

What to do
now that
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your
marriage
is over

by
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**WHAT TO DO NOW THAT
YOUR MARRIAGE IS OVER**



Written by a

Life Change Coach who is a Divorce Lawyer

DISCLAIMER

This book is not intended as a replacement for professional advice!

By reading this book, you acknowledge that there is no solicitor/client relationship created between you and the author. You assume all responsibility for any actions you may take by relying on the information contained in this book.

The author is a Life Change Coach who is also a Divorce Lawyer (Family Law Lawyer) in the Province of Ontario, Canada. She has written this book in her capacity as a Life Change Coach, not a Divorce Lawyer. She does not claim to be familiar with divorce laws outside of the Province of Ontario. Furthermore, the author cannot know all the details of your marriage or circumstances and she does not presume to be in a position to give legal, financial or any other professional advice as it pertains to your divorce.

You are cautioned to exercise due diligence and obtain the appropriate professional advice.

WHAT TO DO NOW THAT YOUR MARRIAGE IS OVER

TABLE OF CONTENTS

ABOUT ROSE PELLAR	1
INTRODUCTION	2
WHY I WROTE THIS BOOK	3
QUESTION # 1 – CAN MY MARRIAGE BE SAVED?	5
QUESTION # 2 – WHAT EMOTIONAL STAGE AM I AT IN MY DIVORCE?	7
QUESTION # 3 – HOW DO I FIND LEGAL HELP?	14
QUESTION # 4 – WHAT OPTIONS DO I HAVE TO RESOLVE MY ISSUES?	17
QUESTION # 5 – WHAT ARE THE ISSUES I NEED TO CONSIDER FOR MY DIVORCE?	20
QUESTION # 6 – IS HAPPINESS AFTER DIVORCE POSSIBLE?	24
NEXT STEPS	24

About the Author:



Rose Pellar is a Life Change Coach who is also a Divorce Lawyer (Family Law Lawyer) practicing in Ontario, Canada for 25 years. She is currently an Associate Lawyer at JMS Law, in Barrie, Ontario. She is the founder of RP Dream Events Inc. Rose knows very well (from the experiences of her legal clients, participants in divorce recovery workshops she has conducted, and from her very own experience) the emotional toll a break-up can exact upon those going through divorce. She encourages her clients to resist making decisions when in a highly emotional state as these decisions may be regretted when in a better frame of mind.

Rose assures individuals she assists, whether as a lawyer, through her © *Beyond Divorce to Happiness Program* or *DreamBuilder* coaching, that they can one day look back and understand that their divorce was just a stepping stone towards happiness.

As she points out in her book "*A Gift in Every Challenge*", there is indeed a gift in every challenge. One needs only to look for the gift. Rose acknowledges in hindsight that her divorce was a gift which allowed her to grow, accept and love herself and now she is helping others who are experiencing divorce to move beyond their divorce towards happiness.

Rose has co-authored *The Joy of an Ex* and *Radiantly Senior*. She is a certified Coach with Life Solutions and a certified Action Formula © Leader with Impact Solutions.

Rose is happily married and she loves her family, which includes 7 grandchildren. During the Summer, she is often found gardening, golfing or walking. Most importantly, Rose enjoys making a positive difference in the lives of others and she is on a mission to empower women to take charge of their own lives so they can be the best they can be.

WHAT TO DO NOW THAT YOUR MARRIAGE IS OVER

INTRODUCTION:



Your marriage has ended but you are not alone

About 40 to 50 percent of married couples in the United States divorce. In Canada, approximately 4 in 10 marriages end in divorce. The divorce rate for subsequent marriages is even higher. You may be part of a statistic but you need not let it define you or determine your outcome. If you are confused as to what you should do next or what your rights are; this book is for you. If you are worried about how you will manage emotionally or financially; this book is for you. If you are overwhelmed by the thought of what the future holds for you, this book is for you.

In this book, you will learn:

- How to identify the stages of your divorce and why you should avoid making decisions at certain stages,
- Why you should obtain proper legal advice and how to select a lawyer,
- What are the various issues you need to think about and the options available to resolve your legal issues and how to get the best resolution.

WHY I WROTE THIS BOOK

As a divorce lawyer for 25 years, I have seen too many women become so consumed with their anger and need for revenge, that they sabotage their health, their finances, their children's right to have a good relationship with both parents, and very importantly their own happiness. As I asked myself "how can I help women who are experiencing divorce?" I thought about my own life. I am happily married, and I have 2 grown sons from a previous marriage and my husband has a daughter and son from his former marriage. Our children have blessed us with 7 lovely grandchildren. My husband and I are healthy and we live in a lovely home close to the longest freshwater beach in the world and we enjoy each other's company. I am currently working as a lawyer and I am making a positive difference in the lives of others. In my law practice and conducting workshops and coaching individuals to live the life they love. I am living the life I love.

