

Contents

Frequently Asked Questions (FAQ)	3
If you are new to divorce	3
1. I know absolutely nothing about divorce. Where do I start?.....	5
2. I understand the general process of divorce, but I would like to get a better understanding without too much detail. Can you suggest some online sources?	5
3. I have had to leave my home on short notice. Where can I find temporary shelter?.....	5
4. I'm without money, even to look after myself. What do I do? Where do I go?.....	5
5. Do I need a lawyer?	6
6. Where can I find a "good" lawyer?.....	7
7. Is there such a thing as a lawyer or judge rating service?	7
8. I'm not sure I'm getting the best advice from my lawyer. What should I do?	7
8. I am not happy with my lawyer's performance; can I file a complaint and or claim my money back? ...	8
9. I can't afford a lawyer. What can I do?	8
10. Do I need an accountant?	8
11. I'm representing myself. Where do I find the procedures and forms?	9
12. I'm really distraught and can't get a grip on myself. Where do I go or what do I do?	10
13. Where can I find good sources on divorce statistics?.....	11
14. Surely there must be tons of research on divorce in Canada. Where can I locate it on the web?	11
15. There are a lot of other people going through divorce. Are there any support groups or web forums where I can discuss issues with others?	12
16. I would like to join a divorce group to share experiences, discuss options, or to advocate for reforms. Can you provide me with names of groups to check out?	13
17. I have heard so much from my friends about gender bias in the courts. How true is it?	13
18. How did Canada get into this mess with divorce laws? What's the history?.....	14
19. Who are the Canadian Authors who have written on Divorce?.....	15
20. What are the "best" books on divorce?.....	15
21. Why is so little written in the press about divorce? Are there any reporters or columnists pursuing this topic?.....	15
22. I need to research my case and case law. Where do I go?	16
23. I can't afford to pay the required amount of child support. What can I do? What can be done to me?	16

24. I can't afford to pay the required amount of spousal support. What can I do? What can be done to me? 17

25. My spouse wants sole custody. What can I do? 17

26. My spouse won't allow me to see my child in contravention of a court order. What can I do? 18

27. My spouse has taken my child and left the jurisdiction. What can I do? 18

28. My spouse has taken the child and left the country. What can I do? 19

29. It's obvious the system sucks. What can I do to change it? 20

30. Is it just my imagination or is there a strong anti-feminine bias in this FAQ? 20

Frequently Asked Questions (FAQ)

We would love to be able to personally respond to all the requests for help and information we receive, but we simply do not have the resources at this time to cope with the volume of calls and emails we receive. We have instead prepared this information sheet for you, which is periodically updated by divorce community volunteers to reflect additional data or new questions.

Many questions that we receive come from psychologically distraught fathers or mothers (and even sometimes children) newly entering into the divorce realm who feel totally alone and socially isolated, all the more so if they find themselves without financial resources and legal representation.

Our community experience has taught us that divorce has the same characteristics as any major emotional calamity in life and we all have to go through the same emotional stages on our way back to wellness.

ECMAS believes that, in most cases, the BEST parent is BOTH parents.

Keeping children away from one parent or the other only makes things more difficult for all involved.

Every child should have access to the love and nurturing of both parents and their extended families on both sides.

If you are new to divorce...

We hope the following common-sense aids, based on the experiences of thousands, will serve to guide you:

1. **You are not alone** - 72,000 divorces occur annually in Canada.
2. **The law is only a fraction part of a divorce, makes one wonder why lawyers make most of the costs for divorcees.**
3. **If you need to resort to a lawyer or other professional, they need to propose a plan of approach, and a budget. A professional who cannot tell you what the minimum, average or maximum charges can be does not know his/her business.**
4. **Not all divorces are hell** - up to 70% of divorces are resolved relatively amicably. 5-30% are adversarial but are eventually resolved out of court. About 10 % do go to trial and those are often the most adversarial.
5. **Remember, there is light at the end of the tunnel**, even if the tunnel seems to be growing longer.
6. **Don't damage the kids!** - Divorce is traumatic for children and can scar them for life. Explain what is happening; give your child lots of love; NEVER bad-mouth your spouse in front of your child, no matter what! Remember that children need both parents so work it out with your spouse to maintain regular contact with the child(ren). And yes, in some

cases this is much easier said than done. Never use access to your child as a bargaining tool!

