



Topics Covered During Consultation

DATE: _____

NAME OF CLIENT: _____

1. Confidentiality

- Our privacy policy
- Solicitor Client Privilege
- Bringing someone with you to this meet and other meetings

2. Process Options

- Negotiation
- Mediation
- Collaborative Law
- Arbitration
- Litigation
- Parenting Co-ordination

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3. Separation Agreements

- Full and frank financial disclosure
- Independent legal counsel and legal advice
- No duress or coercion

4. Property Division Issues

- The identification of and valuation for (equalization purposes) of property
- Calculation of the net family property of each of you and your spouse
- The possible equalization payment owing
- Applicable limitation periods
- Preservation and non-depletion orders (freezing):
 - when you need these kind of orders
 - warning signs to watch for
- Trust ownership issues
- Common law couple property issues including joint ventures
- Use of experts – how to handle difficult assets whose value may need to be ascertained:
 - pensions
 - businesses
 - unusual assets such as stock options
 - contents
 - land, home, and other dwellings

5. Disclosure in a Family Law Matter

- Financial statements
- Back-up documents for income, assets, liabilities
- No intrusion upon seclusion

6. Matrimonial Home Contents

- What you can and can't remove
- How to get someone removed from the home
 - No right without an order
 - Changing the locks
 - Exclusive possession
 - Restraining orders
 - Bail conditions and peace bonds
- partition and sale of the matrimonial home
- buyout of a party's interest
- severing the joint tenancy
- title searches
- lines of credit, mortgages and other expenses secured against or related to the property

7. Custody and Access

- The rights and obligations that arise for a parent in a variety of custody and access arrangements (joint, sole custody, parallel parenting, Parenting Coordinators and hybrid orders)

- Factors that a court will consider in determining the best interests of children, maximum contact and minimal disruption
- Parenting time / access
 - What is age appropriate?
 - The social science data on age-appropriate access and its impact on the court's determination of appropriate access
 - Impact of agreed-upon arrangements on future chances of success regarding variation of such agreements, such as in the event that a parent wishes to relocate
- How such things as the child's views and preferences impact on a court and a court's determination of custody / parenting issues
- The interplay between parenting (custody and access) and the parents' ability to parent in situations where there is domestic violence, recreational drug use, mental health issues, sexual abuse or other factors that affect one's ability to parent
- Factors that affect limiting access by imposing supervised access or other restrictive conditions – what a court will or will not consider or do
- The kind of third party evidence that can be put forward to support a position:
 - The Office of the Children's Lawyer
 - Psychological assessments
 - Section 30 custody and access assessments

- Parenting courses
- Anger management courses
- Therapists, teachers, physicians and other professionals who may be involved
- The role that the Office of the Children's Lawyer and private assessors may play and the impact their recommendations may have on the outcome of an access dispute;
- Risk and prevention of abduction; non-removal orders, and when they are available

8. Spousal Support

- Factors affecting entitlement, duration and quantum;
- SSAG
- Amounts and possible duration
- Extended health care plans
 - Do you need to be on your spouse's plan?
 - How most expire on divorce
- Tax implications
- Ways to pay (lump sum, periodic)
- Family Responsibility Office and other enforcement mechanisms

9. Child Support

- Guideline Table amount

- Circumstances under which a court may award an amount which is different than that prescribed under the Child Support Guidelines:
 - children over the age of majority
 - 40% rule – shared custody
 - split custody
 - income over \$150,000
 - undue hardship
- S7 (special and extraordinary) expenses: what they are, how and when they are shared and effect of tax credits and deductions etc.

10. Estate and Beneficiary Matters

- Elections under the *Succession Law Reform Act*, *Family Law Act*
- The impact of separation on various beneficiary designations that may have been made by either spouse
- The need for a new Will and Powers of Attorney

11. Divorce

- Obtaining a divorce in Ontario
- Grounds for divorce
- Child support and its interplay with the court's willingness to grant a divorce

12. Social Media and Electronic Communications with Others

- The dangers of posting things – treasure trove of evidence
- Ways to protect your online image and electronic data

13. Next Steps / Plan / Strategy

- A variety of strategies that might be appropriate for your case
- The next steps you may wish to take in this matter (the use of experts, the negotiation of a separation agreement, mediation, arbitration and litigation)

14. Financing the Case

- Family members
- Bank loans and lines of credit
- Funds in joint accounts
- Orders for interim disbursements

15. Full Service vs. Limited Scope or Unbundled Services

- The difference
- Types of Unbundled Services (make two side by side lists)
- Providing basic legal advice
- Drafting pleadings, briefs, declarations or orders
- Document review

- Conducting legal research
- Negotiating
- Making limited appearances in court, at mediations etc.
- Coaching on strategy or role playing
- Advising on court procedures and courtroom behavior
- Preparing exhibits
- Organizing documentary disclosure,
- Drafting contracts and agreements
- Ghostwriting
- Providing direction to resources such as community resources, rules of court, legislation

16. Our Fees and Retaining Us

- Our fees
- Retainer and Replenishment
- Retainer agreement

17. Our Paperless Office - Electronic Communications

- E-mail and texting staff and the lawyers in this firm
- Benefits
- Risks
- Precautions

18. Material Given Prior to Consult

- Confidential questionnaire
- Billing information for new clients
- Admin information for new clients

19. Resources Referred to

- Referral to:
 - Resources on web site
 - Therapists
 - Coaches
 - Marriage counsellors
 - Other

20. Law Clerk Follow Up

- Consult only letter
- Retained us consult letter
- Include limitation period references in letter:
 - Yes
 - No
- Include Estate and Beneficiary designation clauses in letter:
 - Yes
 - No

21. Length of Consultation:

- The client agreed to extend the consultation beyond the allotted hour at an additional charge based on the lawyer's hourly rate:
 - Yes
 - No
- Length of the consultation (please record in 6 minute increments): _____

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