

DIVORCEmate News & Views

For Users of DIVORCEmate Software

#43 – May 2002

www.divorcemate.com

email: sales@divorcemate.com

Information - call (416) 718-3461 Ext. 420

B.C Forms+ Development Continues, Tools+ 2002 Ships, Law Society and DIVORCEmate Sign LOI

For the past 14 years, our DIVORCEmate News & Views newsletter has been an important source of information for our 5,000+ software users. Our newsletter has something for everyone - productivity hints, new product and seminar announcements, Family Law and technology information, humour and more. Please ensure that it is circulated to all family law professional staff including secretaries, law clerks, justices, judges, mediators, professors, accountants and lawyers.

Tools+ 2002 Shipped to All Current Users

We have continued to improve our Tools+ software for 2002. Virtually all of the **60+ improvements** have come from our Tools+ users, including lawyers, law clerks, support staff, judges and accountants.

With the help of our partner, **the Lawyers' Professional Indemnity Company**, and specifically **Ms. Yvonne Bernstein**, we have added useful content and pertinent case cites to our Tools+ 2002 User's Guide and Help boxes. This new information will help family law professionals to understand the problems, opportunities and pitfalls associated with the Child Support Guidelines and spousal support calculations.

Here are just a few of the many improvements and new features contained in Tools+ 2002:

- ☑ Ability to "toggle" between percentage of Family Net Disposable Income (NDI) *before* and *after* the payment of Special Expenses for both parties.
- ☑ Redesigned SUPPORTmate printout: increased to 5 "what if" scenario situations; more information about what goes into a NDI calculation; percentage of NDI for all 5 scenarios; new column and row reference grid.
- ☑ Expanded Help including important case cites and trends including a new internet-based, pay-as-you-play help service, Tools+ Wizard Service.
- ☑ Considers Ontario's new "Equity in Education Tax Credit" for private school fees.
- ☑ LIFEmate now calculates required life insurance based on pro-rata proportioning of CSG Table amount based on the ages of the children.
- ☑ Ability to split the CCTB if the parents decide to receive the benefit for six months each and includes net loss or gain information.
- ☑ updated income tax rates and limits; updated indexing factor; updated government social programs – Canada Child Tax Benefit, GST refunds; updated CPP calculation for self-employed individuals; Quebec tables for reference purposes; pop-up math calculator; ability to include or exclude household members in the

calculation of CCTB; ability to e-mail your Tools+ file to any other Tools+ user.

If you want your Tools+ 2002 Upgrade and you have not received it yet, please contact us at (416) 718-3461 x420.

Note: Tools+ \$50 extra license pricing ends 6/30/02.

Bonus: If you rerun the Tools+ 2002 CD, you will have the option of installing our innovative "Judges Net Family Property Statement" for MS Word only.

HOT! See the recent report to Parliament on the CSG: <http://canada.justice.gc.ca/en/ps/sup/pub/rp/report2002.html>

Special B.C. Training Seminar: Please note that the B.C. Forms+ and Tools+ training session in Kelowna, B.C. will take place after the conclusion of the National Family Law Conference on July 18th 2002. The training will include dinner and a pub-crawl; **don't miss it!**



B.C. Forms+ Development Continues For MS Word and WordPerfect

We have decided to produce the BC Forms+ software in **Word (97/2000/XP) and WordPerfect (8 / 9 / 10)** formats.

To date, we have completed the first set of B.C. family law forms and have had them reviewed by our consultant. Our next step is to spend time with a small "focus group" who will provide us with feedback on these forms.

The B.C. Forms+ software will include our simple Forms+ "Merge and Go" interface, complete with an available and completed forms list for each client. A lawyer's information database that is built and maintained within the software. A new Form 89 that is expandable and does all of the math calculations with a single click.

Our plan is to release our new B.C. Forms+ software at the July 15th 2002 National Family Law Conference in Kelowna, B.C.

For more information about our Forms+ software, please see the "Forms+ User Survey" included in this newsletter.

Pre-Order Your B.C. Forms+ and Save \$\$\$\$

We are pleased to announce the pre-release pricing for our new B.C. Forms+ for MS Word and WordPerfect, which includes the Form 89 Financial Statement(s) and 39 Selected B.C. Supreme Court matrimonial forms.

B.C. Forms+ Pre-Release Pricing

Upgrade (*ships week of 7/15/02 or earlier*) \$199
Additional user licenses \$50 each

less SUPREME discount, plus GST and BC PST; pre-release pricing is good until the end of June 30, 2002.