7. **Avoid court if at all possible.** Every dollar spent on lawyers is one less dollar for both of you and the children. Not all lawyers are actually bad, but lawyers are expensive and sometimes do not do what they are supposed to do. Courts dispense Law, not Justice - never forget this crucial difference! And yes, if you are a male, the ugly statistical reality is that the Family Courts are horribly biased to the point of being dysfunctional - the institutional failure of family courts comes as a shock to all who enter the system!
8. **Resolve issues yourself, if not possible Mediate, arbitrate and only litigate as a last resource!** Litigation is not the only option! Insist on exploring other avenues first: yourself, coaching by groups like ECMAS, collaborative law, mediation, arbitration and negotiation.
9. **Your accountant is your best buddy.** If you have any assets, finding a good accountant can be just as crucial as retaining a good lawyer. Many lawyers are numerically challenged and not well versed in divorce tax implications, by their own admission. Use your accountant to prepare accounting and net worth information for equalization and support and to recommend settlement.
10. **Love yourself.** This is the hardest one. Don't blame yourself about the divorce. Divorce, like accidents, happens. It takes two for a relationship breakdown. You will discover you are the wonderful person you always knew you were, perhaps much to your amazement!
11. **Take care of yourself.** The stresses and strains of a divorce can often bring physical affects and symptoms that you may not notice at first. Sleeplessness, altered eating habits and raised blood pressure are all things you should be aware of. Talk to your doctor about effective non-medical and medical steps you can take to help minimize the ill effects that extended stress can have on your body and mind.
12. **Educate yourself.** Many of the rules and laws, federal, provincial and rules of civil procedure that your case will be subject to are available online. **In order to assess the caliber of legal advice received, you should educate yourself.** Remember though, the law is written in its own language called legalese, where words may have a different meaning in law than you might expect.

FAQ (FREQUENTLY ASKED QUESTIONS)

DISCLAIMER: Any comments and suggestions made herein should not be construed as legal advice. We are not lawyers and offer the following suggestions only as general guidance on specific issues, based on accumulated experience in the divorce community. Every case has its unique characteristics, so some of the following advice may not apply. Every case has general characteristics, however, and we hope the following suggestions serve to point you in the right direction.

EDUCATE YOURSELF! It will save you large sums and money and will prevent you to go down a path you do not want. Do not just rely on your lawyer or hear say. Educate yourself.

If you have to go to court, **ALWAYS** attend, even if you lawyer says you do not need to (fire your lawyer if he/she says you do not need to). **ALWAYS** attend.

1. I know absolutely nothing about divorce. Where do I start?

Justice Canada provides a good introductory Q&A pamphlet; "An Introduction to Obtaining a Divorce" provides a 2-page summary. From a legal perspective, divorce falls under federal jurisdiction, with civil and property rights coming under provincial jurisdiction. As a result, family law issues vary somewhat from province to province. Consult the back of the pamphlet for references to provincial information sources.

Justice Canada also has a FAQ site at <http://justice.gc.ca/eng/>

2. I understand the general process of divorce, but I would like to get a better understanding without too much detail. Can you suggest some online sources?

There are now many websites out there and ever changing. You can start with online resources from the justice system in your province. As well, Resolution Services of the Justice System provides a lot of hands information regarding forms, etc. It is best to even visit them if you have the opportunity. They will help you.

3. I have had to leave my home on short notice. Where can I find temporary shelter?

Our first recommendation is to seek out family and friends- even those who may not be necessarily close. Our experience has shown that this is the best course of action as it also provides an emotional safe haven.

Should this not be possible, check into a hotel/motel to get rest and to allow yourself time to get your bearings regarding longer term shelter.

Sometimes leaving the home is not an option, it is extremely easy for your spouse to claim physical abuse (even if this is not true), phone the police, and have you removed from the home. That means 3 to 6 weeks not seeing your children and an approximately \$10,000 lawyer bill, besides emotional stress and possible other damages.

You will sometimes find your spouse suddenly became a different person. Do not resist that, move out for your own safety. There is no shame in leaving a bad situation and start planning a new future.

4. I'm without money, even to look after myself. What do I do? Where do I go?

Every community provides a form of emergency shelter and services. If it is after normal business hours, we suggest the following:

- a. Dial "211" for Community Service (where supported).

- b. Check the "Emergency Numbers" section of your local Telephone Book (typically the first few pages of the book) for local community services available.
- c. Contact your Church- your Minister/Priest/Rabbi/Imam deals with these situations regularly.
- d. Contact your local YM/YWCA. Many provide emergency support or referrals.
- e. Contact your local Salvation Army.
- f. Go to your local police station or Emergency Room. They will be able to refer you.

If it is during normal business hours, contact your local Municipal Services (Town/City Hall) for referral to the Social Assistance Department. They are equipped to provide you with same-day emergency money and shelter and then to work with you to complete forms for ongoing money and shelter.

In some cases, you will find yourself referred to a Shelter. There are about 500 Shelters for Women and a handful for Men across the country. While many of these shelters provide excellent services, our feedback is that some women's shelters subject the client to radical feminist indoctrination as part of the service package. We consider this to be preying on the emotionally vulnerable and recommend that you immediately leave and seek support elsewhere. This advice is not provided because of our own political ideology, but rather from experience of those who subsequently report being exploited by gender politics at a time when they are most vulnerable.

