



Family Law Essentials



**Community Legal
Information**
Empowerment Through Knowledge

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Introduction

This publication explains basic information about family law on Prince Edward Island, Canada. It includes information about spouses, separation, divorce, parenting, and family violence. It also includes information about how family law issues may affect immigration status.

Community Legal Information (CLI) also offers the following family law publications:

- *How to Go to Family Court Without A Lawyer*
- *Parenting and the Law*
- *Family Violence and the Law*
- *Court Orders for Your Protection*

CLI also has publications about other legal topics. Visit our website at www.legalinfopei.ca to access all our publications or contact us to request free paper copies.

About Us

Community Legal Information is a registered charity. We provide Prince Edward Island residents with plain language legal information and low-cost lawyer referrals.

Community Legal Information

- www.legalinfopei.ca
- info@legalinfopei.ca
- 902-892-0853; 1-800-240-9798 (toll-free)



The information in this publication is not legal advice and does not replace guidance from a lawyer.

Community Legal Information





Spouses

What is a spouse?

Family law says spouses are:

- Two people who are legally married, or
- Two people who have lived together in a sexual relationship for 3 years or more (also called common-law spouses), or
- Two people who are living together in a sexual relationship and are the natural or adoptive parents of one or more children (also called common law spouses).

Spouses are people of any gender.

To be legally married, you must have a recognized marriage ceremony. A recognized marriage ceremony must be performed by:

- A member of the clergy, or
- A judge, or
- A person with a license to perform marriages on Prince Edward Island (usually called a ‘marriage commissioner’).

Married spouses are spouses who had a recognized marriage ceremony.

Unmarried spouses are spouses who have not had a recognized marriage ceremony. Unmarried spouses are also called common-law spouses.

Some federal government programs, like Immigration, Refugees and Citizenship Canada (IRCC) or Canada Revenue Agency (CRA), have different definitions of unmarried spouses. For example, the CRA considers you to be unmarried spouses after one year of living together as spouses. This is different from how the PEI *Family Law Act* defines unmarried spouses.

Do married and unmarried spouses have the same rights?

It depends. Unmarried spouses and married spouses have similar:

- Parenting rights and responsibilities.
- Entitlements to spousal support.

Unmarried spouses and married spouses do not have the same rights when dividing the property they collected during the relationship.



Some federal government programs define unmarried spouses differently than PEI's Family Law Act.

Separation

How do married and unmarried relationships end?

Separation is when spouses live separately and apart. Living separately and apart means at least one spouse does not want to live together as spouses. You must tell your spouse that you are separating from them.

Divorce is the legal end of a marriage.

Separation automatically ends unmarried relationships. Unmarried spouses do not get a divorce.

Married spouses may separate. Canada's *Divorce Act* says that separation for married spouses begins when you and your spouse begin living separately and apart. But, until the court grants a Certificate of Divorce, you are still legally married.

What if we want to separate but we cannot afford to live separately?

You can be legally separated and still live in the family home. Examples of living separately in the same house include sleeping in different rooms and not eating together.

Remember, separation automatically ends unmarried relationships. You do not have to take any further action to make your separation “legal.” If you are married, separating from your spouse does not mean you are divorced.

Resolving Conflict

What is dispute resolution?

Dispute resolution means resolving conflict outside of court. The law says you must try to resolve family law issues with dispute resolution before going to court. Dispute resolution is usually less expensive and stressful than going to court.

Types of dispute resolution include:

- **Negotiation** is communicating to try to reach an agreement. For example, you may both agree that your child's education is the financial priority, or that you want as little disruption to your child's life as possible. Many people can resolve disputes on their own.
- **Mediation** is when you, the other person, and a mediator try to resolve disagreements. The mediator is neutral and helps you communicate with each other to resolve conflicts.
- **Collaborative Practice** is when you negotiate with the other person with support from collaborative practice lawyers and sometimes other support professionals (for example, financial or mental health professionals). You must agree to resolve the issues without going to court.







What is Child-Focused Parenting Plan Mediation?

This free service is offered by the Family Law Centre. Child-Focused Parenting Plan Mediation helps parents make a parenting plan.

