

DIVORCEmate News & Views

For Users of DIVORCEmate Software

#46 – June 2003

www.divorcemate.com

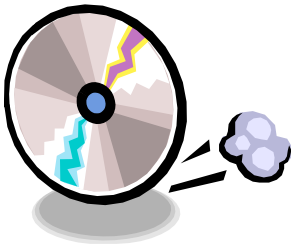
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Ontario Forms+ & Tools+ 2003 Updates Shipped, Work Continues on Precedents+ 2003

For the over 15 years, our DIVORCEmate News & Views newsletter has been an important source of information for our 6,000+ software users. Our newsletter has something for everyone - productivity hints, seminar, update and new product announcements, Family Law and technology information, humour and more. Please ensure that it is circulated to all family law professional staff including support staff, law clerks, justices, judges, mediators, professors, accountants and lawyers.

Forms+ 2003: New Software, New Court Forms, New and Improved Features



On Tuesday, April 29th, we shipped the new Ontario Forms+ 2003 Update, which includes numerous new family law court forms, as well as an updated and improved Forms+ software engine.

This is the same Forms+ software engine that has been in use in B.C. since January 2003.

The new Ontario Family Court forms were mandatory as of April 28th 2003 (Registrar of Regulations: Financial Statement - filed as O. Reg. 92/03; Child Protection - filed as O. Reg. 91/03).

Forms+ 2003 is new software! We did *not* just add the new court forms and send out an update and invoice. We are committed to adding value to each Forms+ (and Tools+) annual update in order to *more than* justify the expense.

If you were on our e-mailing list, you knew exactly when the Forms+ 2003 Update was being shipped and you had access to the new forms from our website on April 29th. Anyone who desperately needed the new court forms had access to them within 24 hours of implementation by the Courts!

What's NEW In Forms+ 2003

- ☑ **Numerous New, Amended or Added Forms** – including new financial statements;
- ☑ **Net Family Property Worksheet** - re-designed and reintroduced, an exclusive DIVORCEmate form;
- ☑ **Specialty Forms** - in WordPerfect;
- ☑ **Simplified Add Rows in Financial Forms** - new "add a row" feature;
- ☑ **Improved Mathematical Engine** – new math easier-to-use, optimized;
- ☑ **Custom Templates** - "customize" any court form,

save your customized form for future use;

- ☑ **3 Default Court locations** – 3 different default court locations;
- ☑ **Improved Date Format** – dates are input according to your individual preference;
- ☑ **Archive and/or Purge Non-active Client Files** - temporarily archive non-active client files, or purge closed client files;
- ☑ **Optimize Load Speed** – option to speed up the loading of the Forms+ engine software;
- ☑ **Extended Registration and Epay on-line** - allows the user to pay for and request "Registration Codes" on-line. We have extended the usual 30-day licensing period to 60 days for Ontario Forms+ 2003 users.

IMPORTANT: All Ontario Forms+ 2003 users should go to our website to download and install the Service Release (4.28.03a) for Forms+ 2003. This "SR" fixes several minor errors: "1899" date is automatically input when the date was left blank in pre-v11.15.01 Forms+ software; Form 13.1 proposed budget items out of order; several WP8 and MS Word install issues; break row across page issue – Form 8, Application in MS Word; WordPerfect Answer – removed date formatting from family summary page; WordPerfect SDO shading.

Tools+ 2003 Shipped

Our Tools+ 2003 Update was shipped on March 15th 2003, after the federal budget was introduced, and just after the 2003 Ontario budget was read.

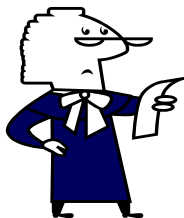
Unlike our competition, we not only updated the tax rates for 2003, we've added many new and innovative features... most of which were suggested by our users.