We don't pretend to tell anyone what their political beliefs should be; we only suggest that political aspects of divorce and gender politics be considered from calm rather than a vulnerable perspective.

5. Do I need a lawyer?

No, reality is that you do not need a lawyer, despite what they tell you. Many of our Group members found that out after the fact, and to clean up the mess represented themselves also in Court very successful. Initially it might not be a bad idea to consult one. However, if the lawyer does not do his or her job, it can sink your ship before you even start and it will take an enormous effort to get back on track. So EDUCATE YOURSELF.

There are also other options, doing the divorce yourself with your spouse, or for example mediation. There are many do it yourself packages out there, and also the courts have free services at the Resolution Support Centres. So EDUCATE YOURSELF.

We suggest avoiding court as much as possible.

Do I need to go to Court?

No, you do not need to go to court, except to file documents. **It important to file an agreement in the form of a court order, as that is a legal document if anything happens in the future.**

So, EDUCATE YOURSELF.

6. Where can I find a "good" lawyer?

We have found that a lawyer may be held in both high and low regard by different clients. Our policy is therefore not to make recommendations.

Also consider representing yourself, as many members of ECMAS have done very well. Visit us on our Tuesday evening meetings.

We do suggest that you canvass your friends who have gone through divorce. You may also wish to ask your own lawyer to recommend a family law lawyer, but bear in mind he/she may feel caught in a conflict of interest making recommendations to you and your spouse.

Another suggestion is that you attend morning chamber courts, and watch the lawyers in action.

You can also make an appointment with a lawyer and interview him/her. Here are some questions to ask the lawyer.

As accountants deal with many lawyers on divorce issues, we have found that they are often in the best position to suggest "good" lawyers. A lawyer or other professional without a written plan of approach we do not recommend.

Of course, there are always the Yellow Pages. In addition there are electronic versions of lawyer/institutional

7. Is there such a thing as a lawyer or judge rating service?

Yes, the "best" offering providing Canadian content seems to be <https://www.lawyerratingz.com/>. It also serves as a lawyer advertising site. Please bear in mind that the ratings are anecdotal and not scientific in nature. There are also some judicial rating sites on the web, but none that currently offer any significant data on Canadian judges.

Our suggestion is do not bank on these ratings, as we find that many poor ratings are removed. Keep in mind family law, divorce and separation is a business.

8. I'm not sure I'm getting the best advice from my lawyer. What should I do?

Get a second opinion from another lawyer, just as would from another doctor for a medical condition. We suggest telling your lawyer that you will be seeking a second opinion, and solicit his/her cooperation to provide relevant materials for the 2nd consultation. In our experience, the better lawyers will often suggest on their own that you seek a second opinion regarding difficult decisions.

8. I am not happy with my lawyer's performance; can I file a complaint and or claim my money back?

Yes, you can. You can file a complaint at the appropriate law society. Understand they are there for lawyers, not for clients. But filing a complaint registers it on the record of a lawyer. The more complaints they receive, it might have impact on these lawyers in the long term. Also, you do not want others to have to deal with a bad lawyer. So file a complaint with the law society, it is for the good for everyone.

You can claim money back by filing taxation at the court house. They have forms, and can help you fill them out. Or come to our Tuesday meetings, we have lots of experience in getting refunds from lawyers.

9. I can't afford a lawyer. What can I do?

You have three options: Legal Aid, Pro-Bono, and Self-Representation.

Legal Aid is intended to subsidize or cover legal costs for specific types of actions for qualifying participants. <http://www.justice.gc.ca/eng/fund-fina/gov-gouv/aid-aide.html>

Each province runs its own variant of services offered through its own Legal Aid Bureau. Understand that lawyers assigned can be good or bad, just as you hire them privately.

Pro Bono (from Latin meaning "For the General Good") refers to low cost or voluntary free services provided by a lawyer. All lawyers are expected to provide some portion of their services on a Pro Bono basis but, as one might expect, the services are generally over-subscribed. However, it never hurts to ask your lawyer to provide some portion of services on a Pro Bono basis or to refer you to Pro Bono services. Your local Legal Aid office should also be able to provide a reference to Pro Bono services. Pro Bono services are typically provided at provincial levels through non-profit agencies or through Law Schools. We suggest doing a Google

Self-Representation (Per Se in Latin) is exactly what it says-one represents oneself in court without the services of a lawyer. It also refers to those instances where a lawyer may have been consulted for specific guidance on aspects of the case such as general strategy, legal sources, forms, procedures.

