

THE JOY OF EX

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The divorce process...
preserving your family's dignity, privacy and financial resources.



Divorce Choices

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preserving your family's dignity, privacy and financial resources.

October 2009
Ontario Edition

Jackie Ramler, CDEA, FDS, CFP, FMA, MBA
Divorce Financial Specialist
CEO, Divorce Choices Inc.



Divorce Choices

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Divorce Choices Inc.

92 Caplan Avenue, Suite 320

Barrie, ON L4N 0Z7

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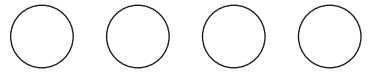
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Dedication



Dedicated to the memory of Elinor Gertner, a contributing author to this book. Sadly, Elinor did not get to see this project to the end. In July of 2009, Elinor lost her battle to renal cell cancer. Many in the Toronto community will greatly miss her warm and caring nature and her professional contribution to assisting families through the separation and divorce process.

Acknowledgements

There are 52 contributing authors, all from many different professional disciplines, who have made this book possible. I thank each of you for taking the time to put into words a small portion of your education, wisdom and experience. This collective effort was undertaken in the spirit of educating the public and giving back to our communities. In this industry, we see the casualties of divorce: the children, the pain, the devastation and the financial impact. We are each working in our own way toward a better divorce process that minimizes the long-term impact on our families and communities.

This book is dedicated to the divorce professionals across Canada who do their best to assist their clients through the process and on to a better life.

This book has taken four long years to pull together. Why did it take that long? From professionals who could not meet deadlines, to switching firms, to the third-worst stock market in modern market history, to RRSP season, to tax season and, last but not least, to taking time off in the summer to enjoy my eight-year old son. I'm sure many contributing authors began to wonder if this project would ever get to press...

In addition to the authors, there are a few people who have really assisted in pulling this book together:

A very special thank you to Laura Hemsworth, for being an incredible assistant in following through with the details and always knowing that anything asked is completed before I would even guess it could be. You are a not only a warm and caring person, but someone I can always count on. I really appreciate that you work with me.

Thank you to Ycommunicate, an excellent marketing firm that has provided the best in graphic design, marketing and technical support. Paul Cormier & Doug Knipe are experts in their fields and always bring something fresh and unique to the project.

Thank you to Michele Lawson of Quill Communications. I really appreciated your great writing style and your ability to put my mushy sentences into tight and concise writing.

Seek Professional Advice and Guidance

This book is not intended as a replacement for professional advice. This book is also not intended as a do-it-yourself manual so that you can bypass divorce professionals. Many files that come before me are old separation agreements that couples drafted themselves or with a paralegal. While that route saved them quite a bit in the short term, they were left with bigger issues that will be more costly to settle now their divorce is final.

A well-crafted and negotiated separation agreement is the foundation for you each to go on with your lives. With the proper guidance and information, you can make decisions that affect not only your immediate future, but also shape the coming years as well — with issues you have not even imagined yet. A well-trained professional divorce

team will help a transitional couple communicate better so the issues that caused the end of your relationship do not continue to plague you well after the marriage is over.

To find qualified professionals to assist you through the separation and divorce process, go to the Divorce Choices website where we are working to promote qualified professionals in your community: www.DivorceChoices.com

While much of this book's information transcends provincial, state and national lines, please be aware the legal information provided in *The Joy of An Ex* is drawn from family law in Ontario, Canada.

About the Book Director

Jackie Ramler is an experienced Investment Advisor with a major full-services securities brokerage firm in Barrie, Ontario. After eight years in the industry, she learned about divorce finance and committed herself to bringing this new information and tools to divorcing families in Ontario. Once involved with divorcing clients, she quickly recognized that divorce cannot be approached from a single perspective. It is a multi-dimensional process. Divorcing families will often need to address many issues simultaneously. Having the vision to provide the public with access to professionals in each of the four major areas, she started Divorce Choices Saturday workshops in 2004 at Georgian College in Barrie, Ontario. More than 70 people attended the workshop within that first year.