Child-Focused Parenting Plan Mediation

 www.princeedwardisland.ca/en/information/justice-and-public-safety/child-focused-parenting-plan-mediation

 902-368-6928

 fcco@gov.pe.ca

Should I take legal action?

You should only take legal action if dispute resolution does not work.

Going to court can be a long, expensive, and stressful experience. Taking legal action means a judge who does not know you will decide. Sometimes both you and your spouse may be unhappy with the result.

Before taking legal action, read our publication *How to Go to Family Court Without a Lawyer*. This publication may be helpful even if you plan to hire a lawyer.

Child Focused Parenting
Plan Mediation



What is a separation agreement?

A **separation agreement** is a contract between spouses that includes information about division of property, parenting responsibilities, support, and other arrangements.

A separation agreement can be made at the time of separation or later. You can make a separation agreement if you are married or unmarried.

You do not need to make a separation agreement, but having one can be helpful if there are disagreements later.

A separation agreement is legally binding if it:

- Is written down, and
- Is dated, and
- Is signed by each parent in front of a witness, and
- Is signed by the witness, and
- Follows family law legislation.

The witness must be at least 18 years old and must be mentally competent.

The witness does not need to read or know the terms of the agreement. They are there to confirm that the spouses signed willingly and were not pressured to sign a binding legal agreement.

Once the separation agreement is signed, it is a legal contract. It is important to be sure you fully understand and agree with the terms of the agreement before you sign it.

Do I need a lawyer to make a separation agreement?

No, you do not need a lawyer to make a separation agreement, but it is always a good idea to get legal advice from a lawyer before signing a legal document. If possible, it is best to have your agreement written by a lawyer. This ensures the agreement is legally correct.

Do I need to file the separation agreement with the court?

No, you do not need to file your separation agreement with the court. A separation agreement is a private contract between spouses. But the terms of the separation agreement may:

- Affect court proceedings later if disputes arise, or
- Be part of the Divorce Judgement if you get divorced later.

It is important to keep more than one copy of the agreement in a safe place.

Can I change the terms of a separation agreement?

You and your spouse can write a new separation agreement at any time. Make sure it is dated, signed, and witnessed according to the rules explained on page 9.

Divorce

The *Divorce Act* explains the rules for divorce in Canada. Only a Divorce Judgment and a Certificate of Divorce from a judge can legally end a marriage.

When can I get divorced?

You can get divorced after:

- A one-year separation. You can start the process of filing for divorce before the one year is up, but you cannot complete your divorce until you have been separated for at least one year. The one-year period of separation must be uninterrupted and continuous up to the time that the Divorce Judgment is granted. However, the *Divorce Act* does allow for efforts at getting back together, called trial cohabitation. **Trial cohabitation** is an effort to get back together that is 90 days or less during that one-year period. It does not interrupt the one-year period of separation.
- Adultery committed by the other spouse. **Adultery** is a voluntary sexual relationship between a spouse and someone who is not their spouse. You will have to provide proof of your spouse's adultery in court. You cannot get a divorce because of your own adultery.
- Mental or physical cruelty committed by the other spouse. Cruelty may be physical or mental, and it must be of such a kind as to make it intolerable to remain together. You will have to provide proof in court.

In Canada, most people get divorced after they have been separated for one year.





Do I need to prove that the one-year separation is not my fault?

No. You do not have to show who is at fault. There is no advantage in the divorce proceedings to proving fault for the divorce.

Can I get divorced if my spouse does not agree?

Yes. Even if your spouse does not agree to the divorce, you can ask the judge to grant you a divorce. Your spouse cannot force you to stay in the marriage.

Can I get divorced without my spouse knowing?

No, you cannot get divorced without your spouse knowing. Your spouse will get the chance to see the divorce paperwork and reply.

Can I start a new relationship before my divorce?

You may enter an unmarried relationship before you divorce. But it is illegal to get married to another person before you get a Certificate of Divorce from the court.

If I was married in another country, does PEI recognize it?

Usually, yes. If your marriage was valid in the province, territory, or country where it was performed, PEI will recognize it as well. But there are some cases where PEI will not recognize your marriage. For example, if you are under the age of 16 and get married in a country where that is legal, your marriage will not be recognized on PEI.

I was married in another country/ province. Can I get divorced on PEI?

