



Divorce: what to expect

The process of getting a divorce differs from province to province, so ultimately your best source of legal and financial advice will be professionals who work where you live. But there are some useful bits of information that are common to everyone. For instance, you may be wondering what happens first.

“Prior to asking or petitioning for divorce, couples often resolve many of the legal issues related to the dissolution of their marriage with separation agreements or interim court orders, which are later incorporated into the final divorce order,” writes Gail Vaz-Oxlade in her book, *Divorce: A Canadian Woman’s Guide*¹.

The next step is usually mediation, a process by which you and your ex-partner try to agree on how to divide up your assets and share custody of your children. If mediation fails, you’ll have to reach an agreement through the courts.

After you and your spouse file a court application, your divorce proceedings can begin. You’ll file a divorce petition that describes details like how long you were married, why you want a divorce, your income and assets, and any children.

If your partner doesn’t appeal the divorce judgment, it can take effect in 31 days. If he or she contests the divorce, you get a chance to respond. Consequently, this may result in rounds of negotiations and mediation until a compromise can be found.

“Everyone keeps negotiating all through this process,” says Vaz-Oxlade. “If at any time everyone can come to an agreement, you can draw up and sign a separation agreement and get divorced.”





THE DIVISION OF PROPERTY²

In theory, assets are divided equally. But there's some math to do first. You would begin by calculating the value of your Net Family Property (NFP). Subtract the net value of what you brought into the marriage from the net value of what you owned at the separation date.

"Then you figure out your spouse's NFP, deduct the lower NFP from the higher one, and divide the difference in half," says Vaz-Oxlade. "That's the amount of the equalization payment made by the richer to the poorer party, so you both end up with the same amount – sometimes."

RESOURCES

You'll need to rely on a host of professionals along the way. First among them should be a good family lawyer. Your financial advisor can help you get your financial affairs re-ordered when the dust settles.

¹ From *Divorce: A Canadian Woman's Guide* by Gail Vaz-Oxlade. Copyright ©Gail Vaz-Oxlade, 2000. Reprinted by permission of Penguin Group (Canada).

² The rules for division of property upon marriage breakdown vary by province. Individuals should consult their legal advisor.

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