But my life was not always this good. Back in 1969 I got married to the boy next door. We had two sons, owned our home and had great jobs. The dream of "happily ever after" faded over the years and my then husband and I grew apart. I had been a very young bride and had not taken the time to cultivate many friendships and the few friends I had went by the wayside as I strived to be the perfect wife. I was so lonely. That may have been bearable but his temper was short and he was a bad example of moral values for our boys. The last straw was his physical abuse towards the children. I left the marriage 9 years later than I should have because I was afraid that it would upset my Mom and I was tormented by my Roman Catholic upbringing which did not permit divorce. My then spouse took the separation very badly and in one encounter after we were separated he attempted to take my life when I declined his offer to reconcile.

A few years after our separation, I went on to live with another person who was my senior by many years. It turned out that I had jumped too soon into a relationship, having fallen for his charm and the lifestyle he offered. I discovered that he was a womanizer and our relationship was a volatile one. I was physically man-handled and he told me that as an ex-cop he knew how to hit me without leaving a mark. My self-esteem took a whipping during that marriage and I was on the verge of a nervous break-down, needing a psychiatrist and anti-depressants. I questioned my self-worth and I was deeply depressed.

Fortunately, I finally found the courage to leave him when I came to the realization that I (not someone else) was responsible for my own happiness. I decided to take steps to turn my life around and at the age of 42, I commenced studying to become a lawyer, not knowing how I was going to do it financially. All I focused on was my goal to become a lawyer.

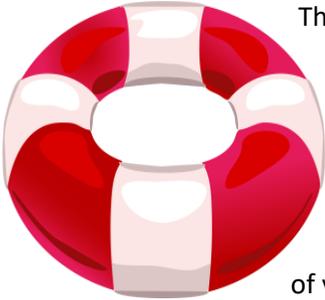
In looking back, I now know that my divorces were the best things that have happened to me. The divorces led me on a long road of self- discovery and growth. And as much as I wish that I had not experienced the pain, the loss and the emotional turmoil, I believe my divorces led me to become a better version of me than I was then. I have invested very substantially in my personal development and I have had the good fortune to be mentored by many esteemed experts in the personal development field. I went on to write a book “A Gift in Every Challenge” which I would recommend to anyone who is going through divorce. (It is available on Amazon.) In my journey, I also became an Action Formula © Leader with Impact Solutions and a certified coach with Life Solutions and I now have the privilege of helping others to live their lives by design (consciously) and not by default (settling for whatever life hands them).

I have come to understand that we are most likely to be motivated to make changes when life has brought us down to our knees. I have reflected upon my life and saw that my greatest change came about as a result of my divorce. My goal is to help you make a similar journey towards your best self in a shorter period of time. Getting through your Divorce is the very first step you will take on your path to finding happiness. This book is written to help de-mystify the Divorce process so that it is manageable, thereby allowing you to then move beyond your Divorce to ultimately find happiness.

Happiness

The following six questions must be answered in order to get through and beyond your divorce.

QUESTION 1 – CAN MY MARRIAGE BE SAVED?



The first question you should ask yourself on the verge of separation or divorce, is whether or not the marriage can be saved. Many women who have been shocked by their husband's request for a divorce are quick to plead for the marriage to be saved. You may wish to save the marriage but your spouse must also want to save the marriage. It takes the two of you to make the marriage work – it takes only one of you to end it.

No one can tell you whether or not the marriage is worth saving. It's a decision which has to be made by you both. I do not encourage divorce but certain situations (such as drugs, alcohol and gambling addictions, physical and emotional abuse) are so severe which no amount of good intentions can save. An affair typically seals the fate of a marriage and rarely do couples recover from this breach of trust, but there are a few exceptions.

It is not good enough to pretend that whatever brought you to this point of separation did not happen, nor is hoping it won't happen again. The chances of averting a separation are slim, unless:

1. You love each other and both want the marriage,
2. You each acknowledge and both agree on what is the problem,
3. There is genuine remorse by the offending party and a commitment by both parties to correct the situation,
4. You recognize that the problem may need a lot of time to fix, and are prepared to commit to the effort and engage professional help (e.g. marriage counseling), and
5. Each of you will forgive and not bring up the transgression again.

The danger of thinking that the marriage can be saved when it is not, is that you may delay taking timely steps to protect yourself financially or to make plans for yourself. For instance, if you are in denial that the marriage has ended and your spouse has been planning his exit for some time, you may find that he has closed out bank accounts or blocked your access to funds or he may have increased his debts. This puts you in a precarious position especially if he has flown the nest and refuses to pay for the home expenses and your income cannot cover the expenses. Moreover, you will be unable to pay for the legal help you will need.

It is difficult to accept that your marriage is ended but if your spouse tells you he wants a divorce, presume he means it and take steps to get informed about your legal rights. By getting legal advice, you will be informed as to what you can do to protect your finances, what your spouse is entitled to do or not do and what are your rights and your obligations. This will be covered in more detail under the section “Divorce Issues” below. Getting legal advice will empower you to have a conversation with your spouse which will not be based on fear but rather on determining whether or not you both want to keep the marriage and are prepared to do what is required. If the answer is no, you can then move on to discuss how the divorce will proceed.