Many of our ECMAS members represent themselves and do very well with some guidance.

10. Do I need an accountant?

If you are upper middle or upper class, the services of an accountant are likely to be as important as those of a lawyer, and sometimes more so. If your assets are modest and complicated, an accountant is still more than worth it to prepare your financial statements, Net Worth, and to assist you in collecting appropriate documents. They also are the most capable to undertake

equalization and settlement calculations with full knowledge of the tax consequences . **Many lawyers will admit that they are both numerically challenged, especially on tax matters.**

Because accountants are one step removed from the adversarial process of law, many have acquired what may be the most objective perspective on the realities of family law. Divorced people often comment that the accountants were the sanest and wisest people in the whole process. You will find their insights and suggestions invaluable and refreshingly explained in plain English for the most part.

11. I'm representing myself. Where do I find the procedures and forms?

As divorce issues are a joint federal/provincial area of responsibility, filings must be done in accordance with the laws, rules, and forms of your province. These may be accessed thru the http://cas-cdc-www02.cas-satj.gc.ca/portal/page/portal/fca-caf_eng/registry-greffe_eng/self-representation_eng provided by justice Canada. This portal directs you to the Ministry of Justice and Family Law Information Centres in each province. Many provinces provide a booklet for self-represented litigants outlining the process and requirements- check your provincial portal.

In addition, most provinces also have Family Law Information offices in courts of larger urban centres that provide a legal library, forms, and access to face-to-face counselling services.

A "Duty Counsel" is also available for self-represented litigants at Court. It is worthwhile familiarizing yourself with their services, but they are not intended to provide anything beyond the most rudimentary advice and direction. Hence, don't get your hopes up about what Duty Counsel can do for you.

Depending on the nature of your case, you may qualify for Legal Aid (see # 8). Even if you don't, many Legal Aid Offices run a free one hour counselling service with a pro-bono lawyer on any legal topic. If this is available, we suggest you maximize the use of your time by organizing everything on paper ahead of time for use by the pro-bono lawyer:

- Name, address, telephone number, email, etc contact information for their records;
- Brief description of your problem (stick to the relevant facts, be focused and be brief);
- List of questions or request for legal opinions on ideas you may have.

If you are close to a university or a district provincial or federal government office, you should be able to use their legal library facilities. If you are not close, check with your local library for online access to special databases and inter-library loans.

You may also find yourself building up a small professional reference library. Your best sources for this are:

- [Thomson Carswell](#)
- [Lexis Nexis Canada \(including Butterworth's Publishing\)](#)

These companies also offer fee-based online access to their extensive legal information and case law. It tends to be expensive so most people sign up for a low-cost trial period during which they conduct their research.

It bears noting that being self-represented doesn't mean that you have to necessarily do everything on your own. One of the better strategies is to retain a lawyer as your "legal consultant" or facilitator to help you define an approach, direct you to procedures and forms, and/or review your legal submissions. Some people also choose to engage a paralegal to assist them with procedural aspects of their case (note: as with lawyers, there are good paralegals and bad paralegals...so Caveat Emptor ...let the buyer beware).

We often get requests for books that self-reps can refer to. The answer depends on the specifics of the case and your knowledge of the law. The following books provide a Canadian perspective:

- Canadian Law Dictionary , Barron's (www.chapters.ca) More than just a legal dictionary, this serves as a mini-tutorial on key legal concepts and cases.
- Preparation of Factums , Cromwell T.A. (Canada Law Book Inc.)
- Families and the Law in Canada: Cases and Commentary, Mossman Mary Jane, Emond Montgomery Publications. (www.amazon.ca) Standard reference text for law students. Written by a recognized guru in the field, this book covers family law, key cases and interpretations and opinions of the author.

Of course, if you and your spouse agree on all aspects of divorce and settlement, you may go to Chapters, Staples or go to the Court House to get a DIY kit.

12. I'm really distraught and can't get a grip on myself. Where do I go or what do I do?

This is not unusual. Divorce ranks as one of the highest stressors in life and the first step is to recognize it as such without using it as an excuse for not getting on with things. We suggest you see your family doctor, who may prescribe mild relaxants or refer you to a psychologist/psychiatrist.

Your employer might have support programs, consult these.

Find support groups, locally or for example in your church. Take care of yourself.

In some instances, individuals may experience severe depression with suicidal ideation. We have lost a number of community members to suicide and can say that it not only does not solve problems, it complicates them for those left behind, particularly if there are children involved. If you are currently in an agitated state of mind, we suggest you immediately contact a (usually listed under Emergency Numbers in the first few pages of your Telephone Book), or immediately go to Emergency at your local hospital.

