

My spouse and I have separated and we cannot agree on anything. What do I do?

You should speak with a lawyer to get legal advice. The lawyer will advise you about obtaining a Court Order. You can ask the Court to make a decision on questions including:

- which of you the children will live with;
- child support; and
- who can live in the family home

The Court will then make an Order which your spouse must follow.

My spouse and I have separated and she/he has taken all the money from our bank account . How can I get my money?

When spouses separate they have to share their property equally. Depending on the total value of the property that you keep your spouse may have to give you back your share of the money.

I want to separate from my common law partner. Can I get spousal support?

In Manitoba, there are different laws that apply to decide whether a couple is in a common law relationship. If your common law relationship falls into one of the following categories you may have a right to get spousal support:

- your relationship has been registered with the Vital Statistics Agency;

- you have a child together and have lived
- together for one year or more; or
- you do not have children together but have lived together for three years or more.

When should I see a lawyer?

You should see a lawyer:

- to get legal advice about separation, divorce, annulment
- to write a Separation Agreement for you
- before signing a Separation Agreement
- if your spouse has taken all the money out of your bank account
- if you and your spouse need to go to court
- if your spouse is not following the Separation Agreement

What if I can't afford a lawyer?

You may be able to get a lawyer through Legal Aid. You should call them to see if this is possible. Their number in Winnipeg is 204-985-8500.

Separation

&

Divorce



**Community Legal
Education Association**

205 – 414 Graham Avenue
Winnipeg, Manitoba R3C 0L8

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Written by Andrea Collins-Fitzpatrick

Separation and Divorce

What is the difference between a separation and divorce?

When you separate you and your spouse are no longer living together as a married couple but you are still married.

You are divorced if the court has said that you are no longer married. This means that legally your marriage has ended. You will know that you are divorced when you get a document called a Divorce Judgment from the Court.

What does common law mean?

A common law relationship means that you and your partner are living together in a relationship like marriage but you are not legally married.

What is an annulment?

An annulment means that the Court finds that a marriage never existed. You do not need a divorce if your marriage was annulled by the Court. There are some religions that grant annulments. Religious annulments are not recognised by the Courts in Canada and you will still need to get an annulment or divorce from the Court. Annulments are rare.

DIVORCE

What are the grounds for divorce?

In Canada you can get a divorce if you can show that your marriage has broken down. You can show that your marriage has broken down in **one** of the following ways:

- you have been separated from your spouse for one year or more and you do not intend to get back together; or
- your spouse has been mentally or physically cruel to you; or
- your spouse has committed adultery (has had sex with someone else)

I want to divorce my spouse who lives in another country, how can I get a divorce?

You can get a divorce if you have been living here for one year or more. You will need to show that you were married by having the marriage certificate. It is best to speak with a lawyer to get advice.

Can I get a divorce if I am not a Canadian citizen?

Yes. You do not need to be a citizen to get a divorce.

If my spouse and I have been separated for many years, do I still have to get a divorce?

Yes. If you want your marriage to legally end you need to get a divorce. Divorce is not automatic. It does not matter how long you have been separated.

I sponsored my spouse to Canada and she/he now wants a separation or divorce. Do I still have to support them?

Yes, you must support your spouse for three years after they became a permanent resident in Canada. If you are separated or divorced during that three year period you still have to support them.

My spouse and I have been married for only a few months, do I still have to get a divorce?

Yes. Even if you have been married for a few months, you will need to get a divorce if you want to end the marriage.

I sponsored my spouse to Canada and she/he now wants a separation or divorce. Do I still have to support them?

Yes, you must support your spouse for 3 years after they became a permanent resident in Canada. If you are separated or divorced during that 3 year period you still have to support them.

SEPARATION

I want to separate from my spouse but I do not want a divorce. What do I do?

You do not have to get a divorce. You can just separate from your spouse. It is best to speak with a lawyer to find out about your rights.

When you separate, you and your spouse will have to make decisions about:

- who will live in the home;
- which of you the children will live with;
- financial support for your children and for you, and
- how your property and your money will be shared

If you agree, you can write your decisions in a Separation Agreement, which is a legal document. You should speak to a lawyer before you sign a Separation Agreement. The lawyer will make sure that you understand your legal rights.

You and your spouse must have different lawyers.

My spouse and I have separated and we want to work out details about our separation but we cannot agree on some issues. What can I do?

You can speak to someone called a mediator who can help you and your spouse to agree. A mediator cannot give you advice about the law. After you and your spouse have agreed you can speak to a lawyer who will give you advice and write down what you have agreed on in a Separation Agreement.