Jackie is a past director with Collaborative Practice Toronto (she served for three years). She currently sits on the board of directors of the Ontario Association for Family Mediation (since 2005), and is a chartered board member of Simcoe County Collaborative Practice, which was established in 2004. She also teaches collaborative team practice with The Divorce Team and is the CEO of Divorce Choices Inc. She works diligently with other impassioned divorce professionals to improve the process options for separating families.

To further support families of divorce, Jackie recently accepted an invitation to join the board of directors of Rainbows Canada, a registered charity “guiding kids through life's storms.”

Drawing from her extensive network of divorce professionals, Jackie embarked on a mission to assemble a comprehensive collection of informational articles that the public both needs and wants. Instead of another book on the shelves that handles just one dimension, she has drawn together the best professionals in their fields to share with you their expertise and knowledge. Jackie is committed to assisting families in negotiating more equitable settlements in an environment of less conflict — especially when children are involved. She sees her role as a divorce financial specialist (DFS), as just one aspect of the process. As a result, she works as part of her client's team in helping them gain more control over the process, and providing valuable insight and information so better decisions can be made for the long-term interests of the family.

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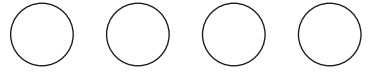
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Introduction



Introduction

In no way is this book an endorsement of divorcing your spouse. Unfortunately, the statistics tell us that divorce is an unpleasant reality of our society, with about 38 percent of marriages ending in divorce within 30 years. The objectives in putting this book together are to recognize that divorce is not a one-dimensional process and to give divorcing families a better understanding of the different ways they can avoid the formal court process. By avoiding court, divorcing families have a better chance of preserving their family's privacy, dignity and financial resources.

At various times throughout the process, our children, the money, our emotions, or the legal system dominate our focus or frustration. Ultimately, we have to work through all these things to negotiate an agreement in order to move on with our lives. This book acknowledges and addresses the four dimensions of divorce and separation:

Our children ● ○ ○ ○

The finances ○ ● ○ ○

The legal system ○ ○ ● ○

Our emotions ○ ○ ○ ●

Drawing on the expertise of professionals with the education and experience in working day to day with families within these four areas, this book is written for you — as you negotiate your way through this maze of issues and decisions.

WARNING: This book does have a bias towards Mediation and Collaborative Practice.

The contributing authors of this book are all in some way or another connected to either Collaborative Practice or the Ontario Association for Family Mediation (OAFM). Both of these models for negotiating settlements are generally more supportive of the family and less about rude letters, barbed comments and disparaging the other party. As divorce professionals, we see the shortcomings of the 'traditional' court model for divorce and are working to bring a better process to the public that still works within the legal framework to protect each party's interests. It is less about winning at the expense of the other party, and more about finding a settlement that is in the family's best interests.

I wish you well on this journey and encourage you to do your homework and explore your options before you jump too hastily into the quagmire of a traditional 'court' divorce process.

Jackie Ramler, CDEA, DFS, CFP, FMA, MBA
Divorce Financial Specialist
CEO, Divorce Choices Inc.
www.DivorceChoices.com

Moving Away from Blame and Guilt ● ● ● ●

by Susan Cook

'This is his entire fault.'

'I cannot believe she will not let me try to change to save our marriage.'

'If he had been home more, this would not be happening.'

'She destroyed our marriage when she decided to have an affair.'

'Our children's lives are ruined because he has given up on this family.'

'She put us into bankruptcy and that was the beginning of our problems.'

'If only he paid more attention to the children and me, instead of work.'

All of these statements are blame based. One spouse is pointing the finger at the other. This is common when couples split up. Quite often one or both spouses want to get answers to “why”. Why is this relationship falling apart? Why is this happening? We look for the answers to why because as human beings we do not like pain. Understandably, we believe if we know “why” then we can stop the pain in the future. Frequently partners look outward towards the ex to find the cause, the reason for the failure of the marriage. However, another direction people going through separation look is inward.

'I feel so ashamed.'

'I cannot believe that I let this happen to our family.'

'I have failed.'

'If only I had ...'

'Maybe I could change and then this will work out.'

'I knew there was something wrong but I did not do anything about it.'

'It is my fault because I was carried away with someone else.'

'It is my fault he was with that other woman.'

'How can I ever tell anyone that my marriage has failed?'

