

# STEPS TO JUSTICE

## Family Law Workshop

An OJEN facilitator's guide demonstrating a CLEO public legal information resource.



ONTARIO JUSTICE EDUCATION NETWORK  
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE



**CLEO**

Community Legal Education Ontario  
Éducation juridique communautaire Ontario



## About this workshop guide

This workshop guide is a collaboration between the **Ontario Justice Education Network (OJEN)** and **Community Legal Education Ontario (CLEO)**. OJEN's Steps to Justice workshops introduce audiences to common legal problems and familiarize them with a specific area of law. Using hypothetical scenarios, workshop participants explore a legal topic by navigating the practical step-by-step information on CLEO's Steps to Justice website. They learn how to use the website to find legal information, including the forms, self-help guides and referral information for legal and social services which may be helpful in working through a future legal problem.

This workshop guide was written for use in Ontario high school classrooms, but can be used (or modified) for other audiences. For more information on how to use this workshop guide, please check out our short training video available on the OJEN website [ojen.ca/steps-to-justice-workshops-training-video](https://ojen.ca/steps-to-justice-workshops-training-video).

**OJEN** is a charitable, non-profit, public legal education organization. We develop innovative educational tools that introduce young people to the justice system, help them understand the law, and build their legal capability. We partner with schools and community organizations across Ontario to prepare young people to manage the legal problems that will arise in their lives. For more information on OJEN, please visit [ojen.ca](https://ojen.ca).

We gratefully acknowledge the support of law students who have contributed to this workshop guide through the Osgoode Public Interest Requirement (OPIR) at Osgoode Hall Law School and through placements with Pro Bono Students Canada (PBSC). We would also like to thank the high school students who provide us with their perspectives and feedback on this resource as OJEN summer interns through the Law in Action Within Schools (LAWS) Summer Job Program.

**Any legal information in this resource is intended for general educational purposes and should not form the basis of legal advice of any kind. Individuals seeking specific information about their legal problem should always consult a lawyer.**

For over 45 years, **CLEO** has developed clear, accurate, and practical legal rights education and information to help people understand and exercise their legal rights. We produce print and online resources, including the Steps to Justice website, the Family Law Guided Pathways, and CLEO Connect which has information and supports for community organizations. For more information on CLEO, please visit [cleo.on.ca](https://cleo.on.ca).

# STEPS TO JUSTICE FAMILY LAW OVERVIEW

Activity (minutes)	Content
<b>Warm-up (5)</b>	<ul style="list-style-type: none"> <li>• Clarify differences between criminal and civil law.</li> <li>• Group quiz on family law (Slides 2-6).</li> <li>• Review the areas covered by family law on Steps to Justice, while taking up and explaining answers to T/F questions (Slide 7).</li> </ul>
<b>Hook (5)</b>	<ul style="list-style-type: none"> <li>• Encourage participants to identify potential legal issues in the scenario.</li> <li>• Distribute the participant handout, "Scenario 1: Demonstration".</li> <li>• Advance to Slide 8.</li> <li>• Read the scenario out loud.</li> <li>• After reading out scenario on Slide 8, have group brainstorm questions they would ask a lawyer about this fact scenario (answers on next slide).</li> <li>• Advance to slide 9 with the list of questions.</li> <li>• Have the group compare what they thought of with the list on this slide.</li> </ul>
<b>Introduce Steps to Justice (10)</b>	<ul style="list-style-type: none"> <li>• Advance to Slide 10 with the Steps to Justice introduction.</li> <li>• Pull up the Steps to Justice website on the display screen.</li> <li>• As a group, use the Steps to Justice to find answers to the questions about the demonstration scenario on the slide.</li> <li>• Use different searching options (sub-topics, front page keyword search, and header menu) and introduce the actual "steps" to follow. Use the presenter's notes on where to find the information included in this guide for support.</li> <li>• Ask if anyone has questions.</li> </ul>
<b>Group work (25)</b>	<ul style="list-style-type: none"> <li>• Advance to Slide 11.</li> <li>• Divide participants into groups and cue them to pull up Steps to Justice on phones/computer and to start on "Family Law" legal topic.</li> <li>• Give each group a scenario worksheet (scenarios 2-5).</li> <li>• Each group needs at least one device with internet to complete their worksheet.</li> <li>• Circulate and support the groups as needed.</li> </ul>
<b>Discussion (15)</b>	<ul style="list-style-type: none"> <li>• Each group has 3-5 minutes to explain their scenario and what they have learned through their investigation. Participants should refer to the completed worksheet for support.</li> <li>• Address questions and issues arising from their reporting.</li> </ul>
<b>Application (Optional)</b>	<ul style="list-style-type: none"> <li>• <i>Note:</i> this slide can be omitted for time.</li> <li>• Advance to the final slide.</li> <li>• Since the group has practiced using the Steps to Justice website, the presenter may introduce a more complex scenario.</li> <li>• Participants should comment on it reflecting what they have just learned.</li> <li>• As a group, use the website to answer the scenario questions.</li> <li>• Facilitator's notes are included in this guide to support discussion.</li> </ul>