There are numerous Suicide Crisis Centers in Canada organized by community within Province <http://suicidehotlines.com/canada.html>

13. Where can I find good sources on divorce statistics?

The key statistics are: about 72,000 divorces occur annually, of which about 50% involve children. Despite statistics showing that "joint custody" is now awarded in 40% of the cases, the reality is that joint custody is all too often a euphemism for traditional sole custody in which both parents may have joint legal responsibility/custody, but the mother still retains physical custody and the father is left with often relatively infrequent access rights.

The best consolidated source of Canadian information is available through the [Vanier Institute of the Family](http://vanierinstitute.ca/) <http://vanierinstitute.ca/>

Many people have complained over the years about the difficulty of compiling statistics associated with divorce. Government agencies such as Statistics Canada certainly publish various data but few governments have done any consolidated, in depth analysis. We surmise this is due to the intense politics associated with the issue.

We provide the following references to some of the better sources:

- [Statistics Canada-Alphabetical List](#) - check out under divorces, and family.
- [CANSIM http://www5.statcan.gc.ca/cansim/home-accueil?lang=eng](http://www5.statcan.gc.ca/cansim/home-accueil?lang=eng) data base - key in "divorce separation" as search criteria (note: some data series are free, some are fee-based).
- [Wikipedia](#) - search under "divorce statistics"
- <https://www.canadadivorcemagazine.com/>
- [Americans For Divorce Reform](#) - extensive grab bag of world divorce statistics including Canada.
- [Nationmaster.com](#) - comparative statistics by country.

14. Surely there must be tons of research on divorce in Canada. Where can I locate it on the web?

Probably the best compiled information is available through the following:

- FACT (Fathers are Capable Too) www.fact.on.ca
- Fathers For life <http://fathersforlife.org/>
- REAL Women of Canada <http://www.realwomenca.com/>
- [Roscoe 10-yr analysis of Ontario family law cases](#)

We note that the above sites reflect the views of Father's Groups, Children's Groups, and Moderate women's groups.

[Justice Canada](#) contains the best repository of government reports on the subject:

Beyond that, there has been an information explosion on the subject in recent years which may be accessed through a search engine such as Google at www.google.ca .

15. There are a lot of other people going through divorce. Are there any support groups or web forums where I can discuss issues with others?

The fundamental point about support groups and web forums is that they typically represent a certain ideological or political perspective on the contentious topic of divorce. The spectrum of views includes: Father's Rights Groups, Family Rights Groups, Children's Rights Groups, Moderate Women's Groups, Christian Family Organizations, and Radical Feminist groups. Government funding goes disproportionately (and many would say totally) to the more radical feminist organizations, although governments would never characterize this as such.

Your first step is to recognize that Divorce is a highly politicized area and that even those organizations professing ideological neutrality ultimately portray certain belief systems and ideologies.

The second step is to review your personal values and beliefs in order to see which organizations best reflect your values. This FAQ is being written from the perspective of secular Family Rights Organizations. Our experience has been that the major dividing line is between Radical Feminism (a.k.a. Gender Feminism) and Equality Feminism supported by all other groups and organizations.

If you are a member of a church, you may wish to first start there to see if there are any divorce groups associated with or recommended by your church (even if you have not gone to church for a long time).

The next major decision is to identify the type of support group you are seeking. Some groups are oriented towards support and self-help while others are oriented towards political advocacy.

If you are primarily interested in support and self-help, we suggest the following national web sites from our perspective of secular Family Rights Organizations:

- FACT (Fathers are Capable Too) www.fact.on.ca
- REAL Women of Canada <http://www.realwomenca.com/>
- [Fathers 4 Justice Canada](#)

You will then be in a position to ask about chapters or other organizations and services in your geographical area.

For support and self-help organizations operating within a specific geographical area, you may wish to consult online directories provided in the following question.

Some people are comfortable with online discussions, while others may wish to seek out monthly meetings that are run by many groups.

16.I would like to join a divorce group to share experiences, discuss options, or to advocate for reforms. Can you provide me with names of groups to check out?

Sure, in addition to organizations mentioned above, here are pointers to Directories of Equal parenting organizations:

- ECMAS.org
- [Canadian Equal Parenting Groups Directory](#)
- [Canadian Family Rights Groups](#)
- Canadian Association For Equality <https://equalitycanada.com/>

Please note that organizations typically operate unfunded and hence have a high churn rate.

We also include member organizations of the [Canadian Equal Parenting Council](#) , a coalition of Family Rights organizations sharing a common goal of equal parenting, gender equality, and parent/child rights in accordance with UN declarations.

17.I have heard so much from my friends about gender bias in the courts. How true is it?

We have yet to hear of a family law lawyer who disagrees with the national perception that courts are extremely biased against men. The real question is how much.

