



Refuge

pour les femmes de l'Ouest de l'Île

West Island Women's

Shelter

FAMILY MEDIATION STEP BY STEP

Tool conceived for women who choose to participate to the family mediation process.

Meant to help women prepare for mediation and to be used to take notes during sessions.

Allow women to safely target the issues related to their specific situation.

Provides an overview of the process and the important steps following the conclusion of the agreement.

HELPING WOMEN TO PREPARE FOR
THE FAMILY MEDIATION PROCESS

 wiws.ca

 [@rfoi_wiws](https://www.instagram.com/rfoi_wiws)

 West Island Women's Shelter

 514-620-4845 #225

SECTION 1 - MEDIATION PROCESS

1 - Children

1.1 Parenting time - Regular schedule	
1.2 Parenting time - Schedule on special events	01
1.3 Child support	
1.4 Special expenses	02
1.5 Parental authority	
1.6 Communications between parents	03

2 - Spouse

2.1 Spousal support obligation (married couples only)	04
2.2 Separation of assets : family patrimony and matrimonial regime	
2.3 Inheritance and donation	05
2.4 Separation of debts unpaid and/or guaranteed debts	
2.5 Other remedy between spouse (if applicable)	06

3 - Common Law partners

3.1 Separation of assets	
3.2 Separation of unpaid and/or guaranteed debts	07
3.3 Other remedies between common law partners (if applicable)	08

SECTION 2 - AFTER MEDIATION

1 - Getting a Judgment

1.1 Spouse: divorce judgment and legal separation judgment	09
1.2 Common Law Partners: judgment on child custody, child support and separation of financial interests	10

2 - Revision of an agreement or modification of a judgment

11

SECTION 3 - MY THOUGHTS

12

SECTION 4 - OTHER INFORMATION AND TIPS

13



SECTION 1- MEDIATION PROCESS

1 - CHILDREN

1.1 PARENTING TIME - REGULAR SCHEDULE

How children will share time with each parent on a regular basis.

Example :

- Majority of parenting time with one parent and every second weekend with the other
- Split parenting time: 7 days each alternately or following a 5-2-2-5 or a 2-2-3 schedule

Exchange of custody: identify a place to make the exchange (ex. at daycare, at school or in a public place)

NOTES

1.2 PARENTING TIME - SCHEDULE ON SPECIAL EVENTS

Example :

- Christmas holidays including Christmas Day and New Year Day
- Spring break
- Ped day
- Public holiday
- Children's birthday
- Parent's birthday
- Mother's day, Father's day
- Halloween
- Summer vacations (with or without children)
 - o Maximum duration
 - o Delay to inform the other parent
 - o First choice of the date (ex. in alternatively each year)
- Other special events

NOTES



1.3 CHILD SUPPORT

Child support is MANDATORY and of PUBLIC ORDER.

Child support covers **child's everyday needs**, including food, housing, furnishings, clothing, hygiene care, housekeeping, communications, transportation and common leisure activities.

- Presentation of the rules for calculating child support (Quebec model for the determination of child support payment)
- Exchange of the information about income (**mandatory**),
- Determination of the child support amount to be paid between the parents, the payment terms and the reimbursement terms of the expenses to the other parent (supporting documents and delay to reimburse upon demand)

NOTES

1.4 SPECIAL EXPENSES

Special costs are not included in the child support payment. They are shared separately in addition to child support.

Special expenses are related to specific needs of the child, which are not part of his everyday needs, for example:

- Daycare fees
- Dental expenses not covered by an insurance plan
- Medical expenses not covered by an insurance plan (ex. optometry, psychology)
- Sporting activity or school-related activity that goes beyond simple leisure
- Vacation camps

Determination of the cost (%) between parents, the payment terms and the reimbursement terms of the expenses to the other parent (supporting documents and delay to reimburse upon demand)

NOTES



1.5 PARENTAL AUTHORITY

Sharing parenting responsibilities and making decision related to children's well-being, including:

- Living environment
- Health (appointments and follow up)
- Education, including school choice
- Important leisure activities
- Culture, language, religion or spirituality
- Travels outside the country

NOTES

1.6 COMMUNICATIONS BETWEEN PARENTS

- How to exchange general information regarding children (ex. e-mail)
- How to communicate in case of emergency (ex. text message)

NOTES



2 - SPOUSE

2.1 SPOUSAL SUPPORT OBLIGATION (MARRIED COUPLES ONLY)

Spousal support obligation and criteria considered to evaluate if a spouse is entitled to receive one.