These statements are full of guilt. Guilt is internalizing the responsibility by looking inward and placing the blame on oneself or finding fault with one's own actions. Alternatively, shame is the act of finding fault with oneself, one's character, or being. Both shame and guilt eat away at us because each thought assumes we are the cause or the reason for the failure. Again, those of us who place the blame on ourselves through guilt or shame are looking to find the source of the problem, hoping that the source will lead us to the reason and ultimately the end of suffering and the prevention of more pain.

Unfortunately, our natural tendency to place blame, guilt or shame does not help us to stop the pain of divorce. What it does is keep our mind focused on negativity and those kinds of thoughts magnify feelings of sadness, anger, loneliness, anxiety, depression and more. Blame, shame or guilt-based thoughts keep us stuck in the past. These thoughts snowball. If we blame the other spouse, we also justify our own behaviour, giving us the false sense of righteousness. If we blame ourselves, we become depressed. Either way we block ourselves from taking an objective look at things. When spouses are blaming, they are caught up in the blame game. One spouse packs up a ball of blame and chucks it at the other. That spouse receives the blame ball and packs on more blame and throws it back. This game continues and the ball gets bigger and heavier. Each spouse becomes focused on the blame, catching the ball, throwing back and neither one can move forward. The unfortunate thing is that neither spouse realizes what they are doing. All they are aware of is that they feel dislike and hatred for the ex and they feel stressed and exhausted. When individuals are caught in the blame game they are emotionally disabled and their ability to make decisions is limited. However, most spouses proceed in the separation and divorce process, forcing them to make decisions when stress and anxiety impede good decision-making. If the one or both spouses are on the path of guilt and shame, they have a tendency to give up easily during the separation and divorce process. They feel so badly that they deem themselves unworthy, while at the same time their energy is depleted. Therefore, these individuals are not able to advocate well for themselves.

The blame game, whether it be blaming self or throwing the blame ball, is usually not evident to the person involved and it is important to access support to help identify what is happening and to learn how to move away from blame, guilt and shame. Unfortunately, well-meaning friends and family members unknowingly join in the blame game. They take sides by saying things such as “She was not good enough for you!” or “I cannot believe he is doing this to you!” They try to help you to feel better with comments such as “He does not see how wonderful you are!” or “She is not able to recognize or receive your love for her.” Their attempts to make you feel better or to prove their loyalty to you end up adding ammunition to the blame game.

An elder named Jan Longboat once told me that the only way to starve blame is to feed it forgiveness, the only way to starve shame is to feed it beauty, the only way to starve fear is to feed it love and the only way to starve doubt is to feed it trust. First, a person has to become aware of the blame, fear, doubt or shame-based thoughts. One way to do that is to first listen to what you are saying inside your head or aloud to others. Then ask yourself whether that thought full of fear, doubt, blame or shame was directed towards others or toward yourself. If the answer is toward yourself, then remind yourself that fear, doubt, shame and blame will cause pain and hold you back. Then come up with another way to think or talk about it. Ask yourself what would be a way of looking at it that is based in forgiveness, beauty, love or trust. By no means is this process easy. You are breaking thought and language patterns that may have existed for a long time. You are forcing yourself to come up with different ways of reacting, responding, thinking and behaving. However, the effort is well worth the energy it takes as this direction is forward — out of the pain, and into life after divorce.

Because many people around you are not familiar with the process of replacing blame, shame, fear and/or doubt-based thoughts with forgiveness, beauty, love and/or trust-

based thoughts, it may be helpful for you to access a divorce coach in your area. The divorce coach is a neutral party who can help you identify your thought base, teach you how to change it, and maintain a new and healthier way of thinking. The divorce coach can take this difficult task and help simplify it so it is doable. Then you are no longer emotionally disabled but emotionally stable and better prepared to negotiate a separation and divorce that is respectful, reasonable, abiding and amicable.