As the judiciary, government, and academia will not address this issue for obvious reasons pertaining to each institution, it is left to individual researchers to conduct analysis. **The short answer is that there is not a single issue in family law which is statistically in favour of the male** . As the table below illustrates, a female generally has a 4:1 advantage over the male with the ratio being as high as 18:1 on specific issues such as custody. Moreover, when cost penalties are imposed, they are considerably harsher for the male; and when cost relief is provided, it is provided overwhelmingly in favour of the female. Without going into detail, the outcome is worse at lower court levels.

ANALYSIS OF FAMILY LAW OUTCOMES BY APPELLANT GENDER
ONTARIO COURT OF APPEAL (1996-2008)

Appellant	Custody	Access	Mobility	Spousal Support	Child Support	Equalization	Other	Costs	Weighted Average
% Chance of Male Appellant Win	3.6	25	18.1	24.7	29.1	23.2	25.2	15.4	21.4
% Chance of Female Appellant Win	64.3	60	60	67.8	55	51.6	49.3	62.5	78.6
Ratio Female to Male Wins	17.9:1	2.4:1	3.3:1	2.7:1	1.9:1	2.2:1	2.0:1	4.1:1	3.7:1

NOTE: weighted average based on relative number of cases by topic

In fact, statistical analysis suggests gender stereotyping is now so prevalent that even having a male lawyer reduces a client's chances by 18%.

These implications have far-reaching consequences. Whereas only about 7% of divorce cases actually go to court, the other 93% are bargained within the "shadow of the law".

18. How did Canada get into this mess with divorce laws? What's the history?

That's a question with many answers, depending on one's perspective. While it may be cold comfort, the same situation exists in all western nations with some notable exceptions like Denmark, Sweden, some US States, and most notably Australia-in every instance, those jurisdictions have adopted some form of equal parenting to level the legal playing field.

Most experts agree that the well-intentioned introduction of "no fault" divorce in western nations triggered the law of unintended consequences. Whereas "no fault" was originally intended to make divorces less onerous and equally available to both genders, and this indeed did happen, the side-effects may not have been anticipated.

The simple answer is that "no fault" is anything but. "No fault" divorce is more accurately described as unilateral divorce in which either party may end the marriage "contract" without prejudice. However, the very nature of the adversarial legal process requires that there be a "winner" and a "loser" as a basis for judicial decisions, and men were overwhelmingly selected to be the "losers".

Why men? There is no single villain, but rather a confluence of cultural, economic and institutional factors. Culturally, women were traditionally care-givers and perceived as the

weaker sex requiring support; economically, women earn less than men - popularized as the "feminization of poverty"- requiring compensation from males. "No Fault" was introduced against a backdrop of the rise of gender feminism which served to fuel the fires. At the same time, "no fault" was introduced during an era of intense government cutbacks to due excessive deficits, and governments were only to willing to download/offload fiscal responsibilities to the next lower layer. This led to a wave of laws making the payer (i.e. the male) financially liable, even to the point of effectively reintroducing "debtor's prisons".

Of course, the "male" had to be scapegoated to justify excessive government actions, and most governments found themselves actively courting radical feminists as handmaidens to undertake demonization, more often than not using government grants. Thus, divorcing fathers were hysterically painted as "deadbeat dads", child abusers, wife beaters and incompetent parents regardless of social science evidence to the contrary. Once a certain momentum was reached, the whole process acquired self-serving dynamism of its own.

Not everyone would agree with this explanation, and indeed, the real history of the modern Divorce Wars will not be written for some time to come; on the other hand, few would credibly disagree outright with this hypothesis.

19. Who are the Canadian Authors who have written on Divorce?

The best-known columnist on Canadian divorce issues is [Barbara Kay](#) of the National Post. Her archives of columns constitute a book in themselves.

20. What are the "best" books on divorce?

This question covers a broad spectrum of self-help, divorce planning, divorce law, divorce reform, and all the constituent topics such as custody & access, child support, spousal support, equalization. We suggest you go to www.amazon.com or www.amazon.ca and type in the specific area of divorce you are interested in. Amazon provides one of the richer book summaries and book review capabilities.

One of the recent best sellers is "Taken into Custody: The War Against, Fathers, Marriage, and the Family" by <https://www.amazon.ca/Taken-Into-Custody-Against-Marriage/dp/1581825943>

21. Why is so little written in the press about divorce? Are there any reporters or columnists pursuing this topic?

Given the social tragedy of divorce and that surveys indicate 80% of Canadians support equal parenting, one would indeed expect more insightful coverage beyond the usual "if it bleeds, it leads" sensationalism of divorce murder/suicide stories or celeb divorces such as Paul McCartney & Heather Mills.

