



Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP Answers to pressing questions on Family Law.

Securing legal counsel is key in parenting disputes.

Question: My ex-wife keeps saying that my nine-year-old daughter doesn't want to see me even though we have a scheduled parenting plan. I haven't seen her in months. She keeps ignoring my emails I don't owe her any money. I would like to go to court to enforce our agreement. However, I'm not sure I want to hire a lawyer. I have a job, but lawyers are expensive. Legal Aid won't help me because I work. I have some assets and a modest income. What do I do?

Answer: Borrow the money, if necessary, but get an experienced family law lawyer. People have no hesitation financing a car. Right now, the Ontario courts are grossly overburdened by litigants attempting to represent themselves. Judges often complain that they continually have to explain that they continually have to explain the law and procedure rather than administer justice. "Duty counsel" court appointed lawyers in each Ontario Family Court have very limited responsibilities and only give initial advice to such self-represented parents and court appearances. That are not permitted so represent a parent. Usually, parents who represent themselves have little idea how the law works, what their rights are and how best to avoid the procedural mistakes that can cost them serious money in costs awards, nor do they know the best strategies to follow. Most importantly going to court may be the worst opinion of all. Good counsel can often avoid a courtroom confrontation altogether. They have all sorts of tools at their disposal that may avoid confrontation: Mediation, arbitration, custody/access assessments, conciliation, four way meeting of collaborative law. And when things go wrong, and cases do go wrong, that hardly damns the success of good counsel in most situations where the money is invested wisely. Sadly, some children no longer see their absentee parents because the "other" Dad or MOM would not turn whatever sources may be necessary to get the job done. Years later, it is often impossible to seek access when the child is older.

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