

# DIVORCEmate News & Views

## For Users of DIVORCEmate Software

#51 – Jan 2005

[www.divorcemate.com](http://www.divorcemate.com)

email: [sales@divorcemate.com](mailto:sales@divorcemate.com)

Information - call (416) 718-3461 Ext. 446

## “CHEQUEmate – Spousal Guidelines Calculator” and Spousal Support Advisory Guidelines Just Around The Corner!

*For over 17 years, our DIVORCEmate News & Views has been an important source of information for our 6,000+ software users - productivity hints, seminar schedules, 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, students, law clerks, justices, judges, mediators, professors, accountants and lawyers.*

### Spousal Support Advisory Guidelines Paper and Software Near Completion

The final “Spousal Support Advisory Guidelines” (“SSAG”) Draft Proposal is nearing completion and family law professionals across the country are eagerly anticipating this “ground-breaking” paper.

Even in draft form, the SSAG will immediately give the family law bar and judiciary **another thoughtful method** for calculating spousal support ranges.

Professors **Carol Rogerson and Rollie Thompson** believe the SSAG’s ultimate long-term goal is greater guidance and predictability in the spousal support arena.

The SSAG Draft Proposal was written in consultation with an Advisory Working Group made up of judges, family lawyers and mediators from across Canada.

Here is what we know about the imminent SSAG:

- The SSAG Draft Proposal is a **long and complex** document.
- The SSAG are **informal and advisory**, not legislated.
- The SSAG are intended as a “litmus test” and a starting point to assist in negotiations.
- As its title indicates, this is truly a draft that invites application, experimentation, discussion and feedback, with a view to further revisions.
- They are intended as a practical tool to assist spouses, lawyers, mediators and judges in typical cases.
- There are two basic formula – “with child support” and “without child support”. The “with child support” formula covers sole, split and shared custody, including with and without Special Expenses.
- The SSAG indicate a **range of quantum and duration**, where you fall within the range will be

determined by negotiation or adjudication, depending upon the facts of a particular case.

- The SSAG use “**Individual Net Disposable Income**” (“INDI”) as opposed to “Net Disposable Income” (“NDI”).

INDI for the Recipient does not include the Payor’s child support amount, and subtracts the Recipient’s “notional” child support amount.

The calculation and concept of INDI is very different from NDI, especially for the Recipient.

- The proposed guidelines do offer a short list of **exceptions**, for example, a compensatory exception in short relationships, illness and disability, and compelling financial circumstances in the interim period.
- The determination of “**Income**” for Child Support Guideline purposes will get more attention because this number will also be used in the calculation of spousal support ranges under the SSAG.
- Includes provisions for “**restructuring**” - the possible trade-off of quantum for duration, or vice-versa, depending on circumstances.



### CHEQUEmate Spousal Guidelines Calculator Software

We expect the SSAG Draft Proposal to be released the week of January 24<sup>th</sup> 2005.

We plan to have CHEQUEmate’s “beta” release ready for the CLE Institute in Toronto on February 3<sup>rd</sup> 2005.

CHEQUEmate Spousal Guidelines Calculator will:

- Be based on the mathematical requirements of the SSAG Draft Proposal.
- Be integrated into your Tools+ 2005 software as a new module.
- Use the Tools+ interface with some additional factors including: recipient’s age, length of marriage or cohabitation, child(ren)’s age(s), and custody arrangements for each child.

- Produce **three (3) new printouts** outlining the mathematical calculations used to calculate the low, mid and high amounts in the spousal support range.
- Produce a summary page with the three (3) spousal support amounts within the range (low, mid and high).
- Optionally allow you to put these range numbers into SUPPORTmate for further analysis.
- Produce the calculation of range of duration.

The first discussion of the SSAG draft proposal will be at the **CLE Institute in Toronto** on February 3<sup>rd</sup> 2005. Professors Thompson and Rogerson are on the faculty.

There are plans for dedicated CLE programs across the country to explain the SSAG. The OBA program is tentatively in Toronto on March 4<sup>th</sup> and the CBA Vancouver Family Section meeting is February 18<sup>th</sup>.

DIVORCEmate training will begin in early spring; watch our website and the next issue of this newsletter.

## How to Get Your CHEQUEmate Software

### Planned Release Date:

We plan to release the CHEQUEmate Spousal Guidelines Calculator and the Tools+ 2005 Annual Update *simultaneously* the week of 2/20/05 or sooner.

