

FAMILY LAW REFORM

The government of Ontario has enacted legislation which reforms family law, bringing it into line with modern family life.

A booklet explaining the new law is available from:
**Communications Office,
 Attorney General,
 18th Floor,
 18 King St. E.,
 Toronto, M5C-1C5**



Support

- Under the new legislation, a judge, having considered a couple's ages, health and financial resources, can order either one to support the other, and in what amount. The question of support is answered by whether it is needed — not by where the fault lies for the adultery, cruelty or desertion that may have preceded the marriage breakdown. Basically, the principle of the new support legislation is that as long as one of the spouses can show need and the other spouse can pay, support must be provided.
- A husband or wife can buy the necessities of life against the credit of the other, although both are legally bound to pay the debt. That right ends if the spouses separate or if one of them notifies creditors that he or she will no longer be responsible for the other's debts.
- Either spouse of a common law relationship can claim support after they have lived together for at least five years, or if there has been some continuity to their living together and they have a child.
- Parents are responsible for supporting their children up to age 18, unless the child is 16 or over and withdraws from the parents' control. If a child marries before 18, the parents are automatically relieved of the support obligation.
- Support is available for children born outside marriage, as well as for those born to legally married couples, and for children taken in by a person and raised as members of the family.
- If a creditor sues a minor to recover money owing for necessities, the minor's parents can also be liable, if they are responsible for that minor's support.
- Natural parents who have cared for and supported a child and those who have treated a child as one of their own family can claim support from a child over 18, if the parent is in need and the child can afford to support the parent.
- Where a person is supported by a public agency, the agency can claim support on that person's behalf from his or her spouse.
- A spouse who fails to make court-ordered support payments can have part of his or her wages deducted by an employer under a court order to do so, to satisfy the support order.
- Where a person from whom support is claimed cannot be found, a court can order disclosure to a court official from government or private records of the address, and only the address, of the person for the purposes of obtaining or enforcing a court order for support.

Matrimonial Home

The new legislation abolishes dower, the ancient common law right which entitled a wife to a life interest in one-third of her husband's real estate after he died. Dower is replaced by laws that protect the rights of both spouses in the matrimonial home.

- Either spouse can seek a court order for possession of the matrimonial home and contents, regardless of which of the spouses is the legal owner, or whether it is a rented home or not. But before a court makes such an order, it must be satisfied that financial support alone would be inadequate.
- Neither spouse can sell the matrimonial home without the other spouse's consent in writing. This protects the family by ensuring its members shelter. Where a spouse's consent cannot be obtained because he or she is unreasonably withholding it, is mentally incompetent or cannot be located, the court has power to order a sale without consent.

Domestic Contracts

- A couple can define in a marriage contract what their property rights, support obligations and child-rearing responsibilities will be during marriage, on the death of one of them or if they separate or divorce. A court may, however, alter a contract if it was drawn up fraudulently or under duress or undue influence, if its provisions are not in the best interests of a child, or if its provisions regarding support are unconscionable.
- A man and a woman who are living together but not married to each other can sign a cohabitation agreement, which is like a marriage contract.
- A marriage contract or cohabitation agreement cannot limit a spouse's right to live in the matrimonial home or to control the sale of it. It also cannot grant rights regarding the custody of children; those can only be spelled out in a separation agreement.
- Domestic contracts must be in writing and signed in the presence of at least one witness.

The Family Law Reform Act

Matrimonial Property

The old law assigned ownership of matrimonial property to the spouse who paid for it. This meant, in many traditional marriages, that the husband owned everything and the wife owned nothing, because she had no income from which to buy property. The contributions of a spouse in homemaking and child care were not recognized. Also, contributions toward family vacations and consumable items were not recognized. Public response has favoured sharing matrimonial property between husband and wife, including where one spouse's contributions are non-financial.

