



SPORTS CAMP GOES MOBILE

Although some children just kept slipping away, these youngsters seem to know what they're doing as they participated in the Halton Hills Department of Recreation sports camp last Wednesday morning. Tina McGrath, Tot Lot assistant supervisor, gave a short roller skating demonstration at the

Georgetown Memorial Arena for those who had never been on roller skates before and then let them have their fun. Showing off their talents are (left to right) Bunny Meek, Michael Wilde, leader Kim Newcombe, Jimmy Manning and Bruce Waterworth.

Family law: and how it applies to children and spouses

LEGALLY SPEAKING is a regular column written by legally qualified people under the auspices of COMMUNITY LEGAL EDUCATION ONTARIO



By William Burnfield
According to the Family Law Reform Act, enacted in Ontario in 1978, a "spouse" is a married person or anyone who has lived with a person of the opposite sex for five years continuously. If a couple has lived together for a shorter time than that, they are still considered spouses if their relationship is fairly permanent and they have had a child.

Is there such a thing as a common law marriage? Legally, no. However, the Family Law Reform Act does give "common law spouses" some legal rights if the couple separates. For instance, either party may be entitled to financial support from his or her spouse when the relationship ends. The spouse must apply for such support within a year of separating and must be able to prove need.

It is wrong to think that a spouse in a common law relationship has the same legal rights as a spouse who is married. As mentioned above, there are no special rules about the equal division of family property for common law couples who stop living together.

Legally married spouses who separate have an automatic right to half of their "family property" (the things they and the children used). Common law spouses do not have such a right. Property is divided according to who paid for it, whose name it is in, the intentions of the spouses regarding ownership of the property, and the work or other contributions which the spouses made to maintain or build the property.

We can see how these rules work by looking at an example. George and Martha lived

together for ten years. When they split up, there were two items of property in dispute. One was a fur coat and the other was the house they had lived in.

Martha had bought the coat as a gift for George. When they split up Martha wanted the coat back; however, since she had given it to George intending that he keep it, a Court would probably allow him to do so.

George had bought the house they lived in and registered it in his name; however, since Martha had helped paint and maintain it for ten years, a Court might award her an interest in the house or compensation for her work.

The problem in both of these situations is that Martha and

George are depending on the way a judge might interpret their former intentions. They would be much more certain about how their property is to be divided if they had a "cohabitation agreement."

The Family Law Reform Act recognizes "cohabitation agreements" as legal contracts. In a cohabitation agreement, a man and woman can state how their relationship is organized, how they will divide up their property if they separate and the amount of financial support one spouse will give the other. Custody of children cannot be determined by a cohabitation agreement; this is a matter for a Court to decide.

In order to be valid, a "cohabitation agreement"

must be written, signed, and witnessed. However, a Court may disregard or vary the terms of the agreement in cases when it is very unfair to one spouse, (for example, when one spouse is rich and the other is left on welfare).

Unmarried parents' rights of custody and access to their children are the same as those of married parents. That is, a Court will decide to whom custody and access will be granted by determining what is in the best interests of the child.

The Family Law Reform Act provides that every parent must support his or her child. Once a Court has determined who the parents of a child are, it can order either or both of them to support the child to the best of their ability. The mother of a child born to common law parents is usually easily determined.

However, sometimes the father of the child is not known. Therefore, a man who

is living with a child's mother in a relatively permanent relationship when the child was born or within 300 days before the child's birth is presumed to be the father of the child, unless he can prove he is not. He and the child's mother will both be responsible for the support of the child, to the best of their ability.

The information in this article is accurate as of June, 1981. For more information on this and other topics contact Community Legal Education Ontario, 111 Queen St. E. Suite 310, Toronto, Ontario, M5C 1S2. For legal advice contact the Halton Hills Community Legal Aid Clinic at 5 Wesleyan St. in Georgetown, phone 877-5256.

Kelp-Help
In undersea kelp forests off the shore of southern California, a single giant kelp sometimes supports more than 50,000 small animals.

More money for downtown

The province's housing ministry has given the town a \$15,000 grant for "core area" studies in Acton and Georgetown. The money, added to another provincial grant of \$10,000 for studying redevelopment possibilities in the communities' business improvement areas, was the maximum amount allowable under the government program. Conducted simultaneously, the core area study aimed at establishing planning policies in the downtown sections for the town's official plan, and the redevelopment study could help Halton Hills get additional funding to help revitalize and preserve the historical character and shopping viability of the two Main Streets. In addition to the provincial funding for the studies, the town has also committed about \$35,000 in the study program.

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