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LAW FIRM

50 things to discuss with your ex on separation

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It can be difficult to know what to do following a separation, especially in the case of what legal matters need to be resolved between you and your ex. To formally resolve such matters, parties typically do one of two things: proceed through the court for a Final Order or enter into a Separation Agreement.

Further to our article titled "Can my ex and I make a separation agreement without a Lawyer?", if both parties are on good terms and are able to have productive conversations about their separation, it can be helpful to know what topics are going to come up and how you and your ex may want to deal with those. This can also assist your lawyer when drafting the separation agreement, as it can be more efficient and cost-effective if you and your ex have negotiated crucial issues prior to involving a lawyer.

With that in mind, here is a checklist of 50 topics that you can either start thinking about on your own or start talking through with your spouse:

Basic Questions

1. When did you start living together?
2. When did you get married?
3. When did you separate?
4. How do you recall when you separated?

Children

5. How would you like to see custody of the children shared?
6. How do you envision splitting time with the children over holidays?
7. Who will have the children on Christmas Eve, Christmas Day and Boxing Day?
8. Who will have the children on New Year's Eve and New Year's Day?
9. Who will have the children for Spring Break?
10. Who will have the children for Easter?
11. Who will have the children for Mother's Day?
12. Who will have the children for Father's Day?
13. Who will have the children for Summer Break?
14. Who will have the children for Thanksgiving?
15. Who will have the children for their own birthday?
16. How will you arrange exchanging the children for each parent's time (who is picking up or dropping off)?
17. How will you approach changing the parenting arrangements in the future?

18. How will you make day-to-day decisions about the children, like meals, chores, and bedtimes resulting in consistency between households?
19. How will you make decisions about the children's education?
20. How will you make decisions about the children's healthcare?
21. How will you make decisions about the children's religion?
22. In a health emergency, how will you communicate with each other about what's going on?
23. Who is responsible for booking medical appointments (dentist, eye, doctor, vaccinations)?
24. How will you communicate about the children's medical appointments?
25. How will you attend parent-teacher meetings about the children?
26. Who will you list as secondary emergency contacts for the children?
27. Where will the children's documents be kept, such as health cards, birth certificates, and passports?
28. Where can you each travel with the children for holidays?
29. How will you provide each other with consent to travel with the children to cross borders?
30. What type of information are you going to provide each other with when you are travelling with the children for vacation purposes (flight numbers, hotel location, general itinerary)?
31. How will you decide which extra curriculums the children will enroll in?
32. What health benefits do you have for the children and how will you use the benefits?
33. Who will be responsible for purchasing everyday items for the children that may go between households (shoes, clothing, winter clothes, sporting equipment, etc.)?

Property

34. Will one of you keep the family home?
35. If you are going to sell the family home, what is the timeline to sell and plan for selling?
36. Who will keep the family cabin?
37. What is the plan for any other real estate (farmland, rental property, bare lots, etc.)? Will one of you keep it or will it be sold?
38. How are you going to divide up the household contents?
39. Who will keep the recreational vehicles (campers, boats, etc.) or will they be sold?
40. How much did each of you have in your sole bank accounts on the date of separation?
41. How much was in your joint bank account on separation, and who is continuing to use that account moving forward, or will it be closed?
42. Do either of you own shares in a business or corporation and what is the plan with those shares?
43. Do you each have a pension, and do you plan to split it?
44. What do each of you have for investments including TFSA, RRSPs, and RRIFs?
45. What do you each have for life insurance policies and will you keep the beneficiary designations or change them?
46. Who is responsible for the mortgage moving forward and what is the balance on separation?
47. Who is responsible for any loans (both joint or sole) moving forward and what is the balance on separation?
48. Who is responsible for credit card debt moving forward and what is the balance on separation?

49. Who is responsible for vehicle loans moving forward and what is the balance on separation?
50. Who is responsible for any other debts moving forward and what is the balance on separation?

While it may be difficult to know what is fair and equitable in matters following separation until you meet with a lawyer, it can be a great starting point to discuss these matters with your ex and can put you in a better position for when you do meet with a lawyer to finalize your separation. You will see that in our list we have not included what the plan is for child support, spousal support, or equalization payments for property division because those are items that the legislation and common law stipulate how they should be divided. Certainly, you can discuss those matters in advance of meeting with your lawyer, but parties should be aware that your lawyer will review with you what the law says on these topics and then you can make an informed decision on what you deem to be fair in your own circumstances.

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