Eligible upgrades: original Lotus 123 based DIVORCEmate B.C. Form 89 or Form 4.
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Special Bonus Offer: includes the Form 4 Provincial Court Financial Statement for no additional charge.

To place your Forms+ order, please see the enclosed order form or contact Steve Krieger at **Legal Solutions Software** (604) 222-3582, skrieger@divorcemate.com.



Law Society and DIVORCEmate Sign Letter of Intent

The Law Society of Upper Canada and DIVORCEmate Software Inc. have signed a letter of intent that will allow DIVORCEmate Software to develop "intelligent" software based on the Law Society's soon-to-be-released book entitled **Separation Agreement Annotated**.

Initially, DIVORCEmate will provide the installation program for a "clauses only" CD which will accompany the book. This CD will install the separation agreement clauses without the annotations. This "clauses only" file will be installed on the user's Desktop in a single, unformatted, dumb text file that will be suitable for "cutting and pasting" purposes.

The future "intelligent" software will take the separation agreement clauses, and add a "smart document assembly" interface that will include a checklist and the annotation knowledge behind the clauses.

Using this "intelligent" software, a family lawyer will be able to build a comprehensive separation agreement for any client, based on his or her particular needs and circumstances.

The user will also be able to incorporate his or her own precedents into any client's separation agreement.

The intelligent "Separation Agreement Annotated" software will be the first module in DIVORCEmate's new **"Precedents+"** product line (available sometime in 2003).

"The Separation Agreement Annotated project is a huge opportunity for DIVORCEmate to bring critical information and knowledge 'off the page' and into a lawyer's electronic environment" said Mark Harris, President, DIVORCEmate Software Inc.

NEW Tools+ Wizard Service Introduced


Did you know there are 318 input boxes in the Tools+ 2002 software and 63 pages in the Tools+ User Guide? Yes, there is a lot to consider...perhaps we can help.

DIVORCEmate Software is pleased to announce **"Tools+ Wizard Service"**, a new pay-as-you-play,

internet-based service designed to aid family law professionals and their support staff in the proper use of our GUIDELINE Tools.

How do I use this new GUIDELINE Tools+ Wizard Service?

Step 1: You must be logged on to the Internet in order to start new Wizard Service.

Step 2: Once you are logged on, please click the  icon on your Tools+ 2002 Icon Bar. You will be launched into cyberspace and onto our website where you will be asked to complete information about your client's situation.

What is the cost of this service?

For a limited time, the cost of Tools+ Wizard Service is \$149 + GST, per situation, prepaid by VISA or e-billed to your law firm.

Since the Tools+ Wizard Service is an out-of-pocket expense that is incurred on behalf of the client, the full cost may be billed as a **disbursement to the client**.

Ontario R69 Forms+ Rejections, Update Now Available

We are aware that several Ontario courts (Toronto, Kitchener, Cochrane, Thunder Bay) are selectively rejecting our R69 Forms+ family law forms under the *Rules of Civil Procedure*.

Our users have notified us of only six instances in which our forms have been rejected (too many lines and checkboxes, "they look like the new Family Court forms").

It seems that most rejections stem from our attempt to slightly modernize the "traditional" court forms under the *Rules*. Our reasons for "modernizing" these forms were to simplify their use and to make DIVORCEmate forms easier-to-read in the electronic and paper environments.

We have been in contact with the Courts and the Ministry. Although there is no authority in the *Rules* for forms rejection by the desk clerks (apparently it is up to the judges to accept or reject forms), we have, amended our R69 Forms+ forms to meet the needs of all concerned.

For those of you who want to download these amended R69 Forms+ forms for **free** over a high-speed connection, click: <http://www.divorcemate.com/html/download.htm> and download the latest version "DIVORCEmate Forms+ (v.11.30.01) no lines" and run the install. If you require a CD, the cost will be \$25 plus taxes (see order form).

We apologize for any inconvenience these rejections may have caused to you, your staff or your clients.



Forms+ User Survey

Here are the results of our Forms+ User Survey sent out with the last *DIVORCEmate News & Views* newsletter. About 5% of our Forms+ users returned their surveys; 73 in all, but only 5 used the website survey.