Susan Cook

Registered Social Worker, Certified Canadian Counsellor

Family Therapist, Parenting and Divorce Coach

20-years experience

sue@familytlc.ca • www.familytlc.ca

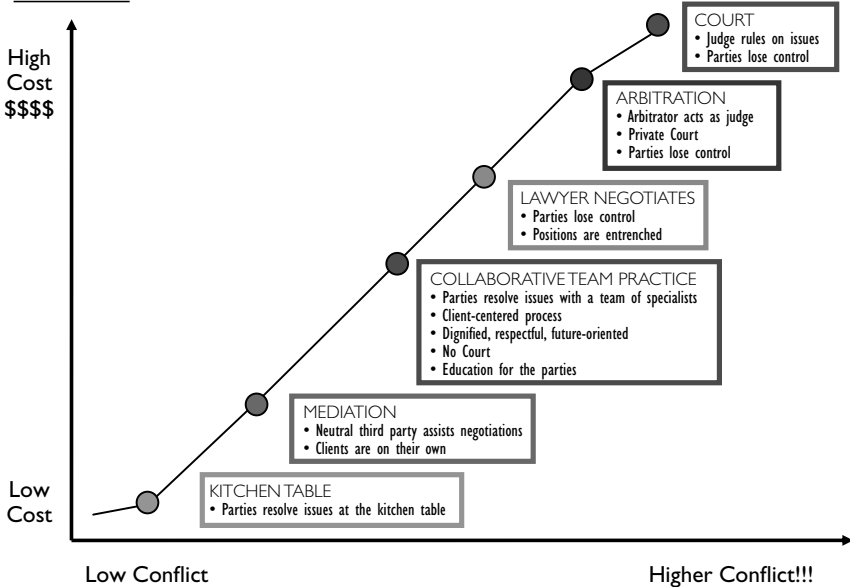
Sue is a leading mental-health professional in the area of collaborative separation and divorce. She has built on her Masters-level post-secondary education with specialized training in divorce mediation and collaborative practice training. She has worked with numerous families not only assisting individuals as their divorce coach, but also working with parents to develop parenting plans. In addition, Sue is a founding member of The Divorce Team which provides dynamic and effective collaborative team training for lawyers, financial specialists and mental-health professionals.

Divorce Process Choices

by Anne-Marie Langan

Many people who choose to separate and/or divorce would like to effect a settlement with their ex-partner as quickly and painlessly as possible. One of the most common comments I hear when I first meet with a client who is coming for an initial consultation is “I don’t want to fight; I just want what is fair!” The good news is that there are many available options for couples who are separating and don’t want to fight. In fact, the less you fight with your ex-partner, the less costly it will be for you to reach a final resolution to the issues arising from your separation, and the better it is for all involved, especially if you have children.

Choices



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By far the most cost effective and least time-consuming method of negotiation is to sit down with your ex-partner and to negotiate directly with him/her, or what I refer to as the “kitchen table” approach. This requires a certain amount of trust and ability to communicate with your ex-partner. It is very important to be somewhat educated about family law prior to making any decisions with respect to a separation agreement, as there are many common misconceptions and you will get a lot of misinformation from your friends and family members. At the very least, you should have one consultation with a family-law lawyer, and do some research on the Internet about issues such as custody, child support, spousal support and property division.

Once you have reached an agreement in principle with your ex-partner, you should both obtain independent legal advice about the agreement (i.e. each take the agreement to different lawyers to review it). In all likelihood that lawyer will suggest that you have him/her draft a full and final separation agreement based on your agreement in

principle. This is a good idea, as the lawyer will include many clauses in the agreement that you would not have thought of and will better protect you by making the agreement more enforceable.

If you cannot reach an agreement during your direct negotiations with your ex-partner, and the trust between you begins to break down, you can engage in mediation in an attempt to resolve your dispute. Mediation involves engaging a third party who is neutral and who assists you in discussing the issues you don't agree about, and in coming to an agreement by emphasizing the common interests you have. You don't have to bring your lawyers with you to mediation. There are many communities where family mediation services are offered on a geared-to-income basis. Family-law mediators can be lawyers or mental-health professionals. If you are successful at reaching an agreement in mediation, the mediator will often prepare a report for you and suggest that you take the report to your respective lawyers for independent legal advice. One party's lawyer will generally draft up a full and final separation agreement, and the other party's lawyer will review the agreement with him/her to ensure that his/her interests are covered.