- The new law adopts the "family assets" approach to matrimonial property. This means a house, a car, household goods, a boat — whatever the family uses together for shelter or transportation or for household, educational, recreational, social or aesthetic purposes — will be shared equally as assets that belong to both spouses if the marriage breaks down.
- The court can change those equal proportions in favour of the husband or the wife, or order the couple to share other assets, such as business assets, if necessary to avoid unfairness in an individual case.
- This system applies only if the couple do not have a marriage contract which spells out exactly what each of them can retain if their marriage comes to an end.
- The family assets system applies only as long as both husband and wife are living, and only when their marriage breaks down. During their marriage, the spouses are free to deal with their own property as they wish, except the matrimonial home.

THE CHILDREN'S LAW REFORM ACT

- The status of illegitimacy has been abolished. All children now have the same legal rights, whether or not they were born within marriage.
- It is now possible to obtain a court declaration that a person is the child of another particular person, if such a declaration is necessary to settle a dispute.

THE MARRIAGE ACT

- Persons 16 or 17 years old must obtain permission of both parents to marry. Marriage under 16 is not permitted.
- Non-religious marriage ceremonies can be performed by judges and justices of the peace.

THE SUCCESSION LAW REFORM ACT

- This act governs the rights of surviving spouses and other family members on the death of a family member.
- If a person dies without a will the surviving spouse receives the first \$75,000 of the estate plus half of any remainder if there is one child, or one third of the remainder if there are two or more children. If there are no children, the surviving spouse receives the entire estate.

- If the deceased left a will, the surviving family members receive what the will says will go to them. If this is inadequate, they can apply to a court for a greater share of the estate. This right is available to the spouse, parents, children, brothers and sisters of the deceased if the deceased was supporting them or was under legal obligation to support them.

NOTICE:

During the summer months the Lantern will be available for purchase in local stores. These are being placed to serve temporary residents and tourists. The paper will still be distributed free of charge to area residents.

FOOD & DRUGS

With widespread use of drugs, many adverse food and drug interactions have been uncovered. These interactions can result in reduction of the effects of the drug, mild illness or even death. Always ask your doctor or pharmacist whether there are any foods or drugs to avoid when taking a drug.

FOOD & DRUGS THAT DON'T MIX:
Milk and milk products are rich in calcium which binds certain drugs such as tetracycline, impairing the drug's absorption. **AS WELL**, milk is alkaline and may dissolve the coating on the laxative bisacodyl (Dulcolax). The drug may then irritate the stomach enough to cause vomiting.
Foods containing pressor amines **INCLUDE** aged cheese, chianti wines, broad beans, pickled herring, chocolate, beef and chicken livers, coffee, cola, meat extracts, sour cream, yeast extracts and fermented foods. The substances can interact with anti-depressants such as Nardil, Parnate and Marplan, resulting in severe headache, sore neck, nausea, vomiting, sweating, palpitations and photophobia.
Artificial sweeteners containing cyclamates may prevent the absorption of the drug lincomycin. **Blue cheese** should be avoided when taking penicillin.
Foods rich in Vitamin K (leafy vegetables, egg yolk, liver) should not be eaten with anticoagulants. **Drink plenty of fluid** when taking sulfonamides.

Some drugs interfere with the way the body uses nutrients. This is a problem if the drug is used over a long period of time. Some examples:

Mineral oil, used as a laxative, may prevent absorption of fat soluble vitamins, A, D, E, K.
Diuretics or water pills may cause excessive loss of potassium. You may be advised to take a supplement or eat more foods high in potassium such as bananas, orange juice or dried fruit.
The Pill can affect the way certain nutrients are used by changing the body's hormone levels. There may be an increased need for Vitamin C, pyridoxin, folic acid, other B vitamins and certain minerals. Eat extra citrus fruit, wholegrain food and dark green leafy vegetables.

*from Nutrineews, Lesley MacDonald, Community Nutritionist, Leeds, Grenville & Lanark District Health Unit.

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 JUST
 CAN'T
 BEAT IT



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