

DIVORCEiQ

easy-peasy

your simple workbook for making and recording divorce-related decisions



It's a challenging time, but by choosing DIVORCEiQ you've already made one smart, money-saving decision. From pets to payments, use this workbook to iron out issues with your ex. That way, you can easily and quickly answer the questions on our form.

part one:

about the marriage

If you were married in Canada, the Ontario Government considers that you have or can replace your Marriage Certificate. You must produce a copy in order to file for divorce.

So, if you can't find it, take the time to contact your provincial registry to get a replacement. Do a Google search for "marriage registry <province>". For example, "marriage registry Saskatchewan". Then, select a government website.

If you were married outside Canada and your Marriage Certificate has been misplaced or lost, and cannot be replaced, we'll ask you some questions on our form but you don't have to produce the document.

Related Notes: [for example, location of certificate]



part two:

about the divorce

You can file for a divorce at any time, but it won't be granted by the court until you have lived "separate and apart" from your ex for at least one year - that is the law. If needed, we help you keep time, so we know exactly when you qualify for divorce - we can then file your divorce papers.

Mostly for economic reasons, a couple can live "separate and apart" in the same house, but it must be clear that their lives are separate in all other respects.

If applicable, you must report every period of reconciliation over the course of that year. So, bring any such periods to mind and note them below. Note that if the periods go over 90 days, the clock restarts on the one year needed.

Related Notes: [for example, reconciliation periods]



part three:

child support

If you have one or more children under 18, or with a disability, child support may be relevant. Legally, it is payable (by the other parent) if one of you will be responsible for the child or children at least 60% of every month. If both of you are responsible for at least one child at least 60% of every month, you must both calculate child support. Then, the parent with the larger amount pays the difference between the two amounts.

You must use the government's calculator - [available here](#) - in calculating child support.

If neither parent meets the 60% threshold - for example if you split the responsibility 50/50 - there is no legal child support requirement but you both remain responsible for the financial care of the children. In rare instances, neither parent is legally responsible for child support but the parents still decide one should pay the other. Our form covers all the scenarios.

Related Notes: [for example, child support amount and paying parent]



part four:

special child-related expenses

It is clear in the law that child-related expenses that are not covered by child support can exist. For example, a child involved in a hockey program, or one in need of braces, will need financial care beyond the intended use of child support.

For this reason, it is additionally important that parents decide on how they will split those “special expenses”. All that is required here is a simple indication of percentages. For example, “Parent A” will pay 30% and “Parent B” will pay 70% of the “special expenses”.

Of course, the percentages indicated, upon addition, must equal 100%. It is possible to do a 50/50 split, and it is also possible to do a 0/100 allocation.

Related Notes: [for example, percentage of agreed “special expenses” allocated to each parent]



part five:

child custody

Child custody will be indicated in percentages. For example, a parent could have 70% while the other has 30% custody.

Percentages leave the parents able to work out and alter actual details without needing to amend the Separation Agreement. For example, if the time the children leave a home is moved from 6pm to 3pm on Sundays and those three hours are substituted with a different block of time, the agreement need not change.

Child custody typically falls into four scenarios: (a) one parent has 100% custody; (b) each parent will take turns for one child; (c) each parent will take turns for all the children; or (d) at least one child will spend more time with one parent than with the other.

Child custody must fit the decisions you've already made about child support. For example, if one parent will be with a sole child over 60% of the time, the parents can't say custody is 50/50.

Related Notes: [for example, percentage of agreed "special expenses" allocated to each parent]



part six:

joint decisions on upbringing

The care of children isn't just a matter of custody. For example, do the children observe holy days? Where is that special occasion celebrated? How about schooling? Who are their doctors? Any special sports programs? How are birthdays (of the children, parents, grandparents) treated? Long weekends?

Note that the distance between your homes is also relevant. You can decide to limit it to a set number of kilometers.

Iron out joint decisions on upbringing between you, and note down your agreement. They can then be entered into the DIVORCEiQ form without any further fuss.

