



Fleury, Comery LLP
Barristers & Solicitors

IS RECONCILIATION POSSIBLE IN YOUR CASE?

You have consulted us regarding a separation or divorce. Before taking steps in that direction, we have a moral and legal duty to review with you the possibility of a third alternative, namely, reconciliation.

Section 9 of the *Divorce Act*

Under Section 9 of the *Divorce Act*, it is the duty of every legal adviser acting in a divorce proceeding to draw the attention of the client to the provisions of the *Divorce Act* that have as their object the reconciliation of the spouses, and to discuss with the client the possibility of reconciliation, unless the circumstances of the case are of such a nature that it would be inappropriate to do so. It is also our duty to discuss the advisability of negotiating support or custody matters and to inform the client of mediation facilities known to us that might assist in negotiating those matters.

Section 10 of the *Divorce Act*

Under Section 10 of the *Act*, a Court must, before considering evidence in a divorce case, satisfy itself that there is no possibility of reconciliation, unless the circumstances are of such a nature that it would not be appropriate to do so. If the Court discerns from the evidence in a proceeding of the attitude of either or both spouses that there is a possibility of a reconciliation the Court has a duty to adjourn the proceedings to give the spouses an opportunity to achieve that goal, and with consent, or in the Court's own discretion, to nominate a person such as a marriage counsellor to assist in achieving that goal.

Marriage Counselling and Mediation Services

Most priests, ministers and other religious advisers have experience in marriage counselling and can assist married couples in surviving a difficult period in their marriage.

The following is a list of some other services from which you might obtain information, support and mediation on marital breakdown:

**Ontario Association For Marriage and Family Therapy
www.oamft.com

**Family Services Association of Metro Toronto, Families in Transition Program (416) 595-9618

**Take 2 Mediation www.take2mediation.com
(416) 226-7257

**Arbitration and Mediation Institute of Ontario(416)
487-4447

**Family Mediation Canada www.fmc.ca (519) 585-3118

Ontario Court Mandatory Information Program

Under Rule 8.1 of the Family Law Rules, all family cases started after August 31, 2011, except for simple divorces and other limited circumstances, are subject to a mandatory information program. Under the program the family law litigants must attend a session at which they receive information on alternatives to court, a reminder as to the impact on children of the separation, and resources available to assist with problems arising from separation. No steps other than setting a case conference date can be taken by a party until he or she has obtained a certificate of attendance from one of these sessions.

It is always advisable to negotiate and settle privately matters corollary to a divorce such as property division, spousal and child support, and any other special issues. As your legal advisers we can assist in guiding you through that kind of process or in establishing proper parameters to protect your interests.

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