## Facilitator's Package: Family Law

# TRUE OR FALSE

1. **I got legally married to an Elvis impersonator in Las Vegas, but it doesn't count because I live in Canada, right?**

**TRUE OR FALSE:** Marriages that take place outside of Canada don't count in Canada.

**F** – Ontario usually recognizes a marriage that took place outside of Ontario/Canada as long as you followed the rules of the place where you got married.

2. **My parents are getting a divorce. I want to live with my mom because she is a way better cook. Luckily, I am 10 years old so I can make that decision for myself.**

**TRUE OR FALSE:** 10-year-old children can make decisions about which parent they live with after a divorce.

**F** – Generally a child cannot decide which parent they want to live with. However, as the child gets older (closer to the age of majority) they have more say about where and with whom they live.

3. **My partner and I are splitting up, and she wants sole decision-making responsibility for our children. If she has this, there's a chance I would never get to see my children again.**

**TRUE OR FALSE:** Not having decision-making responsibility carries with it the possibility of losing visitation rights and/or custody.

**F** – Decision-making responsibility (once called “custody”) is different than parenting time (once called “access”). Parenting time is the time when the child is in their parent's care and can be arranged in many different ways. Most of the time, each person who has parenting time can make day-to-day decisions concerning their child while they're in their care (but not major life ones like where to go to school, as the person who has decision-making responsibility would).

4. **I pay spousal support to my ex-husband. That means I send the cheques directly to his house.**

**TRUE OR FALSE:** Spousal support cheques get sent directly to the home of the payee.

**T and F** – Usually, the person responsible for paying spousal support pays the support to the Family Responsibility Office (FRO). The FRO is a government agency responsible for enforcement of spousal and child support payment. The FRO then transfers the payment to the person who receives spousal support. Some people choose to make the payments privately, without involving the FRO. In these cases, though, it is best to pay by cheque so that there is a record of the payment.

5. **My husband recommended we both go see Lyndsey the Lawyer to discuss our separation and divorce. Instead, I decided to go see Louis the Lawyer by myself because it's better for us to have our own separate lawyers.**

**TRUE OR FALSE:** It is better to have separate lawyers when undergoing separation/divorce proceedings.

**T** – It is better to have separate lawyers. Separated partners have different rights and responsibilities in a divorce or separation and your lawyer should be working for your interests only.

## Family Law in Ontario

# What is covered?

This is just an overview of what family law covers, with some examples. There is definitely more not covered here!

## Birth and Adoption

- While adoption has many different laws surrounding it, there are also many different laws dictating what needs to be done at birth as well.
- These include registration, getting proper documentation – and even rules surrounding what you can name your child!