What's NEW In Tools+ 2003

- ☑ **Spousal Support Targeter** - target a specific "percentage" of Net Disposable Income (NDI) or "actual" Net Disposable Income (NDI);
- ☑ **"After Payment of Special Expenses"** is now the default for "Net Disposable Income" in SUPPORTmate;
- ☑ **Income Gross-Up** – quickly gross-up non-taxable income for imputing purposes;
- ☑ **Quick Calc Table Amount** - new desktop icon for quick calculation of CSG Table amounts only;

- ☑ **Shared or Co-Parenting** - simplified information input;
- ☑ **CCTB including National Child Supplement (NCS)** and provincial top-ups; provincial credit refund; GST refunds; medical credit refund;
- ☑ **Risk management, updated commentary and case information from LawPRO** <http://www.lawpro.ca> (Lawyers' Professional Indemnity Company).

DIVORCEmate Demonstrates at National Judicial Institute's Family Law Seminar In Vancouver, B.C.



What an opportunity! One hundred+ judges and justices from across the country, and all of them interested in "Family Law". I was there to listen, observe and to show our Tools+ 2003 software.

The Morris J. Wosk Centre for Dialogue was magnificent. An ultra-modern lecture hall built "in the round", capable of accommodating 200 people, all dark mahogany wood and built inside the shell of an old bank; natural light everywhere; audio and video for everyone... it was awesome!

The topics included: support and determining support (**Mme. Justice Donna Martinson**, B.C.); support and second families (**Professor Jay McLeod**); determining income (**Mr. Justice David Aston**, Ont.); s.7 expenses and undue hardship.

All of the members of the Judiciary who attended our lunch-time presentations were "very impressed". Each one requested and received a copy of the Tools+ 2003 software.

Spousal Support Guidelines

The topic which garnered the most discussion, both pro and con, was "The Future of Spousal Support", chaired by Justice Aston, with presentations by Professors **Carol Rogerson** and **Rollie Thompson**.

Here are a few highlights which I picked up from Carol Rogerson's "Developing Spousal Support Guidelines in Canada: Beginning the Discussion, Background" and Rollie Thompson's "Spousal Support Guidelines, Discussion Paper". Both papers were enjoyable, enlightening, comprehensive, thought-provoking, and meaty!

- ✓ There is a need for "predictability" in order that lawyers and judges are better able to serve the public interest.
- ✓ Currently spousal support awards are all over the map, and even within the same region there is little consistency (fact scenario discussions following the

papers, confirmed the fact of "**inconsistency**" across the board, not only amount but entitlement!).

- ✓ **Trends:** more "needs and means" analysis is being done; more liberal entitlement to spousal support; no rigid time limits; there is no "leading" theory or formula regarding quantum.
- ✓ **Justice Canada** is committed to a "ground-up" discussion regarding Spousal Support Guidelines, involving judges, lawyers, and other family related specialists.
- ✓ Length of marriage: long (25+ years) and short (<5 years).
- ✓ There are numerous Spousal Support Guidelines theories, some complicated, some simple, none perfect.
- ✓ Spousal Support Guidelines might use an "**income sharing**" model where "spousal support would be determined as a percentage of the income difference between spouses, with the appropriate percentage determined by an array of relevant factors, including length of marriage and presence or absence of children."
- ✓ Income sharing cases include *Andrews v. Andrews*, OCA, 1999, ** which is an example of a "stronger" version of equalizing household incomes and considers the number of people in each household.
- ✓ The American Law Institute has proposed formula-based spousal support guidelines, however no US solution seems appropriate for Canada because of the "differences between American and Canadian understandings about the nature and role of spousal support...", "spousal support is a much more limited obligation in the USA than in Canada."

** Our SUPPORTmate Maintenance Planner was used in *Andrews* to calculate each party's post-divorce NDI, the wife's percentage of family NDI was considered to be "a tad high" by 1999 standards, although, surprisingly, her "SOL Ratio" remained lower than that of her husband's.