- If applicable, determination of the spousal support payment amount
- If applicable, determination of a lump sum

NOTES



2.2 SEPARATION OF ASSETS: FAMILY PATRIMONY AND MATRIMONIAL

- Identification of assets that are part of the family patrimony and calculation of the dividable value
- Identification of assets that are part of the matrimonial regime and calculation of the dividable value

FAMILY PATRIMONY

MATRIMONIAL REGIME

2.3 INHERITANCE AND DONATION

Identification of goods and/or sums of money received as an inheritance by donation before and during the marriage

NOTES



2.4 SEPARATION OF DEBTS UNPAID AND/OR GUARANTEED DEBTS

Agreement on the separation of unpaid and/or guaranteed debts

NOTES

2.5 OTHER REMEDY BETWEEN SPOUSE (IF APPLICABLE)

Compensatory allowance

NOTES



3 - COMMON LAW PARTNERS

3.1 - SEPARATION OF ASSETS

Separation of the assets, based on property law

LIST OF ASSETS

3.2 - SHARING OF UNPAID AND/OR GUARANTEED DEBTS

Agreement on the separation of unpaid and/or guaranteed debts

NOTES



3.3 OTHER REMEDIES BETWEEN COMMON LAW PARTNERS (IF APPLICABLE)

Unjust enrichment and tacit partnership

NOTES



SECTION 2 – AFTER MEDIATION

1 - GETTING A JUDGMENT

1.1 SPOUSE: DIVORCE JUDGMENT AND LEGAL SEPARATION JUDGMENT

- Difference between divorce and legal separation (separation from bed and board)
- A judgment divorce is required to dissolve the marriage
- The demand can be done jointly if the parties agree on all the conclusions

Note: the fees are at your expense and do not fall within the hours of free mediation

NOTES



1.2 COMMON LAW PARTNERS: JUDGMENT ON CHILD CUSTODY, CHILD SUPPORT AND SEPARATION OF FINANCIAL INTERESTS

- Getting a judgment is optional after the mediation process
- The judgment gives legal enforcement to the mediation agreement
- The demand can be done jointly if both parties agree

Note: the fees are at your expense and do not fall within the hours of free mediation

NOTES



2 - REVISION OF AN AGREEMENT OR MODIFICATION OF A JUDGMENT

2.1 IF THE SITUATION CHANGES IN THE FUTURE

Separated parents are eligible to 2 and a half hours of free mediation if it is necessary to review their mediation agreement or modify their judgment regarding parental time and/or financial obligation towards the children.

NOTES



SECTION 3 - MY THOUGHTS

1. What is the ideal scenario in the best interest of the family?
2. What am I willing to compromise on?
3. What am I not ready to compromise on?
4. Are there other aspects arising from my separation that concern me and that are not mentioned in this document?

NOTES



SECTION 4 - OTHER INFORMATION AND TIPS

1. Mediation is a voluntary process, you can end it at any time.
2. Mediation must take place in a respectful atmosphere. If you believe that the other party is engaging in disrespectful or intimidating behavior, you should report it immediately to the mediator.
3. During mediation sessions, everyone has the right to express their point of view. If you feel that the other party is not letting you speak or is cutting you off, you should tell the mediator immediately.
4. Mediation is a transparent exercise, all relevant information must be exchanged so that the mediator can properly guide you in making decisions. If you are unsure of the importance or relevance of any information, you must disclose it.
5. You are not obliged to make decisions during the mediation sessions, you can always take the time to think outside the mediation sessions before taking a position on any question.
6. You have the right to consult independent legal counsel (other than the mediator) outside of mediation sessions.
7. If the mediation process fails, a legal advisor can advise you on the other options available to you.

NOTES