- ❶ Primary word-processor: 29 Word; 43 WordPerfect (WP8 – 24, WP9 – 17, WP10 – 2); older WordPerfect just keeps hanging around... time to upgrade!
- ❷ Overall Forms+ rating: **8.3** – The vast majority of scores were 9's and 10's, however there were a few 1's! Two low scores came from firms still using WordPerfect 5.1!
- ❸ Installation process rating: 8.8 – the auto start installation of the Forms+ was a big hit.
- ❹ Registration process rating: 8.3 - the new registration process was understood and followed by most.
- ❺ Financial Statements rating: 7.5 – Still a good number, but a little lower than anticipated; the financial statement was a big change... out of a spreadsheet (instant math) and into a word-processor (one-click math); many users did not read our instructions and messed up their financial forms; most marks for the math forms were 8's and 9's, but several were 1's and 2's; we believe that user error will dissipate with time; we are using the math capabilities of Word and WP to the max in order to give our users flexibility and consistency.
- ❻ Hi-speed internet use: 35 yes; 36 no – we were surprised that so many had hi-speed... this is excellent. If you don't have hi-speed internet access at the office, you will need it in the near future.
- ❼ Technical support rating: **8.5** – again an excellent result; many users rated our support as a 10, especially compared to other software vendors.
- ❽ Visited DIVORCEmate website in past 60 days: 23 yes, 48 no – this is a disappointment but not a surprise; there is some very interesting information on our website for all family law professionals including free software updates, new product announcements, special introductory *and usually lower pricing*, software service packs, current software User Guides, family law trends, training seminar schedules, how to calculate..., our "knowledge base" section is topical. Users should visit our website at least monthly www.divorcemate.com.

We also received several requests for specific new features and a few additional forms. We will seriously consider each and every comment on these surveys.

Gilda's Club in Toronto was sent a generous donation on behalf of all users who returned the Forms+ survey. "Thank you for you".

**Four Important Family Law Decisions
From the Ontario Court of Appeal
by Yvonne Bernstein, LPIC**

Does the enactment of the Guidelines create a right to vary a child support order made before May 1, 1997?

The Court of Appeal says "yes" in **Wright v Zaver** [2002] O.J.No. 1098, released on March 26, 2002. This decision ends the debate in Ontario. However, at the national level there is now a 3:3 tie at the Court of Appeal level. The Courts of Appeal of B.C., N.B. and Alberta have determined that the court retains a residual discretion not to vary, and that there is, accordingly, no automatic right to a variation. Ontario joins Saskatchewan and Nova Scotia in holding there is no such residual discretion not to vary, and that the enactment of the Guidelines therefore does create a right to a variation. It appears that the Supreme Court of Canada will have to give the final word on this issue.

Should child support be based on the family's pre-separation lifestyle and pattern of spending?

The Court of Appeal says no in **R. v R.** [2002] O.J.No. 1095, released on March 25, 2002. Children are entitled to benefit from the financial means of both parents after separation. Section 1(a) of the Guidelines provides that one of the objectives of the Guidelines is to establish a fair standard of support for children that ensure that they continue to benefit from the financial means of both spouses after separation. Speaking for the court, Laskin J. held that the trial judge was not entitled to award child support based solely on the family's pre-separation pattern of expenditure when the payor's income increased so substantially after separation.

Two important decisions clarify questions about settlement offers. Firstly, **Scanlon v Standish** [2002] O.J.No. 194, released on January 24, 2002, held that a pre-litigation offer is not a Rule 49 offer. In the case of pre-litigation offers the common law rules apply. In this case, the husband's delivery of a counter-offer destroyed the power to accept the wife's initial offer.

Secondly, **Wright v Wright** [2002] O.J. No. 886, released on March 6, 2002, held that a settlement will not be set aside where there has been a unilateral mistake in an offer to settle, unknown to the party accepting the offer. This case is a good reminder that offers to settle should be checked very carefully, reviewed and confirmed in writing with the client, and then checked again to be sure they accurately reflect the client's instructions.

Did You Know That ...

- ☑ **Brahm Siegal's Guide to the Family Law Courts in the Toronto Area**, Spring 2002 is now available. It is a well-conceived and "daring" look at the family law courts and the day-to-day needs of a Toronto family lawyer. Please visit our website, under knowledge base.
- ☑ **practicePRO** Technology Roadshow begins on June 19th 2002 at Hamilton McMaster University, 905 522-1563.