Related Notes:

special occasions: _____

holidays: _____

education: _____

medical care: _____

religion: _____

other decisions: _____



part seven: spousal support

Unlike child support, there is no spousal support formula. Instead, it can be agreed upon by two well-informed adults.

However, that does not mean there are no legal considerations. The following factors help in assessing spousal support:

- how long the couple lived together [*longer tends to increase spousal support*];
- children and who has been caring for them [*support tends to go to caregiver*];
- the income each spouse makes [*lower earner with wide-gap tends to get support*];
- the ages of the spouses [*support tends to be paid if older couples are splitting*];
- roles during the marriage [*a more domestic spouse tends to get support*];
- the mental and physical health of each spouse [*infirmity attracts support*]; and
- ability of either spouse to be self-supporting [*long term inability attracts support*].

What matters is that you weigh those factors and agree on a figure - and a payment duration - that you both think is fair. *If you can't agree on what is fair, you can't use DIVORCEiQ.* Instead, you both have to hire lawyers and take your disagreement to court. A judge will then weigh the exact same factors for you. If you agree on what is fair, note it below.

Related Notes:

amount of spousal support, if any: _____

duration of spousal support, if applicable: _____

person who will pay, if applicable: _____



part eight:

matrimonial home

If either or both of you owned the home you both lived in while married, that is your matrimonial home. Legally, it is a special kind of home in that a person who *may* not own it - a spouse - may have the right to live in it for a period of time.

There are two decisions to make about your matrimonial home. The interim decision is what happens temporarily. Then, there is the final decision, for once the divorce dust settles.

For the interim decision, the typical choices are (a) you both reside in the one, (b) one of you resides in the home, or (c) neither of you reside in the home.

For the final decision, the typical choices are (a) you sell the home and split the proceeds, (b) the home is *fully transferred* to one of you (and the other person *may* receive a payment), (c) the home is *fully kept* by the current owner (and the other person *may* receive a payment), or (d) you will each (continue to) own a percentage of the home.

Related Notes:

interim decision: _____

final decision: _____



part nine:

assets

As you go your separate ways, there may be assets you agree will fully belong to one of you. The other person *may* (or may not) receive a payment as a result. For example, if a car is going to one spouse but the other spouse made \$4000 in car payments, that other spouse may want some or all of it back.

As you list assets, don't forget RRSPs, TFSAs, pensions, accounts, investment properties, or points like Air Miles. You can each list up to eight assets, or you can group assets into categories like "the three bank accounts in my name at CIBC and RBC".

In addition, you may both decide to sell specific assets and split the proceeds. For example, an off-road vehicle.

Related Notes:

name of spouse | assets | payment to other spouse, as applicable, in brackets beside asset: _____

name of spouse | assets | payment to other spouse, as applicable, in brackets beside asset: _____

assets to sell, and proceed percentages to each spouse: _____



part ten:

debts

As you go your separate ways, there may be debts you agree will fully be the responsibility of one of you. It is a good practice to list each debt and who is responsible for it, even if the debt is currently in the name of that person.

You can each list up to six debts, or you can group debts into categories like “the four credit cards issued in my name by MBNA and TD Bank”. Do not include any mortgage on your matrimonial home - that should be ironed out in part eight.

Typically, but not always, if a person is keeping an asset as listed in part nine, the debt related to the asset - like a car loan - would be the person’s responsibility in part ten.

Related Notes:

name of spouse | debts _____

name of spouse | debts _____



part eleven:

pets | account terminations | lump sum

If you have pets, you may want to list them and indicate who will have custody of them. Pet custody can, of course, be sole or joint. You can list up to five pets.

Often overlooked but very important are the accounts you will need to terminate. For example, a home netflix or Bell account. You can list up to 5 such accounts, and name the spouse responsible for terminating each.

Finally, spouses can decide for any reason that one of them will make a one-time, lump sum payment to the other. You must indicate a reason for the payment.



there you have it

you are done already

easy-peasy

now head to [our website](#)
and fire up DIVORCEiQ

your divorce papers and
separation agreement await