QUESTION 2 – WHAT EMOTIONAL STAGE AM I AT IN MY DIVORCE?

Whether you are the one who chose to end the marriage or not, separation and divorce is a significant life event which can be quite devastating. No one marries with the intention of getting divorced. In fact, it is quite the opposite - many enter marriages with the intention of “living happily ever after”. Your break-up can be quite a shock or a final giving up when attempts to “make it work” fail.

Your divorce may have left you heart-broken, and overwhelmed. In some cases, you may experience relief. You may not be sure exactly what it is you’re feeling, you just know you want the overwhelm and pain to end. There’s a fundamental premise that in order to solve a problem, you need to be able to name what the problem is. So let’s identify the 3 stages of a Divorce experience with the intention that if we can identify what we are experiencing, we can understand it and find a solution – that is, a better way of dealing with our experience. Here are the three stages of Divorce:

- I. Shock
- II. Adjustment
- III. Growth

I. SHOCK

Feelings which may surface during the first stage of Divorce (the shock stage) are:

- | | | |
|-------------|--------------|------------------|
| - Shock | - Bitterness | - Vindictiveness |
| - Anger | - Hatred | - Betrayed |
| - Dazed | - Emptiness | - Numbness |
| - Hostility | - Cheated | - Vengeful |

Five Stages of Grief Model:

In 1969, Elisabeth Kubler-Ross, a Swiss Psychiatrist, published "On Death and Dying". In this book, she identified a number of distinct phases through which the terminally ill will pass. It is popularly known as the Kubler-Ross Method or the Five Stages of Grief Model. The model was presented in relation to dealing with Death and Bereavement. Since then, this Grief Cycle Model has been a useful perspective for understanding our own and other people's emotional reaction to personal trauma and change, irrespective of the cause. Divorce is obviously a personal trauma and change, and it helps to examine the steps in the model to see how they relate to us, but keep in mind that it is not rigid nor timed and each person's experience will differ somewhat with one person not experiencing one or re-experiencing one or more at different times.

The five stages of grief are:

- Denial
- Anger
- Bargaining
- Depression
- Acceptance

The following are examples of these stages as they relate to a marriage break-up.

1. Denial:

This is the stage where one person, usually the person who is left behind, is unable to admit that the relationship is over. When in denial that person will delay taking steps to secure their physical safety, their finances and their legal rights.

2. Anger:

When it becomes obvious that the marriage is at an end (perhaps the other party has retained a lawyer and a court action is started or a letter is received) the spouse who was in denial becomes angry and may blame the other party, his family or the girlfriend, and even herself, for having been responsible for the break-up. This emotion can be so intense that reason flies out the window and it is not uncommon to hear

comments such as “I’ll make him pay, no matter how much it costs me” or “I’ll make sure he never sees the kids again.” This is the least ideal emotional stage from which any decision ought to be made.

3. Bargaining:

After expending so much energy on being angry, the spouse may be willing to give up on one issue in order to get what they deem to be the most important outcome on another issue. For instance, a wife may bargain away child support in order to get sole custody of her children or the husband may give away custody rather than fight, or in exchange for a release from paying child support. Sometimes, parties will walk away from all their financial rights because of guilt or an unwillingness to deal with the hostility. It is important when you are at this emotional stage to obtain proper legal advice to understand what your legal rights are and the implications of bargaining away those rights. Some legal counsel may not recognize this emotional state so it is important for you to be aware of it yourself before bargaining away your rights.