Discussions with newspaper industry insiders over the years suggest there are a number of reasons why divorce gets less coverage:

- Complex topic to master;
- Divorce articles are more litigious to newspapers than all other topics combined, and are hence avoided;
- Black-listing and threats from advocacy groups;
- Many Newspaper chains have political leanings supporting the status-quo;
- Some newspaper chains prefer to avoid the political backlash of pursuing politically sensitive topics.

Another reason is the slow-motion nature of the topic that makes it difficult to capture media interest. MADD (Mothers Against Drunk Driving) provides a good example. When asked in private several years ago why it took MADD so long to get legislation enacted over the deaths of so many children and adults caused by drunk drivers, a MADD Executive responded with telling political insight: "Because they inconveniently choose not to die on the same day". Likewise, Divorce is a slow-motion social disaster that claims a few victims each day.

Lastly, family law reform advocacy groups must shoulder some of the blame. Media coverage requires a struggle between opposing forces. Unfortunately, until relatively recently, all the oxygen on the subject has been monopolized by one well-funded camp now entrenched for a generation in the media, educational institutions, as well as government bureaucracies.

But there are Canadian reporters and columnists that bravely tackle the subject. In order of prominence, they are:

- <http://www.barbarakay.ca/>
- <https://fcpp.org/sites/default/files/ideology-and-dysfunction-in-family-law.pdf>
- http://www.ottawacitizen.com/columnists/david_warren.html

22.I need to research my case and case law. Where do I go?

<https://www.canlii.org/en/> is your free indispensable tool for case law searches.

23.I can't afford to pay the required amount of child support. What can I do? What can be done to me?

Reductions in Child Support are done by filing a motion for "Variation of Support" if you have undergone a "Material Change of Circumstances". Please note that what you may consider "material" may not what the law defines as being "material" and will be interpreted through a gender lens in court as statistics demonstrate.

Your starting point to this topic is the Justice Canada Child Support portal. Please refer to #2 for additional information.

Depending on your province/territory of residence, failure to meet your child support obligations can lead to: Garnishment, Liens, court-ordered freezing of your assets, suspension of licence, suspension of passport, and imprisonment.

Yes, imprisonment- even though "Debtor's Prisons" no longer supposedly exist, it's very politically fashionable and expedient to imprison "deadbeat dads" (about 96 % of CS payers are fathers). Provinces will not release data on annual incarcerations of defaulters, but we conservatively estimate the number is from 2,000-3,000 annually.

Should you declare bankruptcy, obligations for ongoing Child support payments (and arrears in most instances) are not waived.

We suggest come to our Group Meetings or contact us, or you engage a lawyer. Check with Legal Aid for eligibility if you are unable to afford a lawyer.

24.I can't afford to pay the required amount of spousal support. What can I do? What can be done to me?

Reductions in Spousal Support are done by filing a motion for "Variation of Support" if you have undergone a "Material Change of Circumstances". Please note that what you may consider "material" is not what the law defines as being "material" and will be interpreted through a gender lens in court as statistics demonstrate.

Although they are voluntary, many support obligations and variations are done with reference to the <http://www.justice.gc.ca/> .

Depending on your province/territory, failure to meet obligations can result in many of the same sanctions reserved for child support defaulters. Jurisprudence is arbitrary and vague in the area of spousal support but the general approach followed is to find you dealing in "bad faith" or in contempt, after which you become legally dispossessed of your assets. Imprisonment is also a real possibility, either via the same provisions applicable for Child Support or by being convicted of fraud or conspiracy to defraud.

We suggest come to our Group Meetings or contact us, or you engage a lawyer. Check with Legal Aid for eligibility if you are unable to afford a lawyer.

25.My spouse wants sole custody. What can I do?

This is the area of family law in which gender bias is most prevalent. See articles on the [Gene C. Colman](#) and [Canadian Council for Co-Parenting](#) sites and others in #2.

While Joint Custody awards have increased to 40.3% in recent years according to Statistics Canada, this belies the fact that in most cases physical custody remains with the mother as is the case with sole custody.

We believe in equal parenting, but jurisprudence - despite the ostensibly neutral gender language of the law - is not there yet.

We suggest come to our Group Meetings or contact us, or you engage a lawyer. Check with Legal Aid for eligibility if you are unable to afford a lawyer.

26. My spouse won't allow me to see my child in contravention of a court order. What can I do?

This is an area of law with particular gender bias in evidence. Chances are that if you are a male in contravention of a court order, it will be immediately enforced; if you are female in contravention, it will be generally ignored or given lip service.

That's the sad reality and it's the children who suffer for it. Statistical trend analysis indicates courts [4] temporarily pulled up their socks on enforcement in the aftermath of publicity associated with the "[For the Sake of the Children](#)" Report, but started reverting to old ways once the glare of publicity subsided.