Yes, you can get divorced on PEI if:

- Your marriage is valid on PEI, and
- You or your spouse have lived on PEI for at least 365 days (one year).

If you were married in another country, that country may not recognize your divorce.

Can I get divorced on PEI if I am not a Canadian citizen?

Yes. You do not need to be a Canadian citizen to get divorced on Prince Edward Island.

I got divorced in another country or province. Is my divorce valid on PEI?

Yes. Your divorce is valid if you or your spouse lived in that country or province for at least one year before you started divorce proceedings.

What is the difference between a contested and uncontested divorce?

An **uncontested divorce** is a divorce where you and your ex-spouse agree on all the terms of the divorce. It is filed with the court and reviewed by a judge, but no court hearing is necessary.

An uncontested divorce can take between three and six months to complete. You may not need to hire lawyers for an uncontested divorce. But legal advice is always recommended before signing legal documents.

A **contested divorce** is a divorce where you and your ex-spouse cannot agree on the terms of the divorce. For example, you may disagree about parenting or about who will live in the family home.

A contested divorce often takes much longer than an uncontested divorce. If the divorce goes to a court hearing, you may have to appear before a judge at the courthouse.




If your divorce is contested, read our publication [*How to Go to Family Court Without a Lawyer*](#).

Do I need to get legal advice about my separation or divorce?

It is always a good idea to get legal advice from a lawyer when divorcing or separating. This is especially true if you and your spouse cannot agree on the terms of the divorce.

If you do not have a lawyer, the Lawyer Referral Service may be helpful. Community Legal Information offers the Lawyer Referral Service. You may access up to 45 minutes of consultation with a lawyer for \$25 + tax.

Community Legal Information

-  www.legalinfopei.ca
-  info@legalinfopei.ca
-  902-892-0853; 1-800-240-9798 (toll-free)

What is a Certificate of Divorce?

Once your divorce is complete, the court will issue a Certificate of Divorce. The certificate is important. If you choose to remarry, Vital Statistics requires a Certificate of Divorce to prove that you are divorced before they will issue a new marriage licence. If you lose your certificate, ask the court for a replacement. There is a fee.



Community Legal
Information





Annulments

What is a legal annulment?

A **legal annulment** is a legal declaration that a marriage is void and has been since the beginning. If you get a legal annulment, you do not need to get a divorce.

You can apply for a legal annulment if:

- One spouse is unable or unwilling to have sex and the other spouse did not know that before marriage.
- The spouses are too closely related to each other by blood or adoption.
- A spouse was too young to get married.
- A spouse was threatened, or coerced into the marriage.
- A spouse was not mentally competent to sign the marriage contract.
- A spouse was already married to another person when they signed the marriage contract.
- A spouse was unable to consent at the time of marriage.

There may be other reasons for a legal annulment. Speak with a lawyer if you believe you qualify for a legal annulment and want to get one.

What is a religious annulment?

A religious annulment means your marriage is revoked by your place of worship only. This type of annulment is not legally recognized. If you get a religious annulment without a divorce or legal annulment, you are still legally married.

Division of Property

What are the division of property rules for married spouses?

The value of assets acquired during your marriage (and that you still own) is divided equally between spouses. The increase in value of assets owned at the date of the marriage (and that you still own) is divided equally between spouses. Debts are also divided equally.

If a 50/50 division does not work for your family, spouses can agree to an unequal division of property. A judge may order an unequal division of property in some situations.

It is important to get legal advice from a lawyer if:

- You and your spouse want to divide your assets unequally.
- You have family property in another country.
- You received a gift or inheritance from a third person, damages for personal injury, or an insurance payment.

What are the division of property rules for unmarried spouses?

The equal division of property rule does not apply to unmarried spouses. When unmarried spouses separate, the person whose name is on the deed or proof of purchase of the asset may be the only one entitled to it.

Unmarried spouses are only responsible for each other's debts if they co-signed for the debt, or the debt is in both names. You and your spouse can agree to divide property and debts.

Sometimes, at the end of an unmarried relationship, most of the assets belong to just one person. For example:

- One person may have done all of the housework and parenting while the other collects money and property.
- One person may spend a lot of time and money improving a house that their spouse owns.

