



Family Law

CALL US - BEFORE
YOUR EX DOES!



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LAWYER

Q

My husband and I are planning to use a mediator to settle our issues and we are good right? My neighbor says I still need a lawyer but I don't understand why, can you explain?

A

Congratulations on working together to settle your issues with a mediator; This is a good first step towards developing an agreement, such as a separation agreement – which you both can rely on going forward.

When you work with a mediator, the mediator will provide you with a report summarizing the issues you have settled and the issues you have not settled. This report is not a separation agreement, and if one of you does not follow the 'deal' in the report, the other party cannot produce the report at Court. At that point, you are starting at ground zero again.

Instead, once you have seen a mediator, you both will retain family lawyers, to take the mediation agreement and turn it into a legally binding contract, with independent legal advice supplied by the lawyers to each of you. This separation agreement also has your financial disclosure summarized in financial statements and a net family

property calculation, for purposes of property equalization.

Generally one lawyer drafts the agreement, and the lawyers work together with you and your husband to edit the document until it is satisfactory to both of you. At that point you, your husband and your lawyers all sign the separation agreement. The good news is the separation agreement is producible at court. In addition, unlike a 'kitchen table' separation agreement, it is quite unlikely that this separation agreement will be set aside [although it can be varied for material change, such as retirement or change of residency of a child].

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