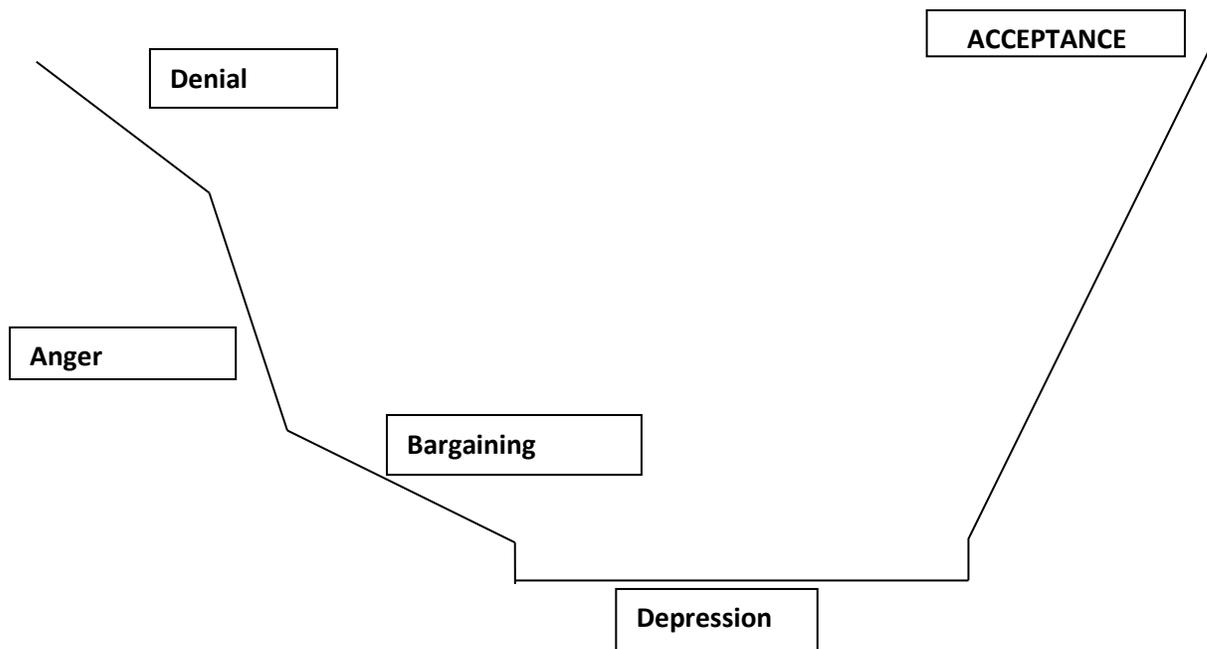
4. Depression:

One spouse may not only experience a great sense of loss – of love, of family, of a home, of money, etc. but also a loss of hope for the future. With this despondent feeling, the depressed person feels she has nothing to lose and any actions taken will likely not be ones she would take with a rational mind.

5. Acceptance:

This is the stage at which the individual accepts that the marriage is at an end and cannot be salvaged and wants to close this chapter and move on to construct a new life. This is the stage at which individuals are best equipped emotionally to deal with their divorce.

EMOTIONAL STAGES OF DIVORCE:



Keep in mind that it is not rigid nor timed.
Each person's experience will differ somewhat
with one person not experiencing one or re-experiencing one or more at different times.

There are three ways of dealing with shock: (I have provided some examples of each)

1. Internalization:

- a. Refusing to talk about your divorce
- b. Withdrawing from friends and social contacts
- c. Intense feeling of guilt or embarrassment
- d. Hiding behind a busy schedule.
- e. Clinging to hope that is based more on fantasy than in reality.

2. Externalization:

- a. Making rash decisions
- b. Moving away, changing jobs
- c. Transferring your anger to an innocent party
- d. Telling everyone who will listen all the details of your situation
- e. Leading a frantic social life.

3. Actualization:

- a. Accepting that the marriage has ended and you are divorced.
- b. You are not alone
- c. Working with what you have to create your new life

Can you identify yourself in one or more of these?

Let's get back to the major stages of Divorce:

II. ADJUSTMENT:

Adjustment to your Divorce (the 2nd stage of your Divorce) requires you to be in the Actualization Mode (page 14), in which you have accepted that the marriage has ended and you are divorced, you are not alone and you work with what you have to create your new life.

As set out above, you first need to actually accept that you are divorced. Your world as you knew it no longer exists. You are single, you may be a single parent, your finances may be less advantageous than when you were married. It means spending wisely, doing things on your own, learning new skills or how to get the help you need. For instance, you may not know how to operate a lawn mower, get the manual out or ask a neighbor to show you how to use it, or hire a kid down the block to cut your grass. The friends that you had as a couple may find it difficult to continue the friendship out of loyalty to your ex – that's okay, make new friends, reconnect with old friends you let slip away for one reason or another while you were married

III. GROWTH

Growth (the third stage of your Divorce) happens when we accept our situation, made adjustments to make the best of the situation and we move on to become a newer better version of ourselves. We do not let the Divorce bring us down, we use it as a stepping stone to become the person we were meant to be.

No doubt, emotions play a very big part in any break-up. However, when we allow our emotions to rule us, our decisions will not usually be wise ones. So, as difficult as it may be, **the number 1 thing we need to do is to set our emotions aside.** It doesn't mean we can't feel sad, disappointed, hurt, or even angry. It's normal. We just have to ensure that we assess what stage we are at and understand why it would be unwise to make important decisions at specific stages. Most importantly we need to ensure that our emotions don't dictate what we do.

It's important to ask questions such as:

“Is my decision motivated by my emotional state?”

“Am I making a decision based on what's in my children's best interests or am I motivated by feelings of anger or wanting revenge?” “

“Is this what I am entitled to and is this in accordance with the law?”

Learn to identify your emotional states and do not make decisions guided by your emotions.

QUESTION 3: HOW DO I FIND LEGAL HELP?

To know what is in accordance with the Law, you will need to do your research. The best way of doing this is to consult with a divorce attorney or family law lawyer. Most lawyers will provide an initial consultation, for free or at a reduced rate as a way of attracting clients. During the initial consultation, you will advise the lawyer of your circumstances and the lawyer will advise you about your rights and your obligations and the options available to you to resolve your issues.

