**Class Exercise**

PART A:

Please read the following scenarios carefully and determine which divorce package to use.

**Scenario 1:**

Peter and Mary seem to have resolved all their family disputes. They have two children: Paul is 19 years old and Jess is 2. Peter and Mary want to skip the process serving stage. They don’t mind going to Court to file documents together.

**Answer: Joint Divorce Package (With Dependant Children). Jess is 2 years old and is considered a “child of the marriage”.**

**In Scenario 1, suppose you already handed them a joint divorce package (with dependant children) and started helping them, but then realize that they have issues with child support, matrimonial property, etc., you should discontinue helping them and refer them to a lawyer.**

**Scenario 2:**

Peter and Mary seem to have resolved all their family disputes. They no longer have any child of the marriage. Mary lives in a different province in Canada and has no time to accompany Peter to Court.

**Answer: Desk Divorce Package (No Dependant Children). It will be difficult for Mary to accompany Peter, so it is likely better to find a process server to serve Mary the court documents and file an Affidavit of Service.**

**Scenario 3:**

Peter and Mary seem to have resolved all their family disputes. They no longer have any child of the marriage, and want to skip the process serving stage plus go to Court to file documents together. Just when you were about to hand them a joint divorce package (no dependant children), Mary made a comment about Peter not providing sufficient child support and she has issues regarding matrimonial property. The couple started to argue and became very emotional.

**Answer: Mary’s comments and the couple’s behaviour should be telling signs that this couple has not resolved all of their family disputes (e.g., matters regarding child support and matrimonial property). You should refer them to a lawyer.**

PART B:

Follow-up questions from Part A

1. From Scenario 2: Peter needs to serve Mary a Statement of Claim for Divorce. How much time does Mary have to defend her claim?

**Answer: 1 month (Mary lives outside Alberta but in Canada)**

1. From Scenario 2: Assume Peter and Mary have children of the marriage. What court documents must Peter file and serve Mary?

**Answer: Statement of Claim for Divorce, Notice to Disclose (if parties are unwilling to exchange their income tax return, paystubs, etc.), Notice of Mandatory Seminar**

1. From Scenario 3: You now know that Peter and Mary have not resolved all of their family disputes. Can you think of a reason why a lawyer would not help Peter and Mary with their joint divorce?

**Answer: conflict of interest. A lawyer cannot represent opposing clients as the clients’ interests may be prejudiced.**

PART C:

Multiple Choice

1. The Court of Queen’s Bench have jurisdiction to hear what matters?
   1. Divorce
   2. Child Support
   3. Matrimonial Property
   4. Parenting Order
   5. **All of the above**
2. What can a non-lawyer do?
   1. **Interpret court forms**
   2. Tell the client what to do when they’re confused
   3. Provide summary advice
3. An uncontested divorce means that both parties have agreed on everything dealing with the divorce, and can proceed through desk divorce.
   1. **True**
   2. False
4. How much is the filing fee for filinga Statement of Claim for Divorce as of today’s date (March 27, 2014)?
   1. $100
   2. $200
   3. **$210**
   4. $300
5. You do not need to file for divorce if you are in a common-law relationship.
   1. **True**
   2. False
6. Peter and Mary moved to Alberta two months ago and now wants to file for divorce in Alberta. *At least* how long must they live in Alberta before they can file for divorce?
   1. 2 months
   2. 6 months
   3. 9 months
   4. **1 year**
7. Which grounds for marriage breakdown is untrue?
   1. Living apart for one (1) year
   2. Physical cruelty
   3. **You cheating on a spouse**
   4. The spouse cheating on you
8. For Joint Divorces, there is only one ground – adultery.
   1. True
   2. **False**
9. Marriage counselling must be attempted before Peter and Mary file for divorce.
   1. **True**
   2. False
10. What is a child of a marriage?
    1. A child of two spouses or former spouses who is 18 years and under
    2. An adult child of two spouses or former spouses who is under the spouses’ charge and who is unable “by reason of illness, disability or other cause, to withdraw from their charge or to obtain the necessities of life”
    3. A child continuing to be a full-time university student and is 22 years and under
    4. **All of the above**
11. Joint custody is when the siblings are separated and live with each parent.
    1. True
    2. **False**