If you have put time and/or money into an asset owned by your spouse, you may take legal action to get a share of the value of the asset. Consult with a lawyer.

Unmarried spouses can sometimes divide pensions from employers or governments. Ask the pension provider for details.

Can I force my spouse to leave the family home?

If you are married, both spouses have an equal right to live in the family home. Neither one of you can force the other to leave unless you get a court order forcing them to leave for the safety of the rest of the family.

A **court order** is a document from the court that states a judge's decisions and rules that must be followed.

Read our publication, [*Court Orders for Your Protection*](#) for more information.

What about cultural practices for dividing property?

There are many cultural practices about spouses' rights to property both during and after the marriage. Some of these practices are legal in Canada, and others are not. Ask a lawyer for advice.





Spousal Support

What is spousal support?

Spousal support is money paid by one spouse to the other spouse. Spousal support serves a few different purposes.

Spousal support may be used to:

- Make sure that relationship breakdown does not leave a spouse suffering financially.
- Compensate a spouse for the ways they sacrificed to support their spouse's career.

Spousal support is not automatic. A spouse asking for support must prove they are entitled to support. An ex-spouse is usually expected to work and earn money if they are able.

Can I apply for spousal support if I was not married to my spouse?

Yes. You can ask for support if you and your spouse:

- Lived together for three years or more, or
- Have one or more children together.

What is the time limit for a spousal support application?

If you are unmarried, you must file for spousal support within two years of separation. If you were married, you must file for spousal support within six years of separation.

Can I apply for spousal support if I started the separation or divorce?

Yes. Spousal support is not connected to fault. You can still apply for spousal support if you:

- Had an affair, or
- Separated from your spouse, or
- Started the divorce process.

How do judges decide if there should be spousal support?

Judges consider many factors to decide if there should be any spousal support paid, how much should be paid, and how long it will last. The judge may base their decision on Justice Canada's Spousal Support Advisory Guidelines, but not always.

Spousal Support Advisory Guidelines

i www.justice.gc.ca/eng/fl-df/spousal-epoux/ssag-ldfpae.html

**Spousal Support
Advisory Guidelines**



Parenting

Parents have the same responsibilities to their children. Parenting responsibilities do not depend on factors like:

- Gender, or
- Age, or
- Marital status (meaning if you are married or not).

Children have the same rights if their parents are married or unmarried.

Usually, both parents have parenting time and decision-making responsibility. When parents separate, they must decide on what their parenting roles will be. Canadian law prioritizes the best interests of the child. If it benefits the child, both parents should spend time with the child.

What is parenting time?

Parenting time is the time a child spends in the care of a parent.

Unless a court orders differently, a parent with parenting time can:

- Let the child visit other people. This includes the child's family members and friends.
- Make minor decisions about daily activities for the child during their parenting time. For example, visiting a friend.

Unless a court orders differently, a parent always has the right to information about the child's education, health, and well-being.

What is decision-making responsibility?

Decision-making responsibility means making major decisions for a child.

Major decisions include decisions about the child's:

- Health
- Education
- Culture
- Language and spirituality
- Significant extra-curricular activities (for example, commitment to a sport or activity that will impact the other parent's parenting time).

Parents may have similar or different decision-making responsibilities. For example, you may be responsible for education, while another parent is responsible for health. Or you and another parent may share all decision-making responsibility equally.



How do we resolve parenting disagreements?

You and the other parent may:

- Come to an agreement yourselves.
- Get help from a mediator or a lawyer.
- Go to court and ask a judge to decide (only if it is not possible to reach an agreement outside of court).

Remember, Child-Focused Parenting Plan Mediation helps parents make a parenting plan. This service is free.

Going to court is the last resort for resolving disagreements. The law says you must try to resolve a disagreement outside of court first.

If you go to court, a judge can make a parenting order that sets rules for a family's parenting. The judge only considers the best interests of the child when making a parenting order. A judge's decision is not affected by the age, gender, or incomes of the parents.

As a parent, you must:

- Act in the best interests of the child.
- Protect the child from conflict.
- Try to resolve matters through dispute resolution.
- Provide complete, accurate and up-to-date information as required by court.
- Obey court orders.