Another alternative is to participate in mediation/arbitration whereby the parties try to mediate their dispute, but if they cannot reach an agreement through mediation, will allow the mediator to make a final determination. The arbitration decision is binding, much like a court order. Sometimes parties will involve their lawyers at the arbitration stage to assist them in making formal submissions to the arbitrator. Mediators/arbitrators tend to be a little more expensive than straight mediation services as they are generally private practitioners who offer this service as part of their practice.

An excellent alternative to mediation and/or arbitration, especially for people who are not comfortable meeting with their ex-partner without their lawyer, is collaborative practice. This is a relatively new method where all negotiations take place in four-way meetings involving both parties and their lawyers. The parties and their lawyers agree at the outset that they will not proceed to court and that if they do, their lawyers will no longer be able to represent them. They sign a contract that states that they will treat each other with dignity and respect during the negotiation and disclose all pertinent information. This process is very family friendly as it allows the parents to discuss their family's needs in great detail and to create a detailed plan for how they will parent after separation.

Some family-law practitioners have expanded collaborative practice to include other professionals in the process, such as financial specialists, divorce coaches and parenting coaches, who can assist the parties in moving through the emotional transition, creating a financial plan and a parenting plan that meets the needs of their family. They call this model "Collaborative Team Practice". There are many advantages to using the services of the other professionals as they have expertise that lawyers generally do not. The other professionals do not represent either party; rather they are there to provide information and to give the parties several options to assist them with settlement. Although this process seems a little more expensive than the traditional collaborative model, it is far cheaper for the parties to share the cost of paying one professional than it would be for them to negotiate the issues with their lawyers at a four-way meeting and pay two lawyers' hourly fees.

By far the most expensive, frustrating and time-consuming method of resolving disputes arising from separation is going to court. I recommend to my clients they should use the courts as a last resort if they are unable to come to an agreement using any of the aforementioned methods. The unfortunate thing about litigation is that it tends to inflame the disputes you are having with your ex-partner and cause your relationship with each other to deteriorate even further. Court has a terrible effect on children, as they are often placed in the middle of the conflict by parents and by clinical investigators by being asked which parent they want to live with. There are enormously long delays between court appearances due to the backlog in the courts and it can take three months or more to get a court date.

Most people require a lawyer's assistance and have to pay their lawyer to prepare documents and to come to court where they wait for hours to be heard at enormous cost. Since the judges are so overwhelmed with the number of files they have to deal with in any one day, they do not have time to thoroughly read the parties' submissions and often know very little about your case. To me it makes no sense to let a judge, who is a complete stranger to you, make decisions about the future welfare of your family.

Separation and/or divorce are very stressful for all who are involved. However, the method you choose to resolve your issues arising from separation can make a big difference in the time and the ease with which your family begins to heal. If you choose a more collaborative approach to resolving your issues, you will save yourself heartache, money and time and you and your family members will be in a much better position to begin the healing process and to move forward with your respective lives with as little damage done as possible.

Whichever method of resolving your disputes you choose, if there are children involved, please keep in mind the following African Proverb: "When two elephants fight, it is the grass that suffers." Your children are the grass and you are the elephants. When you fight, you stomp all over them and they suffer greatly, even though you may be completely unaware you are harming them. While this may not be intentional, you can avoid it by focusing on their needs and how you will meet them, rather than your angry and hurt feelings about the separation.



Anne-Marie Langan

Lawyer/Associate

Galbraith Family Law

Three years experience in family law, and 10+ years in social work

Annemarie@barriefamilylaw.com • www.barriefamilylaw.com

Starting out her career as a social worker working with the homeless, Anne-Marie learned there is no such thing as a "hopeless case." She became interested in family law as a result of a program she helped implement at the family court in Kingston whereby law students would assist unrepresented litigants on court days to draft court documents and understand court procedures. Anne-Marie has practiced family law since passing the bar in 2005. She joined Brian Galbraith in November 2006 to focus on helping people resolve their family-law issues in as collaborative a way as possible, and to develop outcomes tailored to the needs of the individuals involved.