## Marriage and common-law relationship:

- **Marriage:** The laws of marriage are split into two types of “validity”, or requirements – formal validity, which dictates the procedures, forms and ceremonies that need to be followed to be legally married (including overseas); and essential validity, which dictates who qualifies as someone able to get married.
  - Example: in Q1, we had that question about whether a marriage by Elvis impersonator in another country is legally binding.
    - Since Canada allows for overseas marriages to be recognized so long as all required procedures and criteria are adhered to, this marriage will be recognized!
- **Common law:** for those who aren't familiar, a common-law relationship is a type of legal relationship between two individuals who live together and share a domestic life without being formally married for a certain period.
  - Common-law couples enjoy many of the same rights and entitlements as those who are formally married, but several requirements and criteria must be met to be designated a common law relationship.
- **Marriage contracts:** a common form of marriage contract is known as a prenup, or a cohabitation agreement for common law marriages.
  - These refer to legally binding contract entered into by two individuals to define the rights, obligations, and responsibilities of the parties involved during the marriage and in the event of a separation, divorce, or death.
- **Dividing pensions/family home:** Where there is not a marriage contract or a cohabitation agreement, the law can also help advise how to divide assets such as assets, real property and other things upon separation, divorce or death.

## Separation and Divorce

- Just like it governs the act of marriage, family law also governs the action of divorce, separation and annulments (ie. dissolving a marriage as if it never happened, as opposed to divorce where there is an acknowledgement that the marriage happened at some point).
- Family law outlines the procedures to separate and divorce your partner, how to create agreements on how assets will be divided and custody will work out, as well as how to change those agreements and what's available to help you resolve your disputes if any arise.
  - Example: per Q4, it's recommended that you get your own lawyer instead of sharing one with your spouse/partner.
    - Separated partners have different rights and responsibilities in a divorce or separation and your lawyer should be working for your interests only.

## Decision-Making/Time with Children

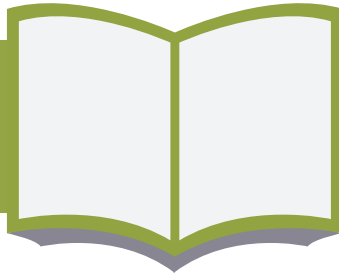
- Where children are involved, family law dictates how to determine which parent gets decision-making power as well as the terms of custody and visitation by both the parents and other family members (e.g. grandparents).
  - Example: in Q2, we asked whether a 10yo has the ability to choose who they get to live with. While someone younger by law is not generally granted the ability to make these decisions, this changes gradually as the child grows older
  - Example: in Q3, a question was asked as to whether a parent who didn't have decision-making responsibility was at risk of never seeing their children again. It is important to note that decision-making responsibility held by one parent does not include the ability to determine how much or how little the other parent gets to see the children. It goes more to deciding important matters in a child's life, such as religion, health care and education.

## Child and Spousal Support

- There is an entire area of law dedicated to calculating and governing the financial obligations imposed on a parent who does not have custody towards the parent that does – known as child support.
- Spousal support, on the other hand, is when one person gives money to their ex-spouse after they separate or get divorced.
  - This money is meant to help the spouse who earns less money or is financially struggling.
  - It's meant to make sure both people can still live reasonably well after the marriage ends and to help balance any financial differences that come up.
- The Family Responsibility Office is responsible for enforcing and monitoring child and spousal support orders.
  - Example: in Q4, we asked whether cheques for spousal support are to be sent directly to the recipient's house. This is something that is possible, but it is commonly done by sending it to the FRO, who makes a record of the payment and then passes it on to the recipient.



# Facilitator's Package Scenarios



Have participants read the scenario on Slide 8 and brainstorm legal questions to consult on the Steps to Justice website. Have them compare their brainstormed questions with the list on Slide 9.

Start on the Steps to Justice question, "How do I apply for a divorce by myself?" under **Separation and Divorce**. Follow the steps from the landing page to answer the questions. The relevant steps are listed in brackets following the question.



## Scenario 1: Demonstration

I have decided that my marriage is over and I want a divorce. My husband travels a lot for work and he seems to think everything is fine, so I don't think he will agree to it. Can I apply for a divorce on my own? And if so, how?