Child-Focused Parenting Plan Mediation

☎ 902-368-6928

✉ fcco@gov.pe.ca

Child Focused Parenting Plan Mediation



Child Support

What is child support?

Child support is the financial duty a parent has to a dependent child.

A parent must financially support their dependent child. A parent cannot ignore or deny this responsibility. This is true if a child's parents were married or not, lived together, or never lived together.

A person who acts as a parent to a child, such as a relative or step-parent, may be able to receive or be required to pay child support.

Are parenting responsibilities and child support connected?

Child support and parenting responsibilities are settled separately. For example:

- A parent may be required to pay child support and have no parenting time or decision-making responsibility.
- A parent cannot be denied parenting time because they are not paying child support.


Parenting and child support can be decided separately, or at the same time as other issues.

What are Child Support Guidelines?

Across Canada, parents can use the [Child Support Guidelines](#) (the Guidelines) to calculate how much support each parent must pay.

The Guidelines outline the basic monthly amount of child support that should be paid. In addition to the monthly amount of child support, a parent can also ask for more money from the other parent for the child's special expenses. For example, medical, education, extracurricular activities, and daycare expenses may be considered special expenses.

Child Support Guidelines

 www.justice.gc.ca/eng/fl-df/child-enfant/cst-orpe.html

Where can I get more information about child support?


For more information about child support, see our publication *Parenting and the Law*. It includes information about the process of setting up child support, changing child support, and more.

Child Support Guidelines Officers can give you information about the child support tables, court forms, and the court process if you do not have a lawyer to help you. These services are free of charge.

Child Support Guidelines



Child Support Guidelines Officer

 902-368-6220

Family Violence

What is family violence?

Family violence is any violence by one family member against another. There are legal options to protect yourself from family violence.

Family violence can include:

- Hitting, punching, scratching, biting.
- Threatening injury or property damage.
- Forcing someone to stay in a room.
- Sexual activity without consent.
- Emotional abuse.
- Depriving food, clothing, medical attention, shelter, transportation, or other necessities of life.

Anyone can be a victim of family violence.





What do I do if a family member is violent?

If you are feeling threatened and unsafe in your home, there is help.

If you or the children are in immediate danger, call 911. The police will come to your house. They will talk to your family. They may lay charges of assault against the person who hurt you. If the assault is serious, the police may arrest the person who hurt you. The police may apply for an Emergency Protection Order (EPO) for you. If you do not speak English, the police will arrange interpretation services.

For more information about family violence, read our publication *[Family Violence and the Law](#)*.

For more information about protection orders, read our publication *[Court Orders for Your Protection](#)*.

How can the RISE Program help?

RISE offers free legal support for victims of sexual or intimate partner violence, and workplace sexual harassment. If you have experienced intimate partner violence, you can get up to four hours of free legal advice with RISE. RISE is a program of Community Legal Information.

RISE Program

-  www.risepei.com
-  rise@legalinfopei.ca
-  902-218-6143 (call/text)

RISE Program



How can Victim Services help?

Victim Services is a free and confidential provincial program. It supports you during the criminal justice process. Victim Services can support you at any point, even if charges have not been laid or if you do not want to report to police. Victim Services can connect you with other parts of the criminal justice system, including the police and the Crown Attorney. Victim Services works with victims of all genders.

Victim Services provides:

- General information about the criminal justice system.
- Information about your case.
- Safety planning.
- Court preparation and court accompaniment.
- Help writing your victim impact statement.
- Referrals to other services.
- Emotional support and short-term counselling throughout the process.

Victim Services does not provide legal advice.

Victim Services

Queens and Kings County

✉ victimservicescharlottetown@gov.pe.ca

☎ 902-368-4582

Prince County

✉ victimservicessummerside@gov.pe.ca

☎ 902-888-8218

Victim Services



How can Family Violence Prevention Services (FVPS) help?

You may wish to contact Anderson House Emergency Shelter or an outreach worker with Family Violence Prevention Services (FVPS). Anderson House can be reached 24 hours a day toll-free at 1-800-240-9894 or in Charlottetown at 902-892-0960. Although men cannot stay in the shelter, FVPS staff can provide outreach services, referrals, and other assistance.