Selecting a lawyer could be the most important decision you make in your divorce process. Do not base your selection of a lawyer on the cheapest or the most expensive rates. The most expensive lawyer is not necessarily the best, nor is the cheapest lawyer the worst. Here are some tips to selecting the right lawyer for you.

- 1) All lawyers are not created equal. For the breakdown of a marriage or a common law relationship, you will need a lawyer who handles separation and divorces as a large part of the lawyer's practice. For instance, you will not want a lawyer who dabbles in divorces and family law, when their real estate practice is slow.
- 2) Search the internet for a Divorce Attorney or Family Law Lawyer, preferably in your locale. The locale is important to save on legal fees which would be charged for the lawyer to travel to and from the court if your matter proceeds through the court. You should ascertain which court has jurisdiction for your matter because even though you live in one area, the court there may not have jurisdiction of the matter. For example: In Ontario, Canada, where there are children issues to be resolved, the court in the location where the children ordinarily reside will have jurisdiction for your case. So, if you and your spouse lived in a City and after the separation you moved away with the children to another town, the jurisdiction is that city where you resided with your spouse, unless you have been living in this new location for a considerable length of time with consent or without objection from your spouse.

- 3) Once you find the list of lawyers or law firm, visit their websites and observe the words they use. If they use words such as “We fight for you” or they seem biased either towards women or men or their words suggest that they take every case into court, be wary that they may be fitting your case into their mold and will not give you the individual attention your case deserves. If their website gives you the impression that the lawyer has the experience and you feel comfortable with how they represent themselves on their website, you may wish to arrange for an initial consultation. The lawyer may also have written articles or have a blog which will give you an idea of his/her expertise and slant.
- 4) Other ways of finding a lawyer include searching the Yellow Pages ads or asking friends who have used a lawyer in their divorce for a referral. Other members of the community may also be able to give you a referral. There may also be Lawyer Referral Services in your area which can also provide you with names of lawyers who can help.
- 5) Even if you receive a referral, you must make the final decision whether or not you will retain the lawyer.
- 6) At the initial consultation, ensure you divulge all the pertinent information which will assist the lawyer to help you. Before you retain this lawyer ensure that:
 - a. You feel comfortable with the lawyer and that the lawyer has listened to you fully,
 - b. He/she explains the law clearly and relates your case to the law,
 - c. He/she is thorough and explains the different processes available to you to resolve your issues and recommends one and explains why it is best suited to your case,
 - d. He/she clarifies what you desire as an outcome and tells you how this fits within the law,
 - e. He/she explains that you are not obligated to hire him/her as your lawyer but if you do decide to hire him/her, provides you with a Retainer Agreement which sets out the terms on which he/she will represent you, the fees payable, etc. for you to review before you sign it and pay the Retainer fee. The lawyer will discuss the main points with you such as his/her hourly rate, how often you are billed, what you are billed for, etc.

- 7) If you can't afford to hire a lawyer, you may be eligible for assistance through a Legal Aid Service and if so, you would be issued with a Certificate against which the lawyer may bill. Not every lawyer accepts Legal Aid Certificates and in some cases, if you do not have a Certificate or can't find a lawyer, you will have no choice but to represent yourself. Some Legal Aid Service will have staff lawyers or *per diem* lawyers who will provide assistance for your court appearance but again there are financial eligibility guidelines which determine whether or not you will receive representation in court.
- 8) To make the most of your initial consultation appointment, have as much information as possible about you, your spouse, the children, your relationship, your incomes, what you and your spouse each own and owe on your date of marriage and on your date of separation. This is so very important even though you may find some information too embarrassing to share. Your lawyer cannot assist you properly without knowing the details which may impact important decisions such as parenting.
- 9) One question to ask of your lawyer is "Have you worked with opposing counsel before and if so, what was your experience". Sadly to say and more often than not, lawyers can delay your settlement because of the way they practice.

Once you retain counsel, do not leave your appointment without being given a clear plan of what happens next and with a list of documents you will need to produce or things you will need to do and by what date. Your legal counsel will guide you through the process and ensure you understand what you are entitled to and what you are obligated to do. However, do not follow blindly. The outcome will affect your life, not the lawyer's life. If you do not understand what is happening, please ask for an explanation. Nonetheless, lawyers charge for every minute they work on your file, whether it is an e-mail or taking a phone call. In fact, it is common for lawyers to charge for their time in increments of 6 minutes or less. For instance, if they spend 2 minutes on an e-mail, you will be charged .1 of an hour. Therefore, make sure you are prepared in advance of a phone call or meeting so that you know what questions you want answered.

If at any time, you lose confidence in your lawyer's ability to represent you, first ask your lawyer for an explanation and give him/her the opportunity to correct the situation. If this does not resolve the problem, pay your legal fees and ask for your file so that you can retain new counsel. Remember, this is your life and you need to take charge of it.

