

of the time, and for cases of hardship where the standard of living in the payer parent's home would be less than the standard in the payee's home.

A feature of child support payments that differentiates them from spousal support payments is that they are tax-free in the hands of the recipient. In spousal support, where the payments are made on a periodic basis (e.g. once a week or once a month pursuant to a written separation agreement or a court order), the payments are included in the income of the recipient for tax purposes, and deducted from the income of the payor.

COLLABORATIVE LAW ISSUES

“Who should use a collaborative family law resolution?”

Judith Holzman, a family lawyer in Toronto, answers:

Collaborative family law is a specialized version of family-law practice, which uses specially-trained divorce lawyers (who often have both mediation and collaborative law training in addition to family law experience). These divorce lawyers sign an agreement together with their clients, which calls for frankness, full disclosure, and appropriate behavior in a negotiation of their separation agreement. Should either of the parties decide that they no longer want to pursue a collaborative resolution, then the agreement ends, and the parties *must* find new divorce lawyers, as their original collaborative family lawyers can no longer act for them.

In a collaborative meeting, both family lawyers (while representing their individual clients) make sure that each of the parties is engaged and active in their participation. The weaker spouse receives a buttress by the conduct of all four people at the table, which is inclusive of attitude, respectful in tone, and creative in resolution. The process often results in an “outside the box” resolution,

which allows for a customized result that works for these particular people and their families. The resolutions are faster, cheaper, and more customized than the normal resolution in a classic divorce situation.


While collaborative family law is not for everyone, even parties who do not like each other — as long as they approach issues placing their children first or are prepared to be respectful of each other — will benefit from a collaborative resolution.

“What happens if the collaborative model doesn't work for us and we can't reach a settlement?”

Sheila Kirsh, a family lawyer in Toronto, answers:

In collaborative practice, each party retains a specially trained collaborative lawyer. As you may or may not know, both lawyers must disqualify themselves if a case breaks down and either party wishes to litigate. Proponents of

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