Family Violence Prevention Services' outreach workers can be reached Monday to Friday between 8 am and 4:30 pm at:

- West Prince 902-859-8849
- East Prince 902-436-0517
- Eastern PEI 902-838-4600, ext. 23
- Queens 902-566-1480, ext. 224

What if I am an immigrant, and my sponsor is violent?

Everyone in Canada, no matter what their immigration status is, has the right to be protected by Canadian laws.

You will not be deported just because you leave an abusive relationship. But you may need to take further steps to keep your immigration status up to date. If you are not sure how the separation will affect your status in Canada, consult an immigration lawyer.

If you are afraid and think you, your children, and/or others are in immediate danger, call the police at 911.

International Travel

It is against the law to remove a child from Canada if they usually live here and this removal means that a parent cannot have parenting time. Canada has an international agreement with many other countries that children are quickly returned.

You will likely have to show you are allowed to take your child out of Canada if:

- You are travelling without the child's other parent, or
- You are their only parent.

How can I make sure my child is not taken out of Canada?

If your child is a Canadian citizen, tell Passport Canada you do not consent to your child being issued a passport. Ask Passport Canada to put your child's name on the Passport Control List.

For more information:

- Call Passport Canada toll-free at 1-800-567-6868.
- Read *International Child Abduction: A guidebook for parents* at www.travel.gc.ca.
- Call the Vulnerable Children's Consular Unit, Global Affairs, toll-free in Canada at 1-800-387-3124.

If your child is not a Canadian citizen, contact:

- Canadian Border Services 1-800-461-9999.
- The embassy of your country.
- The agency that issued your child's passport.





If I am travelling outside of Canada with my children, what documents do I need?

If you share parenting of your child with someone else, bring:

- A letter from the other parent that says they give you permission to take the child out of Canada. You can use the Canadian government's recommended consent letter for children travelling abroad.

If your child does not have another parent, bring legal documents that prove you do not need permission to travel with them on your own. For example:

- A death certificate (if the other parent is dead).
- A court order that shows you can travel with your child without asking anyone first.
- An agreement with the child's other parent that says you can travel internationally with the child without their consent.

The country you are traveling to may have other requirements. Before you travel to another country, ask their embassy or consulate:

- What documents you need, and
- If there are any other steps you need to take.

Recommended consent letter for children travelling abroad

i www.travel.gc.ca/travelling/children/consent-letter

Travel consent letter



Immigration Status

Can my sponsor make me leave Canada?

If you are a permanent resident, your spouse, partner, or sponsor cannot make you leave Canada. Only Canadian immigration officials can order a person to leave the country. This can only happen after an immigration hearing takes place. You will not be ordered to leave the country just because your sponsor wants you to leave.

Immigration, Refugees and Citizenship Canada (IRCC) will not make you leave Canada simply because your relationship ended.

What if my spouse is my sponsor and we separate or divorce?

If your spouse is your sponsor, you still have the right to end your relationship.

If you are a permanent resident, immigration officials will not ask you to leave Canada if you separate from your spouse (unless they believe the marriage was not genuine).

Your sponsor was required to sign a sponsorship undertaking. This means that your sponsor must continue to support you for three years. Separation or divorce does not change this commitment.

What if I am not a permanent resident and I leave my spouse?

Consult with an immigration lawyer about how a change in your marital status may affect your right to stay in Canada.

What if my sponsorship breaks down?

If you are a permanent resident, IRCC will not take any action against you (or your children) if your sponsorship breaks down. You will not be deported. Consult with an immigration lawyer for legal advice.

Can I go to family court if I am not a Canadian citizen?

Yes. Immigrants have similar rights to anyone else to use Canadian courts to deal with their family law issues. A person married outside Canada can go to court in Canada to resolve family law matters.

You can still apply for spousal support if you separated before your immigration to Canada is complete. For more information for newcomers to Canada, visit the Immigration, Refugees and Citizenship Canada website.

Immigration, Refugees and Citizenship Canada

 www.cic.gc.ca

**Immigration, Refugees
and Citizenship Canada**



Glossary

Adultery

A voluntary sexual relationship between a spouse and someone who is not their spouse.

Child Support

The financial duty a parent has to their dependent child.

