<https://stepstojustice.ca/questions/family-law/how-do-i-change-child-support-my-separation-agreement>

<https://stepstojustice.ca/questions/family-law/how-do-i-bring-motion-change-child-support>

- There are additional special or extraordinary expenses for our children (for example, daycare costs, educational programs, or medical expenses).

List these expenses and their monthly cost: _____

<https://stepstojustice.ca/questions/family-law/what-are-special-or-extraordinary-expenses>

- Do you or your partner have medical and/or dental benefits for the children?

Explain: _____

- If the children are or will soon be attending post-secondary education:

- Do you or your partner have education savings? If so, how much? _____
- Do your children work or have savings? If so, should they contribute to their education costs? _____

NOTE: If you are asking for child support, you will need to fill out a Financial Statement

- Use [Form 13: Financial Statement \(Support Claims\)](#) if you or your partner are asking ONLY for child support, spousal support, or both child support and spousal support
- OR
- Use [Form 13.1: Financial Statement \(Property and Support Claims\)](#) if you or your partner are making property claims **and** asking for child support, spousal support, or both child support and spousal support.

Tools are available at <https://www.justice.gc.ca/eng/fl-df/child-enfant/2017/look-rech.asp>
and www.mysupportcalculator.ca/ to help calculate child support payments.

See also the financial disclosure – support claims section on page 9 below.

Financial Concerns – Spousal Support

This section deals with the rights and obligations of ex-partners to spousal support. Spousal support may be owed if you were married or lived together for at least three years (or less in some circumstances).

- There is no order or agreement for spousal support, and I need support for myself.

Explain: _____

<https://stepstojustice.ca/questions/family-law/can-i-get-spousal-support>

- There is no order or agreement for spousal support, and my partner wants financial support from me.

Explain:

<https://stepstojustice.ca/questions/family-law/do-i-have-pay-spousal-support>

- There is already an order or agreement for spousal support as follows:

It is a court order, separation agreement, or other kind of agreement? What does it say?

- This order or agreement for spousal support is being ignored, or not paid in full.

Explain:

<https://stepstojustice.ca/questions/family-law/my-partner-isnt-paying-spousal-support-what-should-i-do>

<https://stepstojustice.ca/questions/family-law/how-does-family-responsibility-office-enforce-spousal-support>

- This order or agreement for spousal support should be changed (increased, decreased, or ended)

Explain: _____

<https://stepstojustice.ca/questions/family-law/when-does-spousal-support-end-how-do-i-end-it>

<https://stepstojustice.ca/questions/family-law/how-do-i-change-spousal-support-my-separation-agreement>

<https://stepstojustice.ca/questions/family-law/how-do-i-change-court-order-spousal-support>

<https://stepstojustice.ca/questions/family-law/how-do-i-bring-motion-change-spousal-support>

Financial Concerns – Benefits and Insurance Designations

- I want ongoing extended health and dental benefits for myself through my partner's insurance plan.

<https://www.canada.ca/en/financial-consumer-agency/services/insurance/health.html>

<https://www.advisor.ca/insurance/life/what-to-do-with-insurance-after-a-divorce/>

- I want to continue to be named as a beneficiary on my partner's life insurance or RRSP
<https://www.canada.ca/en/financial-consumer-agency/services/getting-separated-divorced/review-insurance.html>
<https://www.advisor.ca/insurance/life/what-to-do-with-insurance-after-a-divorce/>

Explain: _____

NOTE: If you or your partner are asking for spousal support, you will need to fill out a Financial Statement

- Use [Form 13: Financial Statement \(Support Claims\)](#) if you or your partner are asking ONLY for child support, spousal support, or both child support and spousal support
- OR
- Use [Form 13.1: Financial Statement \(Property and Support Claims\)](#) if you or your partner are asking making property claims **and** asking for child support, spousal support, or both child support and spousal support.

A tool is available at www.mysupportcalculator.ca/ to help calculate spousal support payments based on your circumstances.

See also the financial disclosure – support claims section on page 9 below.