QUESTION 4 – WHAT OPTIONS DO I HAVE TO RESOLVE MY ISSUES?

The following steps are my suggestions for the best resolutions:

1. Become informed about your rights and obligations and what the law provides by having an initial consultation with a divorce attorney/family law lawyer.
2. Recommend to your spouse that he also gets informed about his rights and obligations and what the law provides from a different divorce attorney/family law lawyer.
3. Sit down at the kitchen table with your spouse and negotiate directly with each other (provided you do not feel intimidated by your spouse).



4. Once you and your spouse have reached an agreement in principle, you should each seek independent legal advice to ensure you understand fully what you have agreed to and how these terms fit in with what the law provides. If you are each prepared to finalize the agreement, either your lawyer or his lawyer will draw up a proper separation agreement to ensure that the terms can be relied upon, and proper releases are incorporated. If the other person's lawyer prepared the agreement, your lawyer will review the agreement with you and provide you with independent legal advice before you sign the agreement. Neither you nor your spouse should waive independent legal advice to save on legal fees since this leaves the agreement open to being declared null and void by a court.

Mediation/Arbitration:

Where you and your spouse are unable to negotiate directly with each other, you could engage a Mediator to help you to resolve your dispute. A Mediator can be a lawyer or mental-health professional and his/her job is not to provide you with legal advice but to assist you in the negotiations. If and when you are able to agree in principle to terms, one of you will still need to have an agreement prepared and the other person will get independent legal advice before it is signed. Sometimes, you may reach an impasse where you and your spouse are unable to agree on one or more issue. In this situation you could both engage an Arbitrator or appoint the mediator to arbitrate when an agreement can't be reached. The decision made by the Arbitrator is then binding on both parties.

Collaborative Process:

Another option for finding a resolution is using the formal Collaborative Process. This process requires you and



your spouse and each of your lawyers to sign a Participation Agreement in which you agree that neither one of you will commence a court action and if one party does, none of the lawyers will be able to represent either of the parties at court and none of the information discussed during the process can be used as evidence at court. This sometimes discourages parties from choosing this process. Keep in mind, however, that the lawyers are motivated to help you find a resolution because if settlement is not reached and a court action is necessary, the lawyers can no longer represent either of you.

The Participation Agreement also states that the individuals will be respectful during the negotiation and disclose all pertinent information, unless agreed upon. In the Collaborative Process, the lawyers and the two clients meet together and although each client's lawyer is there to represent his/her client, the lawyers can speak directly to the other party and the other lawyer in the interest of moving towards an agreement. The process eliminates miscommunication as the parties and the lawyers are all present when communication takes place, it allows explanation for what is being sought instead of it seeming like an unreasonable demand. The responses are immediate and clarification is possible. The lawyers are trained to maintain a respectful and interests (not positional) based negotiation. A collaborative case could be settled with very few meetings whereas a court action could take years, countless court appearances and enormous legal fees.

Going to court:

Court is the least desirable way of resolving your divorce issues but there are situations where this cannot be avoided. One reason would be where one party refuses to engage in any discussions or negotiations and the only way to force them to deal with it is to use the court process. Another reason would be where there is physical danger. Be sure to canvass with the lawyer whether this is the only viable way of getting any results. Please also be aware that you will need to be able to afford to pay legal fees as lawyers do not work without being paid. Taking a matter all the way to Trial can be very slow and costly even costing in excess of \$100,000. In addition, you could end up paying a substantial part of the other party's legal fees should the Judge rule in the other party's favor.

QUESTION 5: WHAT ARE THE ISSUES I NEED TO CONSIDER FOR MY DIVORCE?

So, think carefully about what outcome you want. Ask yourself, “Why do I want that outcome? Am I in the right frame of mind? (i.e not influenced by my anger, my need to exact revenge, or my depression, etc.) Ask yourself “Is what I want reasonable as prescribed by law and the circumstances?” Ask yourself: “What price am I willing to pay to get that outcome?”

The issues arising from a Divorce are:

Parenting (custody, access, child support)

Spousal support/alimony

Division of Property.

Parenting:

Children deserve to continue to have both their parents in their lives. The parents are the ones who are expected to make decisions for the children. I have heard too many parents say “The children don’t want to see him.” Children may voice what they believe you want to hear. Do not let young children tell you what they want. Nonetheless, if they are voicing concerns be sure to investigate the underlying reasons. You are the parent. Having said that, now that you are no longer living with your spouse, who will make decisions for the children? Will it be jointly with your spouse or by you alone? Marriages end, parenting does not. Unless there are very overwhelming reasons why it is impossible for you to make major decisions together with your spouse for the children (e.g. the other party is physically or mentally abusive, or addicted to drugs and/or alcohol) it would be reasonable for both of you to make decisions together for the children.

