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Do I need a lawyer to represent me if I separate from my spouse?

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The Jaskot Team

There is no legal requirement that a separating spouse must retain a lawyer to represent them either in negotiations or in Court. In fact, in recent years there has been an increasing number of separated spouses representing themselves in the negotiation of Separation Agreements and in contested matters in Family Court.



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In very simple cases, where there are no children or significant financial issues involved it may be feasible for a person to represent themselves to resolve a family law matter. However, it is generally unwise to represent yourself as the law, rules of evidence and courtroom procedure can be quite complex and constantly changing.

Furthermore, separated spouses without lawyers may not have an accurate understanding of the information they are entitled to receive from their spouse as part of a separation. They may enter into unfair and one-sided agreements which could have a negative effect on their parenting and financial circumstances for years to come.

In rare cases, agreements that parties enter into without legal representation can be subsequently

reviewed and set aside by a Court in the event the Court finds that one of the parties did not have sufficient information available to properly settle their matter, or that the agreement is so one sided and unfair that it would be unjust to permit the agreement to be enforced.

Considering that you could either enter into an unfair settlement agreement due to the lack of understanding and information, or enter into an agreement that will be potentially unenforceable later due to lack of understanding and information, it generally makes sense to retain a lawyer at a minimum to advise you with respect to the information you are entitled to receive, your minimum entitlements under the law, and the fairness of any settlement agreement you are considering signing.

SPECIALIZING IN FAMILY LAW

Jaskot Family Law offers experienced and knowledgeable counsel with a well-established reputation in handling complex custody, support and property matters. Our legal team provides litigation, negotiation and collaborative law services and is regularly involved in mediation and arbitration matters. Jaskot Family Law regularly undertakes family law matters within the Hamilton, Milton, Toronto and Niagara Court jurisdictions.



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