

FAMILY LAW



MARRIAGE AND DIVORCE

QUIZ



MARRIAGE



RIGHTS & RESPONSIBILITIES



UNPAID DEBTS
 Debts incurred by either spouse before the date of the divorce are the responsibility of the spouse who incurred them.
 Debts incurred by both spouses after the date of the divorce are the responsibility of both spouses.

SEPARATION FROM BED AND BOARD
 Means the husband and wife have lived apart for a continuous period of at least one year.
 Effect: The right to sue for divorce is lost.
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RECONCILIATION
 Means the husband and wife have lived together again for a continuous period of at least one year after the date of the divorce.

SEPARATION & DIVORCE

Conditions: One of the following must be met...

1. Cruelty/abuse
2. Adultery
3. Lived separately for at least one year

LEGAL SEPARATION & DIVORCE, SEPARATION FROM BED AND BOARD
 Means the husband and wife have lived apart for a continuous period of at least one year.

SEPARATION FROM BED AND BOARD, SEPARATION FROM BED AND BOARD
 Means the husband and wife have lived apart for a continuous period of at least one year.

PRIVILEGE CASE
 Means the husband and wife have lived apart for a continuous period of at least one year.

SEPARATION OF THE JOINTS
 Means the husband and wife have lived apart for a continuous period of at least one year.

THANK YOU!

BY: EMILY DUSE & CRISTINA PRODEUR-BEDA

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ENGAGEMENT
 What are the legal aspects?
 Betrothal Agreement: The contract signed by the couple before the wedding. It is a legal document that outlines the couple's intentions regarding property, finances, and other matters.
 Engagement Ring: The couple's exchange of rings is a symbolic gesture, but it is not a legal requirement.

SEPARATION FROM BED AND BOARD
 What is the legal basis for separation?
 The couple must live apart for a certain period of time (usually 1 year) before they can file for divorce.
 The court must be satisfied that the couple has lived apart for the required period.

SEPARATION
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PROPERTY SETTLEMENT AND FINANCIAL AGREEMENT
 What are the legal aspects?
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PROPERTY CASE
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THANK YOU!

BY: EMILY DUBE & CRISTINA BRODEUR-REDA

MARRIAGE AND DIVORCE

QUIZ

QUIZ

The wife received Chava Matis from her mother for her birthday. The gift is now apart of the family estate.

True or False?

A couch bought by the husband is included in the family estate. Therefore, both spouses are now owners of the couch.

True or False?

QUIZ

An unmarried couple with a child separate after a few years. Though the residence is owned by the man, the woman has the right to live in the residence with their child.

True or False?

QUIZ

A spouse can divorce his partner because of her drug addiction.

True or False?

QUIZ

Mediation is mandatory before a couple can divorce.

True or False?

QUIZ

Child support is always paid by the ex-spouse with the higher salary.

True or False?

QUIZ

The wife received China Plates from her mother for her birthday. The gift is now apart of the family estate.

True or False?

A couch bought by the husband is included in the family estate. Therefore, both spouses are now owners of the couch.


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QUIZ

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COUPLES

What are the different types of unions you can have for couples?

De facto union:

- Not legally recognized in Québec
- Couples with common life goals
- Certain rights and effects
 - Household and Goods
 - Unjust Enrichment ("Lola" case)
- Written agreement/contract

COUPLES

Marriage VS Civil Union

Why do we have Marriage and Civil Union?

Conditions to get married:

- Age
- Exclusivity
- Consent

MARRIAGE

Family Estate:

Property included in the family estate – Family residences, vehicles, furniture used to decorate the family residences...

Property excluded from the family estate: Inheritance, gifts, donations...etc.



MARRIAGE

Responsibilities : Respect, fidelity, assistance

Financial Support – Spouses are financially responsible for each other and towards one another.

Moral Assistance: Spouses must be emotionally supportive of each other and the family unit.

MARRIAGE

Mandate:

One spouse may act on the other behalf for decisions concerning the family

Property Protected under a Marriage

- Family Residence
- Furniture and other household goods within the family residence

CHILD CUSTODY & PARENTAL AUTHORITY

Types of Custody

Sole: Time with the parent is split between 50% - 100%
Joint: 50% or more of the time is spent with one parent

Factors:

BEST INTEREST OF THE CHILD

The child's age, health, relationship with parents as well as other family members, wishes and preferences concerning the custody, etc.

The parent's ability to support their child's needs, lifestyle, work hours, availability, willingness of the parent to encourage their child to maintain a healthy relationship with the other parent, etc.

PROCEDURE

What are the steps to divorce?

Divorce by Agreement: The co-spouses agree to negotiate the terms of their divorce outside of court.

Divorce by Trial: There are many elements that the couple disagrees on, therefore the spouses apply to the court for a divorce.

Information Session: Mandatory attendance
 Explains the benefits of Mediation
 Opportunity to reflect on the effects divorce can have on the children.

SEPARATION FROM BED AND BOARD

Releases the matrimonial bond, but does not dissolve it like divorce.

Effects?

- No longer obligation of assistance or fidelity
- Purchases no longer affects the family estate

Utility?

- Suspension of marriage before divorce or reconciliation

MEDIATION

Definition: A neutral third party that helps guide the former spouses to come to an amicable agreement. It is done without the intervention of lawyers nor the court.

Process: Discusses the circumstances, negotiates the differences, document the agreements.

Effects: Not legally binding unless signed by both parties.
 Recommended that the mediation report be drafted by a lawyer or notary in order for it to be legally binding.

■ The matter discussed during mediation is confidential and cannot be used in court if the mediation fails.