**Start on the Steps to Justice topic, "Separation and divorce" with the question, "How do I apply for a divorce by myself?"**

- Do you and your partner need to agree to get a divorce? (**Landing page**)
- What other legal issues should you consider before applying for a divorce? (**Step 1**)
- What is the major difference between a "contested" and "uncontested" divorce? (**Landing page, Step 5**)
- How do you know which form to fill out when you apply to the court for a divorce? (**Step 2**)
- Which court has the power to make a divorce order? (**Step 3**)

### Discussion

A person can apply for a divorce on their own, but if the partner responds and disagrees with what the applicant is asking for this is called a "contested divorce" and the process becomes more complicated. It can also become complicated because of other legal issues that may accompany the divorce, such as decision-making responsibility for children and division of property. These issues also determine which form needs to be completed in order to apply for divorce – there is one form for a divorce only and a separate one for a divorce with other legal issues included. These forms must be filed at the Superior Court of Justice as it is the court empowered to issue a divorce order.



## Scenario 2

I am a great baker – my cakes are legendary! It must be genetic, because my adoptive mom is a disaster with a cookie sheet. I don't know who my birth parents are, but now that I'm 18 I would like to meet them and see if there are other bakers in my family. Can I contact them?

**Start on the Steps to Justice topic, "Birth and Adoption" with the question, "I'm adopted. Can I find out about my birth parents?"**

- What kinds of information can you get from the government about your birth parents? **(Landing page, Step 1)**
- What kind of information can you get from applying for post-adoption birth information? **(Step 2)**
- What is a disclosure veto? What can you do if your birth parents applied for one? **(Landing, Step 2, Step 3)**
- What happens if your birth parents filed a "no contact notice"? **(Step 2)**
- Why might birth parents want to limit the information their biological children can find? Do you think this is fair? **(Answers might vary – encourage students to think of the why these rules for adoption would have been created in the first place? Are there benefits to the child? The parents?)**

### Discussion

A child can apply for information about their birth parents. Two types of information may be available from the government. The first is **non-identifying information**, which means general information about their adoption and the social and medical history of their birth parents, but not their names. The second is **identifying information**, which can provide the biological parents' names as well as specific details about a birth, such as date and location.

Not everyone who applies is successful. Birth parents can file disclosure vetoes, which limit the information available to an applicant, and non-contact notices, which legally prevent a child from contacting them. However, if an adopted person is very sick and needs information about their birth parents to treat or diagnose a severe illness, the person can apply for a "severe medical search" to gain genetic information.



## Scenario 3

My partner and I have been living together for 10 years in a common law relationship. After all these years, we have decided that it's time to split up. My partner owns our house, so she has asked me to leave. But I have three cats that are used to living here, and I don't want to move out until I have found somewhere equally nice for us to live. Can my partner force me to move out? What can I do about it?

**Start on the Steps to Justice topic, "Property and Debts – Common Law Partners" with the question, "We're not married. Who gets to stay in our home if we separate?"**

- Do common law partners have different rights from married couples when splitting up a house regarding who will get to stay in the home? (**Landing page**)
- Would it make a difference if the person in this scenario was a legal tenant? (**Landing page**)
- What could this person do? (Hint: there are two options) (**Landing page, Steps 1 and 2**)
- Could they get a court order that would allow them to stay in the house? What factors will the court look for when considering the order? (**Step 3**)
- What would make it harder for the court to decide who gets to stay in the house? (**Landing page, Step 3**)

### Discussion

Unlike married couples, with common-law couples only the legal owner generally will have a right to stay in the house after separation. Partners who are legal tenants also have this rights.

As a common-law partner, this person can try to make an arrangement with their ex to allow them to stay in the house under certain conditions make an agreement on who will stay in the house, but if they cannot agree and the legal owner wants to force the other out of the house, they have the right to do so.

A common-law partner can apply for a court order to allow them to stay, but these are only granted in limited circumstances. To make this determination, the court might need to consider issues like how amicable the separated partners are and the best interests of any children who are involved.



## Scenario 4

I am no longer living with my partner. He treated me well at first, but then became abusive towards me and our children. Two months ago, I left with the kids and we now live with my sister. Ever since then, he keeps showing up at my house or trying to contact our children. It scares me and makes me worry for my children's safety. I have tried calling the police, but they said they can't do anything because his behaviour isn't criminal at this point. Is there anything I can do to keep him away from me?