What is a Financial Divorce Specialist? ○ ● ○ ○

by Linda Cartier

There are specialists in all professions, including those who work in the financial-services industry. These individuals are trained to use their expertise and experience to respond to situations that general practitioners do not deal with normally, and to whom you can be referred when the need arises. This is the case with financial divorce specialists (FDS). These individuals are financial planners and/or accountants who have completed in-depth training, involving typical and complex case studies and have been awarded the FDS designation. The Academy of Financial Divorce Specialists oversees the training and requires ongoing education in this specialized area in order to retain the designation.

Only those with a recognized financial planning and/or accounting accreditation are eligible to undertake the training and acquire the FDS designation (e.g. CFP, R.F.P., CLU, CA, CGA, CMA, etc). Financial Divorce Specialists adhere to a code of ethics and professional practice standards.

An FDS takes into consideration all of the many financial issues, including often-complicated tax consequences that are involved in separation and divorce. Using their specialized skills and knowledge, plus sophisticated computer software, they are able to project the long-term effects of decisions made regarding settlement scenarios. The role of the FDS is that of an objective third party who is able to provide a realistic financial picture of where you are today and where you are likely to be tomorrow, based upon your decisions. You benefit from the insight of seeing in black and white the financial outcomes on paper that can shape your life for many years into the future.

An FDS does not offer legal advice, opinion or recommendations, as it is the role of lawyers to ensure you understand the impact that the law may have on you and your family, as well as dealing with all the formal legal elements of separation and divorce.

Division of assets

It is generally accepted that assets are split 50/50 in a divorce. However, it is never that simple. Seldom is everything split down the middle at exactly half. Many factors come into play that can make all the difference between what you think 50/50 means and what this split really translates into once all elements are taken into consideration. For example, there are “exempt” assets that don’t count at all. There is taxation, valuation and other factors that change the percentage each person receives. As with many things in life, the outcome may not be what you might consider to be fair. It is best to accept this at the very beginning and to work towards the best possible settlements, rather than to become frustrated at not being able to achieve what you believe is rightly yours.

Why do I need a financial divorce specialist?

The process of becoming separated is not easy, and “doing it yourself” without the help of professionals is a recipe for disaster. Many, if not most, individuals involved in separation and divorce are unable to think objectively due to the emotional turmoil surrounding this often traumatic event. There has never been a time in your life when it is more important to understand money, your financial picture and the long-term effect of property settlement.

You need to be fully informed about budgeting, insurance protection, monthly cash flow, debt reduction, retirement needs and taxes, as these are the pieces of information that will empower you to make the best decisions for your particular needs. All these details translate into real dollars and cents over time, enabling you to survive, and hopefully thrive, as you move into this new phase of your life. The FDS is the professional who can provide these tools and speak in a realistic manner, using plain English, to assist you in the objective evaluation required to help make meaningful decisions.

What will a financial divorce specialist do?

You are able to use the expertise of an FDS to organize the financial documents and provide the information needed to fill out the necessary legal affidavits your lawyer needs. It is also the role of the FDS to assist in setting budgets, goals and guidelines to help obtain the security you require during this next stage in your life.

There is no shame in admitting you are not as well informed as you need to be when it comes to money matters. Financial education is an area our schools system has neglected, yet is critical for everyone to understand. It is not how much you earn that is the most important factor in your life; it is what you do with what you have that determines your success or failure in dealing with money. In this perspective, the FDS is the educator or coach that you can depend upon to teach you about money's many elements to achieve your goals.

The FDS will identify needs for financial protection in the form of insurance to safeguard the vulnerable parties involved. You cannot sleep well at night if support in place today could disappear tomorrow if the payer becomes ill or passes away.

Income projections are also tools created by the FDS that show you various scenarios to illustrate what a proposal or potential financial decision looks like after taking into account taxation of the assets today and tomorrow. Also considered is the impact of the cost of living, and what your spending patterns will look like in relation to your new circumstances now and years into the future.

An FDS will recommend other professional help where necessary, such as pension or business valuers to calculate accurately the correct value of these assets. They may also suggest the importance of using other experts who appraise real estate, art, jewellery and furniture to determine the proper value. There has never been a more critical time than during separation to have an objective analysis and evaluation of your assets.

Working out the details

Thankfully, a divorce is not an everyday occurrence; however it eventually involves anywhere between 30 and 50 percent of those married for the first time. The failure rate of second and subsequent marriages is even higher and often involves many more financial considerations.