Where will the children reside? It is beneficial for children to spend as much time with both parents and if both parents live in close proximity to each other, it may be possible for the children to live equal amounts of time with each parent – perhaps week about – but it also depends on the ages of the children and how they will adjust. It will also depend upon the parents’ ability to care for the children and to communicate and make decisions together.

If the children end up living primarily with one parent – maybe because that parent has been and will continue

to be the primary caregiver for the children, the other parent will be given as much access as possible depending on work and other commitments of the parent and the children. Schedules can be worked out and some are more liberal and generous than others. The intention is to maximize the contact and involvement of each parent with the children.

In the past, a typical arrangement would be for the children to live with one parent primarily and the children will spend every other weekend with the visiting parent from Friday after school to Sunday night or Monday night if the Monday is a school holiday, as well as one evening or overnight visit during the week. The children would also spend a longer period of time during the Summer holidays with the visiting parent and the special holidays (Thanksgiving, Christmas, School Spring Break, Easter, etc.) would be shared.

Please remember that any arrangements must be made in keeping with what is best for the children.

Child support:

The parents are expected to continue to support the children while the children are considered dependent children under the Law. This may extend to beyond the age of majority (18 in Ontario) if the child is attending school full time. The person with whom the children are living primarily receives support from the visiting parent and in Ontario where the children are living at least 40% of the time with the visiting parent, child support is paid by the primary caregiver based on her income to the visiting parent and the visiting parent pays child support based on his income to the primary caregiver, resulting in an offset amount according to the Child Support Guidelines. Child support is not a tax deduction for the payor and it is not taxable in the hands of the receiver. Expenses (such as day care, tuition, tutoring, orthodontic care, etc.) are considered special expenses to which both parents are expected to contribute in proportion to their incomes. For instance, if Dad earns twice as much as Mom, Dad will pay two-thirds and Mom will pay one third of the expense. To be safe it is best to get written consent from the other parent before incurring the expense. Your lawyer can give you an idea of how much child support, and percentage contribution towards special expenses, is payable.

Spousal Support/Alimony:

In some marriages, one spouse out-earns the other, and as a result, the person with the higher income is required to pay spousal support to the lower income party. There are rules governing entitlement, the amount and the duration of spousal support. Be sure to ask your lawyer what you are entitled to, given your income or lack thereof, and your spouse's income and the length of your cohabitation. Also the child support you receive will affect the amount of spousal support to which you will be entitled. In Ontario, the intention is to equalize the net disposable (after tax) income between the parties although if the children reside primarily with one party, then the equation would change dependent on the number of people in the household. Each party will provide copies of his/her income tax returns and Notices of Assessment to help determine the appropriate amount



of spousal support. Unfortunately, there are now two households to be supported instead of one and if you were a stay-at-home Mom, you may now be required to become self-supporting. Perhaps you will need to re-train in order to become employable and certainly spousal support arrangements should be considered to allow you to do that. Again, speak to your lawyer to get proper advice on this issue.

Division of Property:

In Ontario, marriage is viewed as a joint venture, wherein at the end of the marriage, the parties divide the assets (as well as the debts) they have acquired between the date of marriage and the date of separation. Consideration is given to what each of you owned at the date of marriage, what gifts/inheritances you received during marriage, and how each of you conducted yourselves financially during the marriage. Collect statements to back up your assets and debts and those of your spouse both at the date of marriage and at the date of separation. Your lawyer can advise you what the equalization result would be.

Matrimonial home - should you stay or should you go?

Many individuals are unwilling to leave the matrimonial home for fear that they will forego their rights to the home or give their spouse an unfair advantage. The quick answer to this question is that you should preserve your safety and that of your children above all else. If you can, please seek legal advice immediately. Engage the police if you must if the threat is real and imminent. If you leave, immediately seek legal advice. I would recommend that you do not leave without the children and if you are planning to take the children, ensure you have written permission from your spouse to do so or go to court immediately to obtain an order granting you interim care and control of the children.

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We have only scratched the surface of these issues and you should get more clarity on what your rights and obligations are in each of these areas as a result of your initial consultation with your lawyer. Every one's situation is unique and the circumstances will dictate what your rights and obligations are.

Please note that this e-book is not intended to be a substitute for legal or other professional advice.

This e-book is merely a quick and handy overview on how to navigate the Divorce process. However, to learn how to move beyond your Divorce, I invite you to participate in one of my ***Beyond Divorce to Happiness Programs*** (details below) in which you will receive information, guidance and support in a safe and confidential environment to heal the pain of your divorce.

## QUESTION # 6 – IS HAPPINESS AFTER DIVORCE POSSIBLE?

You are not alone. Many people get divorced. Divorce happens to nice people as well as to not so nice people. It really is not the end of the world even if it feels that way right now. I have learned from my own divorces and from the experiences of my divorce recovery workshop participants and my law clients that there is life after divorce and happiness is indeed possible after divorce.