Collaborative practice

When you negotiate a settlement with the other person, collaborative practice lawyers, and other professionals. Everyone must agree to keep the dispute out of court.

Contested Divorce

A divorce where ex-spouses do not agree on the divorce terms.

Court order

A document from the court that states a judge's decisions and rules that must be followed.

Decision-making responsibility

Making major decisions for a child. For example, the child's health, education, or culture.

Dispute resolution

Resolving conflict outside of court.

Divorce

The legal end of a marriage.

Family violence

Any violence by one family member against another.



**Legal annulment**

The legal declaration that a marriage is void.

Married spouses

Spouses who had a recognized marriage ceremony.

Mediation

When you, the other person, and a mediator try to resolve disagreements.

Negotiation

Communicating to try to reach an agreement.

Parenting time

The time a child spends in the care of a parent.

Separation

When spouses live separately and apart with the intention of not being spouses.

Separation agreement

A contract between spouses that includes information about division of property, parenting responsibilities, and other arrangements.

Spousal support

Money paid by one spouse to the other.

Trial cohabitation

An effort to get back together that is 90 days or less during a one-year separation. It does not interrupt the separation.

Uncontested divorce




A divorce where ex-spouses agree on the divorce terms.

Unmarried spouses

Spouses who have not had a recognized marriage ceremony.

Support Services

Community Legal Information and Lawyer Referral Service

-  www.legalinfopei.ca
-  info@legalinfopei.ca
-  902-892-0853; 1-800-240-9798 (toll-free)



We provide legal information, referrals, publications about legal topics in English and French, public speakers, and presentations on legal topics. This is a free, confidential service. We also offer the Lawyer Referral Service, which provides a short consultation with a lawyer for a modest fee.

RISE Program

-  www.risepei.com
-  rise@legalinfopei.ca
-  902-218-6143 (call/text)


The RISE Program provides free legal resources and support to people who have experienced sexual violence, workplace sexual harassment, or intimate partner violence. This is a free, confidential service.

Triple P Parenting

-  www.triplep-parenting.ca/pei
-  902-368-6762



Triple P is a parenting program that provides ideas about healthy parenting approaches. Services are available both online and in-person.

Positive Parenting from Two Homes (PP2H)

-  www.princeedwardisland.ca/en/information/justice-and-public-safety/positive-parenting-two-homes-program
-  1-877-203-8828 or 902-368-4333



This program offers free information and education for families experiencing separation, divorce and/or parenting from different homes. Sessions help parents deal with concerns about children getting caught in the middle of parental conflict. If both parents participate, they will attend separate sessions. PP2H for Kids is a program for children in kindergarten to grade nine.

Maintenance Enforcement Program (MEP)

-  www.princeedwardisland.ca/en/information/justice-and-public-safety/maintenance-enforcement-program-enrollment
-  902-894-0383

This office collects and distributes child and spousal support and takes steps to enforce support orders and agreements when they are not paid. You must register your order or agreement with this service to use it. MEP is not just for parties who have challenges with receiving support payments. MEP provides parties with a legal record of support paid. It is voluntary to enroll in the program, but if even one party wants to use the service, support payments must be made through MEP.

PEI Family Legal Aid

-  Charlottetown: 902-368-6656
-  Summerside: 902-888-8066

Legal Aid provides free legal representation for some family law issues. There are criteria that you must meet to qualify for this service.

Child Support Services Office

This office provides services such as the Child Support Guidelines Office and the Recalculation Office.

Child Support Guidelines Officer

☎ 902-368-6220

A Child Support Guidelines Officer can give you information about the amount of child support your child may be entitled to under the Federal Child Support Guidelines. The Officer can also help you apply for child support, or change an existing child support order or agreement. Child Support Guidelines Officers can't give you legal advice.

Recalculation Officer

☎ 902-368-4109

If you have a child support order or agreement that provides for yearly recalculation of child support, you may be able to register your order or agreement with the Recalculation Officer to get your child support recalculated annually. Only certain orders are eligible for recalculation. Contact the Recalculation Officer to see if you are eligible.