It is said that after children, money is the most important consideration in divorce. The fact is some of the most important money decisions involve children. There is the matter of child support and accommodation, both major factors affecting asset-allocation decisions. In the majority of cases, there will be future education costs to be considered, and the exceptional cost of special needs, sports and cultural activities, etc.

Even for those without children, there are many difficult choices to make. Considerations, such as spousal support versus trading-off assets may be necessary in order for both former partners to maintain a satisfactory standard of living, extending quite possibly into retirement.

There are as many different situations and circumstances as there are people. No two couples or individuals are ever the same, and during this emotional time it is a true test to seek compromises without old and current wounds creeping into the equation. Each circumstance must be dealt with objectively, taking into consideration all specific details, to find the solution that suits all family members involved with the least discomfort possible. The FDS is the professional able to deal with the varied financial needs to bring about a suitable compromise.

Working with a lawyer or mediator, the FDS is compensated on an hourly fee for service/retainer basis. It depends on where you live as to the actual hourly rate, and you need to determine this prior to employing the services of the FDS. You will sign an engagement letter before any work begins that clearly identifies the FDS's role, the nature of the expected work to be undertaken, privacy issues, conflicts of interest and the estimated cost.

The FDS designation

More information on the FDS designation and the Academy of Financial Divorce Specialists, including a list of practitioners across Canada, can be obtained on the Internet website www.adfds.ca.

The Academy of Financial Divorce Specialists is a Canadian federally incorporated institution whose mandate is to train financial professionals, and to serve as a membership organization for those with the FDS designation who, as we have outlined in this chapter, assist with the many financial concerns of clients that inevitably arise during the difficult period of separation and divorce.



Linda Cartier, CFP, RFP, PRP, FDS

Regent: Academy of Financial Divorce Specialists

info@afds.ca

www.afds.ca

Linda received her financial divorce training in 1997, making her the longest-practicing professional in this field in Canada. She has been a financial divorce trainer since 2001 and helped establish the Academy of Financial Divorce Specialists in 2003. Linda holds both the certified and registered financial planning designations and is a professional retirement planner. She is very active in her Northern Ontario community of Greater Sudbury, as a member of the Chamber of Commerce, Rotary Club and the Business and Professional Women's Club. Linda restored a former pioneer residence and renovated it to accommodate her own independent investment dealership, Financial Decisions Inc. and the offices of the Academy. Linda and her husband John Lindsay, have six adult children and three grandchildren.

Parenting Plans From a Kid's Eye View ● ○ ○ ○

by Gary Drenfeld

Parents have been telling the kids to get along, play nicely, share and not speak badly of others, their entire lives. Then the parents announce their separation and the conflict, hostility and upset between them, perhaps previously hidden from the kids, is now in the open. Their tension spills throughout the house. For the children of separating parents their first wish is for their parents to get back together. If that is not possible, their second wish is for their parents to get along. If their parents cannot even get along, their third wish is for their parents to leave each other alone and quit fighting.

The level of conflict, whether low, medium or high, and the kids' three wishes are the clues to parenting-plan solutions.

In low-conflict situations, the parents may not get along well, but perhaps well enough to stay in the same house, although maybe not in the same bedroom. The parents may regard themselves as high conflict, but actually, this is more akin to high tension rather than medium or high conflict. In high tension, there is a stress imposed by the bad feelings between the parents. There is concern for eruption of conflict, but nonetheless, the parents can manage their behaviour and curtail open hostility. Children in these situations get their first wish. It may not be perfect, but they remain together with their parents under one roof. Scheduling and parental responsibilities generally remain the same.

Open hostility or antagonism differentiates high tension from conflict. In medium conflict, while the parents may not get along, there is still a level of civility which only from time to time dips to include subtle denigration, such as making faces, sniping or sarcastic comments and the like. The parents are well able to distinguish their issues from the needs of the children and keep the children's interest in the forefront, even though the parents cannot stand to be under the same roof with each other. Given medium conflict and the kids' second wish being that the parents get along, kids in these situations would like their parents to be neighbours. In their minds, if their parents lived in houses side by side, or at least within walking distance of each other, they would have some peace of mind with regard to maintaining a close and loving relationship with both parents.

