

This copy is for your personal non-commercial use only. To order presentation-ready copies of Toronto Star content for distribution to colleagues, clients or customers, or inquire about permissions/licensing, please go to: www.TorontoStarReprints.com

LAWYER UP

ADVERTISEMENT

The do's and don'ts of navigating divorce with children

Thu., June 8, 2023 | ⌚ 4 min. read

Going through a separation or divorce can be trying on anyone, especially children. [Michael Stangarone](#), Partner, MacDonald & Partners LLP, has dedicated his career to aiding parents and their children through some of the most emotionally grueling periods of their lives.

"Helping people is very rewarding for me and is at the heart of what I do. My role is to advocate on behalf of my clients to reach a resolution. In some cases this means negotiating the terms of a separation agreement or navigating a child abduction matter," says Stangarone.

Stangarone provides a set of do's and don'ts to parents to help them inform their children of the impending separation in a compassionate way: "It's especially key to disclose the separation together in the comfort of a sit-down family meeting to let the child know that their parents will be living separately going forward. A parent can even opt for a professional to be present if they feel more comfortable with this arrangement. Most importantly, though, it's imperative to have a united front as parents. Every child will need reassurance as their whole world changes around them."

Other things to consider including, refrain from disparaging the other parent in the child's presence, create a safe and stable environment is key and most importantly, lay out a plan for what their new life will look like in two separate homes.

While one always holds out hope for an amicable splitting of a relationship, cases do arise where property division becomes an issue because the parties are unmarried or where a parent abducts a child in violation of a parenting agreement, court order or otherwise. Even though these disputes are part and parcel of the job, the firm is especially skilled in dealing with cases of this nature.

When a parent takes a child in violation of a parenting agreement Stangarone steps in to help navigate the sometimes-complicated matter of child abduction. In an ever-increasing global society, child abduction can happen for several reasons. Sometimes it's as serious as fleeing a violent spouse, other times abduction occurs because a parent wishes to be employed in another country or refuses to return home after a temporary stay in another jurisdiction. Stangarone will also assist with what are called relocation cases, and will request that the court relocate a child's designated home due to new circumstances or concerns raised by immigration status, potential new partners or new employment.



“Time is of the essence in child abduction cases, taking swift action is in the child’s best interest,” says Stangarone.

The 1980 Hague Convention on the Civil Aspects of International Child Abduction is used to help resolve international cases. The convention helps to decide which court will oversee the family matters. From there, the designated jurisdiction will take over to resolve the specific issues of the file – in some cases this means answering the question about which country the child will live in.

Property division also easily tops the list of disputes in separation or divorce. All assets and liabilities amassed during the marriage are calculated to determine the equalization payment for both parties to share in the wealth of the marriage. Normal proceedings ensure the spouse with the larger calculation of the net worth is mandated to pay the other spouse to equalize the wealth.

Disputes can arise when one parent wants to buy the other parent out of the family home out of a sense of wanting to create stability for the child, or a business is involved in the equalization equation, complicating matters further. When couples are unmarried, other measures need to be taken to ensure a fair division of assets, including filing a trust claim if the property title of the primary residence is only under one name or held jointly.

As with any new journey you are about to embark on, research is key. Stangarone adds: “Better representation comes with complete transparency, which comes with trust and being comfortable.”

Consulting with several lawyers to find the right chemistry and comfort level is crucial.

Stangarone is driven by the ever-changing landscape of family law, coupled with the intersection with other legal areas, such as criminal, tax as well as bankruptcy law, broadening the scope of his case and fostering a demand for further collaboration among colleagues. Having a wider scale impact family law by paving the way for new answers to existing questions.

“The advantage that [MacDonald & Partners](#) has is our large, well-qualified team of experts covering the legal landscape. This unique positioning allows us to adapt to meet the needs of a case as legal questions arise,” adds Stangarone.

For further information about Michael Stangarone at MacDonald & Partners LLP please visit their [website](#) or their [Facebook](#).

SHARE:

DISCLAIMER This content was supplied by the advertiser.