

## ● Will I lose my house or other property when I get divorced?

Usually both spouses have a right to share the family assets on separation or divorce. Shared assets can include property either one of you owned after or even before you married. Examples are the family home, furniture, appliances, cars, money in a bank, stocks, other joint investments, RRSPs and pensions. Some assets might not be shared, such as money or property left to you in a will.

You and your spouse may agree how to share the family assets. You should get legal advice before you sign any agreement. If you cannot agree, your lawyers or a family mediator may be able to help you reach an agreement. If you still cannot agree, you or your spouse can go to court and ask a judge to decide.

## ● Will we split our debts?

Yes, both spouses are responsible for debts owed for things of benefit to you and/or your family. Examples are bills for heating oil or a family vacation, or money owed on joint credit cards.

You are not responsible for your spouse's personal debts unless you co-signed for them. For example, you would not usually be responsible for money your spouse borrowed to run a business. You should also close any joint credit cards.

## Information

### Start with LISNS' online legal information

- we bet you'll find the answers you're looking for: [www.legalinfo.org](http://www.legalinfo.org)

Call our **Legal Information Line** at **1 800 665-9779** or **455-3135** to get free legal information.

Need a lawyer? Call our **Lawyer Referral Service** at **1 800 665-9779**

or **455-3135** to request a lawyer referral. You can plan a 30-minute meeting with a lawyer for \$20 + HST. This will give you answers to important questions. If you are in police custody or criminal court, you can get free interpretation services.

Just want to listen to a recorded message on a particular legal topic?

Call **Dial-a-law** at **420-1888**.

For more answers to questions about **Family Law in Nova Scotia**, go online to: [www.legalinfo.org/family-law](http://www.legalinfo.org/family-law).

Divorce forms can be downloaded from the **Nova Scotia Barristers' Society** website at: [nslaw.nsbs.org/nslaw/forms.do](http://nslaw.nsbs.org/nslaw/forms.do)

**Family Law Information Centres** at the Supreme Court (Family Division) in Halifax Regional Municipality and Cape Breton. See their website at [www.gov.ns.ca/just/flic/](http://www.gov.ns.ca/just/flic/)

A **Do-it-Yourself divorce kit** is available from the Nova Scotia Supreme Court (Family Division) in Halifax or Sydney, or at the Nova Scotia Supreme Court outside of Halifax and Sydney. There is a small fee for the kit. Courts are listed in the government blue pages of the telephone book under "Courts," or visit the Nova Scotia Courts' website at [www.courts.ns.ca](http://www.courts.ns.ca)

**Understanding the Law: A Guide for Women in Nova Scotia** is a free online booklet useful for men and women:

[www.nawl.ca/ns/en/affili/NSAWL-utl0.htm](http://www.nawl.ca/ns/en/affili/NSAWL-utl0.htm)

**And They Lived Happily Ever After: Rights and Responsibilities of Common Law Partners** (2009). <http://women.gov.ns.ca/assets/files/andtheylivedhappily2de.pdf>

Nova Scotia Advisory Council's online **Guide for Immigrant Women** has a section on Laws in Nova Scotia: <http://women.gov.ns.ca/laws-in-nova-scotia.html>

Information on **Family Law in Nova Scotia**: <http://nsfamilylaw.ca/>

For more information on Family Law, please see the pamphlet called **What Newcomers Need To Know About Family Law On Children And Custody**.

Here is a list of Legal Aid offices: [www.nslegalaid.ca/contact.php](http://www.nslegalaid.ca/contact.php)

*This pamphlet provides general legal information. It does not give legal advice.*

What Newcomers Need to Know

# Family Law

## on Marriage, Separation, and Divorce

This pamphlet provides some information about family laws that deal with marriage, separation, and divorce, and where you can get more information.

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SOCIETY OF NOVA SCOTIA

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Family law deals with family issues and relations. Family law includes such things as marriage, separation and divorce, common law relationships, and child support, custody and access.

### ● **Is my marriage legal in Nova Scotia if I was married in another country?**

Most foreign marriages are legal in Nova Scotia. But you can only be married to one person at a time in Canada. For example, a man can be married to one woman.

### ● **I want a separation from my spouse. What do I do now?**

You should get legal advice before you separate. Do not use the same lawyer as your spouse.

Your lawyer will explain your rights and responsibilities. Some things you may need to get advice about are:

- custody, access and child support (if you have children)
- division of family assets and debts

You may be entitled to spousal support, a share in your spouse's pension, property or other things.

If you decide to have a separation agreement, your lawyer will help you decide what you want to put in it. He or she will protect your interests.

### ● **Can I stay in our family home?**

You may be able to stay in the home you shared as a family. If your spouse agrees, you should include it in the separation agreement. If you and your spouse disagree, you will have to go to court and have a judge decide. Your lawyer can explain how you do this.

### ● **Can I take my things with me if I move out?**

Yes, you have a right to take your personal belongings. If your children are going with you, you also have the right to take their personal belongings, such as clothes and toys. You may also have a right to take some property you both own to set up your new home. You should ask your lawyer for advice if you and your ex-spouse disagree about what you want to take with you.

You should not give away, sell or destroy property you own with your spouse such as furniture.

### ● **We want a divorce. What do I do now?**

You can apply for a divorce in Nova Scotia if you or your spouse has lived here for at least one year. You also must have a reason for wanting a divorce. This is called "grounds" for divorce.

The most common ground for divorce is one year's separation. Other grounds are adultery and physical or mental cruelty.

You will need an original of your marriage certificate and a certified translation if it is not written in English or French. If you cannot get an original of your marriage certificate, you will have to ask the court for special permission to divorce.

### ● **Can I get a divorce in Canada if I was married in another country?**

Yes. It does not matter if you were married in a different country. A Canadian divorce is valid in other countries as long as they recognize divorces granted in Canada.

### ● **Do I have to hire a lawyer?**

No, it is not a legal requirement. But it is a good idea to get legal advice even if you decide not to hire a lawyer to do the divorce. Divorce is a legal process that will have a big impact on your life. It may affect your rights and responsibilities for many years.

There is a list of places at the end of the pamphlet where you can get information, forms and kits which may help you if you decide to do your own divorce. It is a good idea to have a lawyer to review the forms before you file them with the court.

### ● **If I am divorced in Canada but was married in another country, am I divorced in that country?**

You should check the laws of the country where you were married to ensure that your divorce is recognized in that country.

### ● **Is my divorce legal in Nova Scotia if I was divorced in another country?**

A divorce obtained in a country other than Canada is a valid and effective divorce in Canada as long as one of the spouses had a "real and substantial connection" with the country granting the divorce.

The Canadian Divorce Act requires that the person getting the foreign divorce has been a resident for at least one year in the country granting the divorce immediately before he or she files for divorce.

### ● **How does a common law relationship end?**

The relationship ends when you stop living together. You do not have to go through a separation or a divorce to end a common law relationship.

But you could both have some rights and responsibilities after you stop living together, such as who will have custody and access of any children, how property will be divided, and how debts will be paid. If you cannot agree on these rights and responsibilities, you can go to court and have a judge decide.