In high-conflict situations, the hostility between the parents has likely never been hidden or managed well in view of the kids. There may be allegations of abuse between the parents or even of a parent towards the children. Issues of alcohol or drug use/abuse may be present and there is a greater probability of a mental-health issue affecting at least one parent. Parents are deadlocked with regard to their view of the ongoing care of the children. The children shudder at the thought of their parents remaining in the same house, let alone the some neighbourhood. Like the old west saying: "This town isn't big enough for the both of them." Kids in these situations, more often than not, still seek to maintain a close relationship with both parents. However, they realize that like some young kids fighting in the sandbox, peace will only prevail as long as they are kept far apart. So these kids just want their parents to leave each other alone, so they might enjoy their own relationship with each parent, free from the intrusions of the other.

In these situations, children are better off with some physical distance between the parents to act as a buffer or neutral zone where neither will run into the other.

Kids subject to parental separation do live with some level of hypocrisy. We tell kids to get along, play nicely and the like, but certainly during the separation process, many parents do anything but. Want your kids to adjust better? Follow the advice you would give them and consider a parenting plan according to the level of conflict.



Gary Direnfeld, MSW, RSW

Interaction Consultants and I Promise Program Inc.

20 Suter Crescent, Dundas, ON L9H 6R5

905-628-4847

gary@yoursocialworker.com

Parenting: www.yoursocialworker.com

Teen safe driving: www.ipromiseprogram.com

Gary Direnfeld is a social worker and expert on matters of family life with 25-years experience. He is in private practice, writes, delivers workshops, and is the developer of the I Promise Program, a teen safe-driving initiative. Courts in Ontario, Canada, consider Gary an expert on child development, parent-child relations, marital and family therapy, and custody and access recommendations. His opinions help resolve child custody and access matters.

Gary Direnfeld is a child-behaviour expert, a social worker, and the author of ***Raising Kids Without Raising Cane***. Gary not only helps people get along or feel better about themselves, but also enjoys an extensive career in public speaking. He provides insight on issues ranging from child behaviour management and development; to family life; to socially responsible business development.

“Getting involved with litigious divorce files quickly showed me that I couldn’t be effective just working for one party. Without consensus, negotiations quickly went into a quagmire. In the Collaborative Team Practice model I can be more effective as the neutral working on behalf of the family and helping them reach agreement more quickly.”—Jackie Ramler



Jackie Ramler holds a Masters in Business Administration and the Certified Financial Planner designation. She brings many years of financial management experience to assist her clients in achieving their life’s goals and dreams.

She is a fully qualified Collaborative Team Practice member and is a trainer in this field. She is the first non-legal board member with Collaborative Practice Toronto and is on the board of Collaborative Practice Simcoe County. In addition, she is the only financial specialist on the board of the Ontario Association of Family Mediators.

Share the wisdom of more than 50 contributing Divorce Experts.

Our children



Dave Canfor
Julie Lewis
Gary Drenfeld
Daniel Musselman
Harvey Steinberg

The finances



Sharon Alderson
Shelley Black
Barbara Brindle
Ed Burrows
Linda Cartier
Joe Hilton
Naguib Kerba
Doug Lamb
Jackie Ramler
Bruce Roher
Elaine Royds
Eva Sachs

Jane Tremblay

Skye Woolston

The legal system



Chris Arnold
Tom Dart
Sharon Cohen
Noel da Silva
Brian Galbraith
Neeraj Goel
Randi Hampson
Catherine Kerr
Sheila Kirsh
Marion Korn
Anne-Marie Langan
Sharyn Langdon
Doug Manning
Aaron Mastervick
Jill McLeod
Barbara Olech
Rose Pellar

Susan Powell

Andrew Rogerson

Linda Sapiano

Victoria Smith

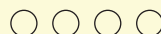
Susan Surtees

Our emotions



Deborah Alton
Susan Cook
Janice Tierney Dunk
Tammy Lalonde
Jessy Morrison
Bonnie Walraven

Other



Carol Bertram
Elinor Gertner
David Klegerman
Deborah Moskovitch
Betty Walker