

Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP
Answers to pressing questions on Family Law.

Don't represent yourself

Question: I have two children, but I moved for medical and other reasons to Alberta some time ago. My husband knew about the move for several months. However, he obtained a court order for interim custody to have the children returned to Ontario, but did not take them. Rather, he withheld enforcement of the order on the condition that he did not have to pay child support. In addition, I had to pay his legal fee of \$3,800. At first he voluntarily started making some payments. But now he says he wants to reinstate the old custody order to take the children away from me. He obviously lied when he said he would “rescind” the Ontario court Order if I did not “bug” him about child support. The problem is that legal aid says I earn too much for a Legal Aid certificate but I don't earn enough money to retain a lawyer. He's going back to court with the old court order and, not knowing enough about the law, I'm worried he will succeed and I will lose my kids. What am I to do?

Answer: You have a very common problem. For many who have modest incomes, Legal Aid is unavailable. However, even reasonably priced competent lawyer just cost too much especially for single parents who have no one to run to for help. You could try to represent yourself, but I honestly cannot advise you to do so. The courts are being deluged with self-represented parents and spouses who clog the courts since they haven't the slightest idea of the procedure or the law. Judge Brownstone of the North York Family Law Court recently mused that in many, if not most of the cases that he hears, spouses and parents are unrepresented without lawyers. People simply cannot afford any more. Judges are now often put into the unenviable position of having to explain both law and procedure to litigants. One solution is to call pro-bono Law Ontario which may have a list of competent family law lawyers who do God's work by working for free in certain situations. (416)977-4448 ext 226.

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