Child-Focused Parenting Plan Mediation

i www.princeedwardisland.ca/en/information/justice-and-public-safety/child-focused-parenting-plan-mediation

☎ 902-368-6928

✉ fcco@gov.pe.ca

A free mediation service that helps parents make agreements on parenting time and decision-making responsibilities.





Immigrants and Refugees Services Association (IRSA)

- i** www.irsapei.ca
- ☎** 902-628-6009

Provides short-term settlement services, and long-term inclusion and community integration programs for new immigrants in the province of Prince Edward Island.

Moncton Refugee Clinic

- i** www.nbrc-crnbc.ca
- ✉** info@nbrc-crnbc.ca
- ☎** 506-204-5781

Free English and French legal services to refugee claimants who do not have the financial means to hire a private lawyer. The Moncton Refugee Clinic will support people living on PEI.

Halifax Refugee Clinic

- i** www.halifaxrefugeeclinic.org
- ✉** halifaxrefugeeclinic@gmail.com
- ☎** 902-422-6736

Free education, legal, and settlement services to refugee claimants who are unable to afford a private lawyer. The Halifax Refugee Clinic will support people living on PEI.


Mi'kmaq Family Resource Centre

- i** www.mikmaqfamilyresourcecentre.wordpress.com
- ☎** 902-892-0928

The Mi'kmaq Family Resource Centre offers services that promote the health and well-being of Indigenous children and their parents, guardians, and caregivers.


Mi'kmaq Family PRIDE Program


 www.mcpei.ca/#programs

 902-831-2711 (Lennox Island First Nation), 902-436-5101
(Summerside), 902-676-2722 (Abegweit First Nation)

Provides support to on-reserve Indigenous families. They work toward the wellness, protection and safety of Indigenous children and Indigenous families.

PEI Child Care Subsidy


 www.princeedwardisland.ca/en/feature/child-care-subsidy-calculator#/service/ChildCareSubsidy/SubsidyCalculator


 1-877-569-0546

This subsidy covers all or part of childcare costs at licensed daycares. Use the online Child Care Subsidy Calculator to see if you are eligible.

Office of the Children's Lawyer

 www.princeedwardisland.ca/en/information/childrens-lawyer-0

 OCL@gov.pe.ca

 902-368-4842

An independent provincial government office. The office has lawyers that may decide to represent or be a litigation guardian for children in high-conflict situations. The office only acts in parenting time and decision-making responsibility cases.

More Resources

Community Legal Information also offers the following publications:

- *Parenting and the Law*
- *Family Violence and the Law*
- *A Parenting Plan*
- *How to Go to Family Court Without a Lawyer*
- *Resolving Conflict Outside of Court*
- *Court Orders for Your Protection*
- *Making a Safety Plan*
- *Health & Safety Plan for Indigenous Families*

We also have publications on other legal topics. All publications are free and can be found on our website. Contact us for paper copies.

Community Legal Information

- www.legalinfopei.ca
- info@legalinfopei.ca
- 902-892-0853; 1-800-240-9798 (toll-free)

Community Legal
Information





Community Legal Information is a charitable organization that receives funding from Justice Canada, the Law Foundation of PEI, the Law Society of PEI, the PEI Department of Justice and Public Safety, and other sources. Community Legal Information provides Islanders with understandable and useful information about the law and the justice system in Prince Edward Island.

For more information on other legal topics, visit www.legalinfopei.ca, email us at info@legalinfopei.ca, or call us at **902-892-0853** or **1-800-240-9798**. You can also find us on social media.

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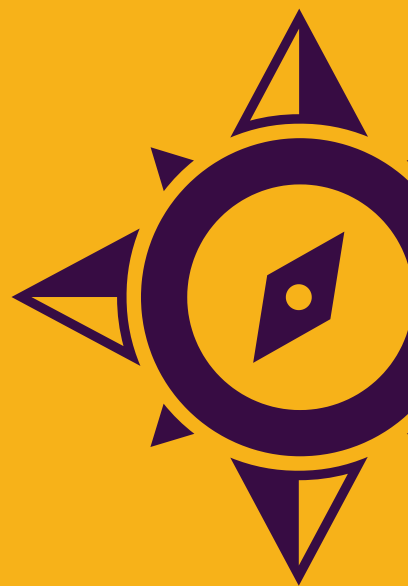
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