

# **"Taking Charge of Your Separation/Divorce"**

**Presentation by:  
Wendy E. Best, Q.C.  
Dunphy Best Blocksom LLP**

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## **1. Custody/parenting**

- (i) shared
- (ii) joint
- (iii) sole

## **2. Child Support**

- (i) Federal Child Support Guidelines
- (ii) Alberta Child Support Guidelines
- (iii) base table support
- (iv) Section 7 expenses
  - (a) child care expenses incurred for employment, illness or education
  - (b) medical/dental insurance premiums re: child
  - (c) health/dental expenses over insurance by at least \$100/year (ortho, counselling, physio, drugs, glasses)
  - (d) extraordinary expenses for primary or secondary school
  - (e) post secondary expenses
  - (f) extraordinary extracurricular expenses
- (v) split custody
- (vi) shared custody (40% of time)
- (vii) incomes over \$150,000
- (viii) undue hardship
- (ix) retroactive
- (x) disclosure

### **3. Spousal Support**

- (i) Divorce Act
- (ii) Family Law Act/Adult Interdependent Relationships Act
- (iii) Spousal Support Advisory Guidelines
- (iv) entitlement
- (v) periodic
- (vi) lump sum
- (vii) combination

### **4. Property**

- (i) What is property
- (ii) unmarried: constructive trust/unjust enrichment
- (iii) married: Matrimonial Property Act
  - (a) exemptions
    - (i) gifts from third parties
    - (ii) inheritance
    - (iii) owned before marriage
    - (iv) damages in tort
    - (v) insurance policy (not re: property)
  - (b) increase in value of exempt property - 13 factors
  - (c) transfer into joint names
  - (d) all other property acquired - presumption of equal sharing
  - (e) property (assets/debts) acquired after separation or changes in value
  - (f) gifts or non bona fide transfers
  - (g) exclusive possession of matrimonial home

### **5. Miscellaneous/Common Misunderstandings**

- (i) divorce
- (ii) legal separation
- (iii) abandonment
- (iv) conduct
- (v) what to expect/ask in your first consult