**Start on the Steps to Justice topic, "Partner Abuse" with the question, "How can I keep my abusive partner away from me after I leave?"**

- What does Steps to Justice suggest this person could do to help protect their own and their children's safety? (**Landing Page**)
- What options from the court are available in this situation? (**Landing Page**)
- If the police are called, who decides whether any charges should be laid? (**Step 1**)
- When do you think a peace bond would be more appropriate than a restraining order? When would a restraining order be more appropriate? (**Steps 2 and 3**)
- Who can apply for a peace bond? (**Step 3**)

### Discussion

Steps to Justice suggests that changing contact information and daily routines can help limit contact with an abusive partner. It is also a good idea to make a safety plan as well – this is a detailed plan for how an abused person (and any children) can protect their physical safety in an abusive situation. Sometimes victims of abuse are reluctant to call police because the police can lay criminal charges and make arrests even if the victim does not want their abuser charged or arrested.

Courts can help by issuing restraining orders and peace bonds. These are both options for a person who would like to keep an abusive partner away from them. Restraining orders last for a longer time and can be faster to get if you have already started a family court proceeding, but they are usually only available to someone who has been married to or lived with the abuser or has decision-making responsibility for a child. If none of these conditions apply, a peace bond is still available and anyone can apply for one in criminal court.



## Scenario 5

It has always been my daughter's dream to go to Paris. I am going to France for work next month and I want to bring her along with me for her 13<sup>th</sup> birthday. Her father and I are divorced, but we have joint decision-making responsibility and shared parenting time. Is she allowed to travel with me?

**Start on the Steps to Justice topic, "Decision-making and time with children" and the question, "Can I travel with my child after I separate or divorce?"**

- What does this person need to tell their ex-husband about their travel plans? **(Step 1)**
- What important information could be in a parenting plan, separation agreement or court order that might affect this situation? **(Landing Page, Step 1)**
- What is a travel consent letter? Why is it good to have one? **(Step 2)**
- What would be required for an adult to bring a child under the age of 18 from Canada into the United States? **(From Step 4, follow the link to the Government of Canada website to see what each country requires)**
- Why do you think a border guard might stop a single parent and child travelling across a border? **(Answers will vary)**

### Discussion

Although travel consent letters aren't always required, it is a best practice in order to avoid delays or the possibility of being denied entry to countries. Parents should communicate their travel plans and ask for a consent letter far in advance of their travel date. Divorced parents should also pay close attention to any specific requirements in separation agreements, parenting plans, or court orders and ensure they follow those rules.



## Display: *Large Group Practice* Scenario 6

My husband and I have been married for five years. My husband bought us a house in our first year of marriage and we have lived there ever since. It is my dream home. It has a light-filled studio for me (I'm an artist) and a perfect room for a cozy little nursery. All I could think about was raising a family there.

We are a same-sex couple, so over the last year we had been looking into the process of adoption. I did most of the research because my schedule is more flexible. My husband is a computer programmer and he works non-stop. We had talked a lot about whether we should do a public or a private adoption, but we didn't make a decision.

About six months ago, our relationship changed dramatically and we decided that we should split up. We agreed to apply for a divorce order together. Since then, my husband keeps talking about how much money he will have after the divorce, since he can sell the house and he won't have to support me.

After my divorce I would still like to adopt a child, but I'm worried that the divorce will affect that process. I would also like to stay in the house, because I love it so much and I still want to have my family there, but my husband is the legal owner. I am worried about my financial situation as well; for the past five years, he earned most of our family's income. Should I be worried? What should I do?



## Scenario 6: Focus Questions

Students can draw from their learning to identify potential legal issues and questions to investigate. There are a several big issues to be addressed: adoption; division of the matrimonial home; and spousal support. The facilitator should encourage the students to consider how these issues are interrelated and how they might affect each other.

**Start from the topic “Birth & Adoption”. Consider questions like:**

- How does a person adopt in Ontario?
- What different kinds of adoption can happen in Ontario?
- Does financial security play a role in evaluating someone who wants to adopt a child?

**Start from the topic “Property and debts – married couples”. Consider questions like:**

- What are the rights of a married couple to the matrimonial home after separation? Is there a difference after divorce?
- Does legal ownership of the house matter in these rights?