DIVORCEmate 2003 Product Line Explained

DIVORCEmate Software is currently made up of two product lines: "Tools+ 2003" and "Forms+ 2003"

"**Tools+ 2003**" is made up of the following 6 modules:

- DIVORCEmate GUIDELINE Calculator
- SUPPORTmate Maintenance Planner
- SOLmate Standards of Living Test
- VARYmate Variation Optimizer
- LIFEmate Life Insurance Estimator
- PENSIONmate Pension Valuator

Your firm may have 1, 2, 3, 4, 5, or all 6 of these modules

“Forms+ 2003” is made up of the following 5 modules:

- Ontario Rule 69 Forms
- Ontario Family Court Forms
- Ontario Family Court Specialty Forms
- Toronto Case Management Forms
- B.C. Family Law Forms

Your firm may have 1, 2, 3, 4, or all 5 of these modules.

In the future, we will add a new product line called “Precedents+”, made up of the “Separation Agreement” module.



IMPORTANT: Your annual Update pricing will depend on how many individual “modules” you have of each product line, and the number of user licenses of each product line.

Your SUPREME Support Plan cost will depend on the number of user licenses held by the firm.

You can purchase additional user licenses of product lines only, Tools+ and Forms+; you cannot purchase additional user licenses of individual modules within product lines.

Unless you are on SUPREME “All-In”, you must register all installations of Forms+ and all Tools+; this means that you will need to register twice each year... once for Forms+ and once for Tools+. SUPREME All-In subscribers register less often.

Precedents+ 2003

We have begun working on Precedents+ 2003 again. We will be updating the currently available Separation Agreement text, to include *Miglin* and other important considerations. We continue to work with Yvonne Bernstein of LawPRO.

Many of our users are anxiously awaiting the release of this new product. Please keep in mind that Precedents+ will be easy-to-use, it will save you time and it will help make sure that you cover all the bases... but, it will NOT think for you, nor will it draft a completed separation agreement in 5 minutes. We expect the product will evolve over time as we get feedback from our users.

We are planning to release the Ontario Precedents+ software during the fall of 2003. Please watch our website, your e-mail and our next newsletter for pre-release pricing and ordering information.

What They’re Saying About Tools+...

Di Manno v. Di Manno, Ontario, Commentary: “... Eberhard J. appeared to come up with a one-third, one-third, one-third type of order as well, relying on **SUPPORTmate** calculations.”

Selznick v. Selznick, Ontario Superior Court of Justice, Greer J., October 4, 2002, 02-FP-274895FIS, James McLeod commentary:

“In fairness, Greer J. acknowledged that she did not have the benefit of **SUPPORTmate** calculations in deciding spousal support. As the result makes clear, counsel should routinely provide calculations showing the parties’ disposable after-tax and support incomes which may have resulted in a different spousal support order, especially where a court has to take into account child support, which is paid in after-tax dollars, and spousal support, which is paid in pre-tax dollars.”

Divorce Financial Planning – An Emerging Specialty



For most clients, the financial upheaval of divorce can last for several years. The good news is that sound financial planning can result in the client moving through this financial transition successfully.

There are 3 phases of financial transition: the period during the divorce negotiations, the first year or two after the divorce is final and the transition to long-term planning.

During the divorce negotiations, the financial planner can accurately determine income, expenses, assets and liabilities when clients are either not forthcoming or inexperienced with their own financial situation.

While net worth and cash flow statements are tedious and often frustrating it is vital that clients understand their immediate financial requirements as this will serve to expedite a fair settlement and establish a sense of independence.

A financial planner can evaluate the short and long-term impact of proposed settlements and recommend the most equitable division of specific “income” and “growth” assets.

Clients are much more likely to finalize an agreement that has been demonstrated to be equitable and manageable for their financial future.

Overall, financial planning can be instrumental in achieving a fair and equitable settlement for both parties and the financial planner is an important resource for clients in a transition that can last for several years.

Submitted by **Jennifer L. Hooper** CFP, RFP; Jennifer is an Ottawa based financial planner and can be reached at fairdosconsulting@sympatico.ca or (613) 247-1010.