We suggest come to our Group Meetings or contact us, or you engage a lawyer. Check with Legal Aid for eligibility if you are unable to afford a lawyer.

27. My spouse has taken my child and left the jurisdiction. What can I do?

Inter-provincial enforcement of criminal warrants is weak; obviously, it follows that enforcement of civil and family law issues is weaker. Consequently, lawyers advise/encourage their clients to change jurisdictions to make it more difficult for the other spouse to have access to the children. As noted before, the usual gender bias realities apply in these situations.

Most lawyers will recommend initiating legal action to have proceedings held in the original jurisdiction as soon as possible. Child Abduction charges are also possible but, once again, enforcement is weak as these events are not always treated as kidnappings as they should be.

Please refer to the Justice Canada reference on Custody and Access Orders <http://www.justice.gc.ca/>. We also refer you to information provided through Justice Canada:

- [Our Missing Children](#)
- We suggest come to our Group Meetings or contact us, or you engage a lawyer. Check with Legal Aid for eligibility if you are unable to afford a lawyer.

Sadly, these proceedings can be lengthy and expensive which is why this course of action is pursued by the jurisdiction-hopping spouse.

28. My spouse has taken the child and left the country. What can I do?

This is the same as #26 but with an additional international jurisdictional complication that often adds even more costs.

The short answer to this question is to first determine if Canada has an exchange/reciprocity treaty with the other jurisdiction. If so, this gives you a fighting chance; if not, consider yourself in essentially uncharted waters.

Foreign Affairs has published a booklet entitled, "[International Child Abduction: A Manual for Parents](#) "

We suggest you engage a lawyer knowledgeable in international laws and treaties. Check with Legal Aid for eligibility if you are unable to afford a lawyer.

In addition, make every documented effort to register this as a legal kidnapping in Canada and INTERPOL. Anecdotal evidence suggests that some courts use the lack of such filings as a pretext to justify child abduction as the aggrieved parent is deemed to have shown "too little concern" for the welfare of the child.

Unfortunately, Canada has an international reputation for not protecting its citizens abroad. This mentality would also seem to apply to international child abductions based on feedback from individuals caught in these circumstances. However, that doesn't mean you shouldn't utilize available government channels. It's one of the few options you have, and there's nothing to say you won't find a sympathetic ear.

Is there a "best" way to divorce?

The answer to that has spawned a self-help industry of authors in recent years, many with good ideas (once again, check out www.amazon.ca or www.chapters.ca).

As with any other traumatic issue in life, the answer often comes down to civility and mutual respect. Of course, it takes two to tango on this issue. If there are children involved, it often helps to bear in mind that parents' divorce each other, but not the children.

Our suggested hierarchy of preferred modes of divorce is:

- Educate yourself!
- Avoid Conflict as much as possible, it is not worth it!
- Mutually agreed terms and conditions (the ideal), stay out of Court! But register the agreement in Court!
- Collaborative Divorce [\[5\]](#) (agents working on your behalf with counterpart agents to resolve issues amicably without the need for court proceedings)
- [Mediated/arbitrated Divorce](#) (a mutually acceptable third party recommends/rules on issues in dispute to facilitate resolution)
- Classical Divorce (representation through lawyers in traditional adversarial situation)

If you have a lawyer, he/she is required by law to advise you of these options.

29.It's obvious the system sucks. What can I do to change it?

Your first priority is to ensure your divorce affairs are addressed; after that, your time, energy, and donations to affect family law reform can be best utilized by joining one of the equal parenting organizations.

If you wish to make a general donation to the movement, please send your cheque marked "General Donation" to:

Canadian Equal Parenting Council,

5767 Summer St.

Niagara Falls, ON L2G 1M5

A receipt will be provided. Note: Donations to advocacy organizations are not tax-deductible.

30.Is it just my imagination or is there a strong anti-feminine bias in this FAQ?

No, we are not misogynists. The short-answer is "don't shoot the messenger"- by that we mean that the current family law system is openly misandrist (anti-male) and we are merely reporting the statistical and experiential reality. In fact, we would be quite surprised if you could find a lawyer that disagreed with the views represented here, although they may express varying degrees of agreement depending on their personal experience as one might expect.

Historically, family law has evolved from being anti-female to anti-male. It's generally agreed the pendulum has swung too far and we are advocating a return to the middle. We represent an organization of men, women, and children that subscribes to three fundamental principles:

- Equal Parenting
- Gender Equality
- Protection of the rights of parents and children, in accordance with UN Declarations.

We hope this document has answered your questions. We are always looking for ways to improve our answers and would appreciate your feedback on the quality of the responses and suggestions for improvement.

We have designated a central source to receive your feedback.

Please send your email titled "Feedback on Divorce Information" [here](#) .

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