- ☑ The **Welland County Law Association's** second annual Niagara Legal Technology Show will be held at the Welland Club, 8 Griffith Street, Welland, Ontario on June 6th, 2002.
- ☑ Ontario users need to keep the **Tools+ 2002 Update CD**, it contains all current DIVORCEmate products, Forms+ and Tools+ 2002; you may destroy all old CDs and diskettes but keep your CD key numbers!
- ☑ According to a recent survey, it was revealed that 44% of wives say "goodbye" to their husbands when leaving the house, but that 92% of husbands say "goodbye" to the house when they leave their wives! Hmmm...
- ☑ "Tax Rules for Family Law Practitioners 2001-2002" from PriceWaterhouseCoopers is available by contacting Virginia McKenna at (905) 972-4108 or by e-mailing virginia.mckenna@ca.pwcglobal.com.

What Judges Are Saying About Tools+...

The Hon. Mr. Justice Kenneth Langdon of the Ontario Superior Court of Justice in Milton, said the following about DIVORCEmate's Tools+ software "Thanks for making this available to the judiciary. I don't know what I would do without it." In a recent judgment *Miller v. Bouchard*, His Honour also wrote, "The program is a Godsend to any judge or practitioner involved in family dispute resolution."

The Hon. Mme. Justice Georgina Quijano of the B.C. Supreme Court, in her February 21, 2002 judgment of *Poon v. Poon* wrote: "... and acknowledging that I am not an accountant, there will be liberty to either party to apply to fix the amount of spousal support on the basis of more complete and accurate calculations using the figures I have found to be Mrs. Poon's income and expenses. The calculation is to be done either by an accountant or using the **Divorcemate** software."

Simon Says...

Q. How do I input the children in shared custody situations when using Tools+ 2002?

A. Set the Custody Type to Shared (NOTE: this does nothing special in the software; it tells the Court the custody type ONLY). You must input the children under the primary caregiver parent on "Start Page", or "Children" tab; then go to the "Children" tab and *override* the "0" under "For whom a Table amount is payable" for the non-primary caregiver parent. Input the appropriate shared number and compare Table amounts.

Q. I want to turn off the Forms+ shading all the time, is this a good idea?

A. No, no, and no! A bad idea! Forms+ input area shading is important: if you accidentally input outside a shaded area, your input may be unformatted, it may format with the wrong font and style, and may not print or "break across pages" properly, although it shows fine on the

screen. You may turn off the shading when printing a document.

The Child Support Guidelines Table Amount and Net Disposable Income Percentages

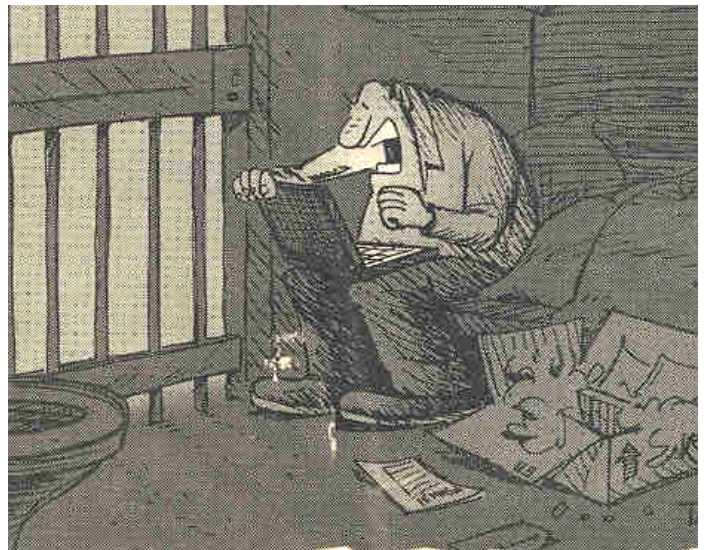
Sole custody, Mother and Father employment income \$50,000/yr each, no add-ons, no spousal support, Ontario.

Net Disposable Income (NDI) equals employment income, +child support, +government benefits (Canada Child Tax Benefit, GST refund), minus income taxes, -EI, -CPP.

Number of Children and Ages	Percentage of Family NDI After Payment of Table Amount <u>Only</u>	
	Father	Mother and Child(ren)
1 child under 7	41.7%	58.3%
2 children, one under 7 and one over 7	37.1%	62.9%
3 children, two under 7, one over 7	33.0%	67.0%
4 children, two under 7, two over 7	29.7%	70.3%
5 children, three under 7, two over 7	26.4%	73.6%

Does anyone else find these "Percentages of Family NDI" numbers astonishing?

He Should Have Read the User's Guide FIRST!



"Hey, the escape key don't work!"