Everyone's definition of happiness is different. For some, it means being healthy and living well, for others it means finding a life partner to love and who loves you in return. For you, it may mean having a great paying job and being financially free or having more time to do what you love. Whatever happiness means to you, it is definitely achievable. Your life consists of four areas – Health and Well Being, Relationships, Vocation and Time/Money/Freedom. Success in all four areas is necessary to lead a full spectrum life and have true happiness.

Until you have worked through your divorce however, happiness may elude you. So, my recommendation is: work through your divorce, treat it as a stepping stone to your brighter future. Now... take action!

### NEXT STEPS:

Here are a few actions you can take today:

1. Contact the professionals you need. (Individuals in Simcoe County, Ontario seeking a lawyer can contact me at [rose@jmslaw.ca](mailto:rose@jmslaw.ca))
2. Join our private Facebook group **BEYOND DIVORCE TO HAPPINESS SUPPORT GROUP** to join a community of women who are going through separation/divorce and receive information, answers and support. Here is the link  
  
<https://www.facebook.com/groups/2671296259860220/>
3. Send me an email at [info@divorcetohappiness.com](mailto:info@divorcetohappiness.com) and let me know what your number 1 concern is with your separation/divorce at this time and I will help you if I can.

My goal is to help you throughout this difficult process, which is why I developed the following programs:

## **BEYOND DIVORCE TO HAPPINESS (D2H) ROADMAP STRATEGY SESSION.**

Your D2H Roadmap Strategy Session starts with a conversation in which:

- you will share with me the circumstances of your divorce, what worries you about your divorce and what results you ultimately would like from your divorce;
- I will pinpoint the issues you will need to address;
- I will guide you on the processes available to you to resolve your issues, and give you my personal recommendations on the appropriate process for your situation;
- I will give you direction on how best to find the professionals and resources you will require during your divorce;

Following our conversation; you will receive a summary of our conversation which is your D2H Roadmap, which you can use as your guide to navigating through your divorce process.

**As a bonus for signing up for the D2H Roadmap Strategy Session, you receive a special member's discount (up to 15%) for any workshops/retreats/further coaching programs.**

## **BEYOND DIVORCE TO HAPPINESS Program**

Through this 6 week on-line program you will learn how to relieve the pain of your break-up, adapt to being single again, how to navigate the divorce process with ease, how to cope as a single parent, how to develop new relationships and learn how to move on and plan for your future – all in an experiential way in the comforts of your own home so that you can begin to plan and take steps from being a victim of your divorce to a new happier life.

Some of the things you will discover in this program:

- How to reduce your fees and the hostility usually connected to the legal wrangling
- Practical steps to protect your physical and financial security
- Practical tips on how to grow through the 3 stages of the divorce experience
- How the myths about divorce can keep you stuck
- Support from others on the same journey of healing
- How to cope with your ex spouse
- Steps you can take to speed up your recovery
- How to plan for yourself and your future
- Your role in the marriage break up
- How to relinquish responsibility for your ex
- How to take responsibility for yourself
- How to be an effective single parent
- The true meaning and benefits of forgiveness
- How to find and experience forgiveness
- How to ready yourself for a new relationship
- How to deal with new relationships, dating and mating
- How to take the next steps to finding true happiness.

## **BEYOND DIVORCE TO HAPPINESS Live week-end Workshop**



This week-end workshop accelerates the healing process and applying the strategies shared in this workshop will help you to recover and grow through your divorce. In this live workshop, you will discover that you are not alone, that there is no need to feel embarrassed and most importantly you will learn how to move beyond your anger and pain to a place where happiness can happen.

In addition to sharing your learning with a group of others on the same journey of healing, in a structured but fun environment, here are some of the topics covered in the live workshop:

- How to cope with your ex spouse
  - How to take responsibility and care for yourself
  - How to be an effective single parent
  - How to ready yourself for a new relationship
  - How to take the next steps to finding true happiness.
- How to give up responsibility for your ex;
  - How to plan for yourself and your future;
  - How to forgive yourself and your ex;
  - How to think about new relationships & dating

## **BEYOND DIVORCE TO HAPPINESS 6 Month Personal Support.**

When you sign up for this 6 Month Personal Support Package, you will have access to your coach for a one hour call each week during which you will receive guidance on matters related to your divorce as well as access via email on a twice weekly basis.

**YOU NEED NOT REMAIN IN THE DIVORCE RUT**

It is less important what has happened to you, it is more important what you do with what has happened to you. The choice is yours:

**Will you remain a victim???**



OR

**Will you choose to be victorious and happy?**



**Choose wisely as the decision you make today will determine your future.**

**Let us help you by joining us in at least one of the above programs.**

**HAPPINESS IS WITHIN YOUR REACH!! JUST REACH OUT AND GRAB A HOLD OF IT**

Please send me an email at [info@divorcetohappiness.com](mailto:info@divorcetohappiness.com)

and let me know which program interests you

*To your happiness,*

**Rose Pellar, B.A.S., LL.B.**

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