Costs: Free mediation services for couples with incomes up to 12K.
 Mediators fee: 45 per hour based on provincial regulations.

SEPARATION & DIVORCE

Conditions: One of the following must be met...

1. Cruelty\abuse
2. Adultery
3. Lived separately for at least one year

ALIMONY: CHILD AND SPOUSAL SUPPORT

Child

After a separation, both parents must continue to support their child.
 Child support is based on a child's needs.
 One of the spouses will be obligated to pay the other based on the custody of income.

Ex-Spouse

Not automatic - By agreement or at the request to the court

Considerations: The financial situation & needs of a spouse, resources available, the standard of living before the divorce



PRACTICE CASE

Mary and Paul have been married for 25 years and have two kids. A 14 year old named Anna and a 11 year old named Eric.

Mary is a full-time nurse, that sometimes works night shifts for overtime. Her annual salary amounts to \$80,000.

Paul is a financial consultant who works 8am-4pm Monday to Friday. His annual salary is \$55,000.

Mary had an affair with Patrick and they are now living together with his kids.

They are at the stage in the divorce proceedings where they are determining the child custody as well as the alimony payments.

DIVISION OF THE FAMILY PATRIMONY

Principle: The value of the family property will be shared equally between the spouses.

Considerations when determining the value

- The acquisition of the property - Should said property be included in the family patrimony
- Net market value of goods
- Debt remaining on the property, paid off during the marriage
- Value of repairs and maintenance work done on the property
- Other deductions predetermined by the law (ex: inheritance & gifts)

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Process: Evaluate the circumstance, negotiate the differences, document the agreements.

Effects: Not legally binding unless signed by both parties.

Recommended that the mediation report be drafted by a lawyer or notary in order for it to be legally binding.

*The matter discussed during mediation is confidential and cannot be used in court if the mediation fails.

Costs: Free mediation sessions for couples with minors – up to 7.5h

Mediators fee: 110\$ per hour based on provincial regulations.

DIVISION OF THE FAMILY PATRIMONY

Principle: The value of the family property will be shared equally between the spouses.

Considerations when determining the value:

- The qualification of the property : Should said property be included in the family patrimony
- Net market value of goods
- Debt remaining on the property\ paid off during the marriage
- Value of repairs and maintenance work done on the property
- Other deductions predetermined for by the law (i.e inheritance & gifts)



PRACTICE CASE

Mary and Paul have been married for 28 years and have two kids. A 14 year old named Anna and a 19 year old named Eric.

Mary is a full-time nurse, that sometimes works night shifts for overtime. Her annual salary amounts to \$80,000.

Paul is a financial consultant who works 8am-4pm Monday to Friday. His annual salary is \$55,000.

Mary had an affair with Patrick and they are now living together with his kids.

They are at the stage in the divorce proceedings where they are determining the child custody as well as the alimony payments.

ALIMONY: CHILD AND SPOUSAL SUPPORT

Child:

After a separation, both parents must continue to support their child.

Child support is based on a child's needs.

One of the spouses will be obligated to pay the other based on the custody & income

Ex-Spouse:

Not automatic - By agreement or at the request to the court

Considerations: The financial situation & needs of a spouse, resources available, the standard of living before the divorce



CHILD CUSTODY & PARENTAL AUTHORITY

Types of Custody:

Shared : Time with the parent is split between 40 - 60%.

Sole : 60% or more of the time is spent with one parent.



Factors:



BEST INTEREST OF THE CHILD

The child's age, health, relationship with parents as well as other family members, wishes and preferences concerning the custody...etc.

The parent's ability to support their child's needs, lifestyle, work hours, availability, willingness of the parent to encourage their child to maintain a healthy relationship with the other parent...etc.

Patrick, his annual salary is \$50,000.

Mary had an affair with Patrick and they are now living together with his kids.

They are at the stage in the divorce proceedings where they are determining the child custody as well as the alimony payments.

THANK YOU!

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 Debts incurred by both spouses after the date of the divorce are the responsibility of both spouses.

SEPARATION FROM BED AND BOARD
 Means the spouses have lived apart for a continuous period of at least one year.
 Effect: The court will grant a decree of separation if the spouses have lived apart for a continuous period of at least one year.
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RECONCILIATION
 Means the spouses have lived together again for a continuous period of at least one year after the date of the divorce.
 Effect: The court will grant a decree of reconciliation if the spouses have lived together again for a continuous period of at least one year after the date of the divorce.

SEPARATION & DIVORCE

Conditions: One of the following must be met...

1. Cruelty/abuse
2. Adultery
3. Lived separately for at least one year

LEGAL SEPARATION & DIVORCE, SEPARATION FROM BED AND BOARD
 Legal separation is a legal status that allows spouses to live apart while remaining married. It is a legal status that allows spouses to live apart while remaining married. It is a legal status that allows spouses to live apart while remaining married.

SEPARATION FROM BED AND BOARD, SEPARATION FROM BED AND BOARD
 Separation from bed and board is a legal status that allows spouses to live apart while remaining married. It is a legal status that allows spouses to live apart while remaining married. It is a legal status that allows spouses to live apart while remaining married.

PRIVILEGE CASE
 Means the spouses have lived together again for a continuous period of at least one year after the date of the divorce.
 Effect: The court will grant a decree of reconciliation if the spouses have lived together again for a continuous period of at least one year after the date of the divorce.

SEPARATION OF THE JOINTLY ACQUIRED ASSETS
 Means the spouses have lived apart for a continuous period of at least one year after the date of the divorce.
 Effect: The court will grant a decree of separation if the spouses have lived apart for a continuous period of at least one year after the date of the divorce.

THANK YOU!

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