**Start from the topic “spousal support”. Consider questions like:**

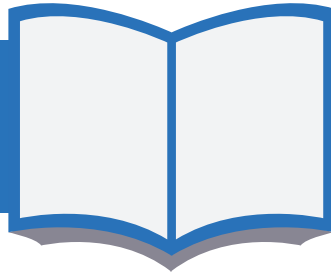
- Can I get spousal support?
- How much spousal support must be paid?





## Participant Handouts

# Scenarios



## Scenario 1 Worksheet: Demonstration

I have decided that my marriage is over and I want a divorce. My husband travels a lot for work and he seems to think everything is fine, so I don't think he will agree to it. Can I apply for a divorce on my own? And if so, how?

**Start on the Steps to Justice topic, "Separation and divorce" with the question, "How do I apply for a divorce by myself?"**

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- What other legal issues should you consider before applying for a divorce?
- What is the major difference between a "contested" and "uncontested" divorce?
- How do you know which form to fill out when you apply to the court for a divorce?
- Which court has the power to make a divorce order?



## Scenario 2 Worksheet

I am a great baker – my cakes are legendary! It must be genetic, because my adoptive mom is a disaster with a cookie sheet. I don't know who my birth parents are, but now that I'm 18 I would like to meet them and see if there are other bakers in my family. Can I contact them?

**Start on the Steps to Justice topic, "Birth and Adoption" with the question, "I'm adopted. Can I find out about my birth parents?"**

- What kinds of information can you get from the government about your birth parents?
- What kind of information can you get from applying for post-adoption birth information?
- What is a disclosure veto? What can you do if your birth parents applied for one?
- What happens if your birth parents filed a "no contact notice"?
- Why might birth parents want to limit the information their biological children can find? Do you think this is fair?



## Scenario 3 Worksheet

My partner and I have been living together for 10 years in a common law relationship. After all these years, we have decided that it's time to split up. My partner owns our house, so she has asked me to leave. But I have three cats that are used to living here, and I don't want to move out until I have found somewhere equally nice for us to live. Can my partner force me to move out? What can I do about it?

**Start on the Steps to Justice topic, "Property and Debts – Common Law Partners" with the question "We're not married. Who gets to stay in our home if we separate?"**

- Do common law partners have different rights from married couples when splitting up a house?
- Would it make a difference if the person in this scenario was a legal tenant?
- What could this person do? (Hint: there are two options)
- Could they get a court order that would allow them to stay in the house? What factors will the court look for when considering the order?
- What would make it harder for the court to decide who gets to stay in the house?



## Scenario 4 Worksheet

I am no longer living with my partner. He treated me well at first, but then became abusive towards me and our children. Two months ago, I left with the kids and we now live with my sister. Ever since then, he keeps showing up at my house or trying to contact our children. It scares me and makes me worry for my children's safety. I have tried calling the police, but they said they can't do anything because his behaviour isn't criminal at this point. Is there anything I can do to keep him away from me?

**Start on the Steps to Justice topic, "Partner Abuse" with the question, "How can I keep my abusive partner away from me after I leave?"**

- What does Steps to Justice suggest this person could do to help protect their own and their children's safety?
- What options from the court are available in this situation?
- If the police are called, who decides whether any charges should be laid?
- When do you think a peace bond would be more appropriate than a restraining order? When would a restraining order be more appropriate?
- Who can apply for a peace bond?



## Scenario 5 Worksheet

It has always been my daughter's dream to go to Paris. I am going to France for work next month and I want to bring her along with me for her 13<sup>th</sup> birthday. Her father and I are divorced, but we have joint decision-making responsibility and shared parenting time. Is she allowed to travel with me?

**Start on the Steps to Justice topic, "Decision-making and time with children" and the question, "Moving or Travelling – Can I travel with my child after I separate or divorce?"**

- What does this person need to tell their ex-husband about their travel plans?
- What important information could be in a parenting plan, separation agreement or court order that might affect this situation?
- What is a travel consent letter? Why is it good to have one?
- What would be required for an adult to bring a child under the age of 18 from Canada into the United States?
- Why do you think a border guard might stop a single parent and child travelling across a border?