New Member of DIVORCEmate Tech Support Team

Please welcome **Floyd Morgan** to the DIVORCEmate team. Floyd has infinite patience, a kind and reassuring voice and a knowledgeable mind.

He loves music, sports and has an active young family. Floyd comes to us after a consulting contract with Teranet where he was involved with one of the court e-filing projects. Floyd's telephone extension is 419 and his e-mail address is fmorgan@divorcemate.com.

Did You Know That ...

- ☑ DIVORCEmate Ontario and B.C. Forms+ includes 187 court forms in Word and 187 in WordPerfect... that's almost **380 individual family law court forms!**
- ☑ **Brahm Seigal** has a new report on the state of Toronto's Family Law courts... don't miss this insightful and timely information. Please visit <http://www.divorcemate.com/pdf/knowledge/guide8.pdf>
- ☑ **Steve Krieger** will be a presenter at the June 3, 2003 BC CLE course "Family Law Basics For Legal Support Staff". Steve will be discussing the use of DIVORCEmate software in a BC family law practice.
- ☑ Watch for our own **Sid Soil** as a speaker at the "Family Law for Law Clerks" CLE session in Toronto on June 6th 2003; it will be broadcast live across the province.
- ☑ With the release of new WordPerfect 11, Corel has stopped supporting **WordPerfect 8... and so should the rest of the world!**

Tips on Using Forms+ 2003 and Tools+ 2003

- If you want certain wording to appear at the top of each page, simply amend the **header**, for example, "DRAFT WITHOUT PREJUDICE".
- **Do NOT send financial statements to clients** for them to review as "attachments" ... they will mess-up the math! Either send the file so they can print it only, amend it and fax it back to you for your re-input. Or if you must send it as an attachment, make sure that when you get it back, you print it out and input the changes yourself. Do NOT use the returned attachment as your court document.
- Over the years, we have had a small number of DIVORCEmate **forms rejected by court clerks** across the province, and by far the most common reason is that the forms have not been completed properly, NOT that the DIVORCEmate forms and format are incorrect. Please make sure that you

complete the court forms properly, or ask the court clerk why the form is being refused.

- **NEW:** Download the latest Service Release of Forms+ 2003 (v.4.28.03a) from our website:

http://www.divorcemate.com/download_updates.asp

- If your software is **not yet registered**, you must send us your "License Key Code" for each computer where you have Forms+ (or Tools+) installed. To find your License Key Codes:

Tools+ 2003: click "cancel" -> Tools, -> Setup -> Register DIVORCEmate Tools+ -> red number

Forms+: Setup Options -> Register DIVORCEmate Forms+ -> red number

Register your Forms+ and Tools+ software on-line at: http://www.divorcemate.com/register_form.asp.

We will send you a 6-letter registration code, which you **MUST** put back into your software, one for Tools+ and one for Forms+!

NOTE: In order to qualify for a "complimentary" home or laptop license, you must have a license of your own at the office and you **MUST** be on a SUPREME Support Plan.

DIVORCEmate Software Inc. Apologizes



At the end of March and the beginning of April, we experienced website and e-mail downtime. Although beyond our control, I apologize to our users for any missed communications, or inconvenience that this may have caused.

Tools+ 2003 and Forms+ 2003 Training

Over the past 2 years, we have completely rewritten our software. Both Tools+ and Forms+ are new and amazing software packages with numerous productivity and customer-service features.

Unfortunately, many of our users (lawyers and support staff) are unaware of the software's capabilities and struggle each day! You never come to training seminars because you are "too busy"... perhaps the reason that you are too busy is because you are "unproductive"... get with it... take the time and learn to use DIVORCEmate software, properly... please!

New E-Mail Address

I have a new e-mail address, Mark Harris: markharris@divorcemate.com

Please change your address book. I wish you a safe and enjoyable summer and I hope you spend lots of time with your family and friends. Thank you for you!