Financial Disclosure – Support Claims (Child or Spousal)

My current annual income from all sources is: _____

My partner's current annual income from all sources is: _____

NOTE: *When a support claim is made by either partner, you must give each other documents to confirm all sources of income including:*

1. *Income tax returns for the past 3 years*
2. *Notices of assessment and reassessment for the past 3 years*
3. *Your most recent statement of earnings or other statement that shows how much you earn in a year*
4. *For people who are self-employed, proof of your gross and net income from the past three years*
5. *Proof of income from a partnership, corporation or trust*
6. *Proof of any income received from employment insurance, social insurance, a pension, workers compensation, disability payments or any other source*

If you've been unemployed within the past 3 years, you also have to give your partner a copy of your record of employment or other proof that your job ended, along with a statement of any income or benefits that you have received or will receive.

Also, if you are asking for a contribution to special or extraordinary expenses for your children, you have to provide receipts for those expenses.

<https://stepstojustice.ca/questions/family-law/what-financial-statement-what-documents-do-i-have-give-my-partner>

I do not believe that my partner has honestly disclosed his income for the calculation of support.

Explain: _____

<https://stepstojustice.ca/questions/family-law/what-if-my-partner-paid-cash-or-hiding-money-avoid-paying-spousal-support>

Property (Assets and Debts) Issues -

- Emergency** - My partner is intentionally reducing their property/assets or incurring debt in my name (or our names jointly).

Explain: _____

- Who is living in the home now? _____

Do you want changes to these arrangements?

Explain: _____

<https://stepstojustice.ca/questions/family-law/were-married-who-gets-stay-our-home-if-we-separate-or-divorce>

- If you own a house or other real estate together, who should keep the property or should it be listed for sale? *Answer for any home that is owned, including a vacation property.*

- Is there already an agreement about property signed before separation (for example, a marriage contract or cohabitation agreement)?

- Is there already an order or agreement dealing with property after separation?
Is it a court order, separation agreement, or informal agreement? What does it say?

_____.

Married spouses only:

Property/asset division between married spouses is usually addressed by an “equalization of net family property”. This is a payment that considers each spouse’s property and debts. To calculate the payment that is owed from one spouse to the other spouse, you will need to know:

1. The value of **property** owned by each spouse at **separation**;
2. The amount of **debts** that each spouse had at **separation**;
3. The value of **property** owned by each spouse at the **date of marriage**; and,
4. The amount of **debts** that each spouse had at the **date of marriage**.

Some types of property receive special treatment when calculating the equalization payment. Do any of these examples apply:

- any inheritances or other gifts of value that either spouse received during the marriage?

- damages for personal injuries, such as a car accident?

- proceeds from a life insurance policy? _____

If you have jointly owned property and or debts, those will also have to be taken into consideration.

For general information on how property is divided after separation, see:

<https://stepstojustice.ca/questions/family-law/were-married-how-do-we-divide-our-property-and-debts-if-we-separate-or-divorce>

<https://stepstojustice.ca/questions/family-law/were-married-what-happens-canada-pension-plan-benefits-if-we-separate-or-one-us>

For information about how an interest in a pension plan is dealt with see:

<https://stepstojustice.ca/questions/family-law/were-married-what-happens-our-pensions-if-we-separate-or-divorce>

NOTE: If you asking to divide the value of your property you will also need to:

- Complete your Form 13.1: Financial Statement (Property and Support Claims);
- Exchange documents showing the value of your property and debts as set out above; and,
- Complete the Net Family Property Statement (Form 13B):
<http://ontariocourtforms.on.ca/static/media/uploads/courtforms/family/13b/FLR-13B-May09-EN-fil-tables.doc>.

Non-married partners only:

Non-married couples are sometimes called “common-law” or cohabiting couples. They have different rights than married couples related to their property and debts.

For more information, see:

<https://stepstojustice.ca/legal-topic/family-law/property-and-debts-common-law-couples>

Do you own any property together? (for example, jointly own a home, bank account)

Do you have any debts together? (for example, mortgage, line of credit)

Is there already an agreement about property signed before separation (for example, a cohabitation agreement)? _____

Is there already an order or agreement dealing with property?
It is a court order, separation agreement, or other kind of agreement? What does it say?

I want to ask for a share of my partner’s property. *Explain:*

My partner wants to ask for a share of my property. *Explain:*

Divorce - Married spouses only:

I want a divorce.

<https://stepstojustice.ca/questions/family-law/how-do-i-apply-divorce-myself>

<https://stepstojustice.ca/questions/family-law/how-do-i-apply-divorce-my-partner>

<https://www.attorneygeneral.jus.gov.on.ca/english/family/faq.php>

<https://www.ontario.ca/page/file-joint-divorce-application-online>