### CHEQUEmate Pricing (Special Pre-Release Pricing):

#### For Registered Tools+ 2004 Users:

Single user license \$249, extra licenses \$49.80, + taxes.

#### No Registered Tools+ Software, New Users:

Single user license \$349.00, extra licenses \$69.80, + taxes. May also be purchased in a bundle of 3 Tools+ 2005 modules for \$799, or 4 Tools+ 2005 modules for \$899, + taxes. Extra licenses are 20% of single user price.

#### SUPREME All-In Subscribers ONLY:

Supreme All-In subscribers will *automatically* receive the CHEQUEmate software and an invoice for appropriate licenses at 10% off the \$249 pre-release price.

IMPORTANT: There is no need to order if you are a current SUPREME All-In subscriber; the Tools+ 2005 software with CHEQUEmate will come to you automatically with an invoice for the new CHEQUEmate software only; the Tools+ 2005 Update is no charge.

### Ordering Options (excluding All-In Subscribers)

#### Option 1:

Use the enclosed Pre-Release Order Form to pre-order the *NEW* 2005 CHEQUEmate software.

#### Option 2:

Go to <http://www.divorcemate.com/cm.asp> and place your order online.

#### Option 3:

*Do nothing now, pay more later!* You will have the option of adding CHEQUEmate to your Tools+ 2005 Update when it is mailed to you in late February 2005. Selecting Option 3 will add \$50 to the cost of a single user license.

### Invoicing and Payment:

Ordering Option 1, and 2: An invoice will be e-mailed to you for both your new CHEQUEmate license(s) and your Tools+ 2005 Annual Update.

If you pay this invoice prior to the release date, you will not need to register your Tools+ 2005 software, however, if you pay this invoice after the release date, you will be required to re-register your Tools+ 2005 software.

### IMPORTANT - Special Pre-Release Pricing Ends:

If you select Option 3, you will not get the special pre-release price; after release of CHEQUEmate, single user license will be \$349.00, extra licenses \$69.80, + taxes.

### “DIVORCEmateLive” Added to Tools+ 2005

In order to ensure that all registered users of Tools+ 2005 and CHEQUEmate Spousal Guidelines Calculator are using the most current version of our software, we are adding an automatic software update feature, called “DIVORCEmateLive”.

Your new Tools+ 2005 software will check for updates automatically once per month, or you can manually check for updates using the “Help” menu.

This feature will ensure that all of our registered Tools+ users will be using the most recent versions of our software, all the time. It is an outstanding new feature!

## SUPREME All-In

### “Holiday Season” Promotion Continues

We are recommending that all users subscribe to one of our Supreme Service Support & Discount Plans.

“2005 SUPREME All-In” includes:

- ✓ 2005 annual software updates as applicable;
- ✓ No need to re-register these annual software updates;
- ✓ One (1) free training course;
- ✓ 10% discount on most purchases;
- ✓ Complimentary home/laptop user license eligibility;
- ✓ Fewer invoices;
- ✓ Automatic shipping at 10% below the lowest price on new software modules including *NEW* CHEQUEmate SSAG Calculator;

- ✓ Unlimited software support; and
- ✓ Use of our new software support tools "SupportAnyPC".

### **SPECIAL Holiday Season Bonus Offer**

**If you sign up and pay for Supreme "All-In" by February 18<sup>th</sup> 2005, we will give you, absolutely FREE, any missing DIVORCEmate software module for the product lines you currently license. (Not including NEW CHEQUEmate Tools+ module)**

For example, if you have our Tools+ GUIDELINE Calculator, SOLmate and SUPPORTmate modules only... we will give you VARYmate, LIFEmate and PENSIONmate licenses **absolutely free** for the years that you subscribe to Supreme All-In.

Or, if you have our 2004 Ontario Forms+ Family Court forms only... we will give you the 55 Ontario Specialty Forms+ forms, or in BC we will give you the 15 Interjurisdictional Support Order (ISO) forms **absolutely free** for the years that you subscribe to Supreme All-In.

***This offer is very simple, sign up for SUPREME All-In and get everything!***

**Warning:** If you are not on either "Plain" or "All-In" SUPREME Plan, we will be unable to answer any of your software support questions until you subscribe with a pre-approved VISA or MasterCard.

### **DIVORCEmate Tech Support Staff Now Using SupportAnyPC**

Our tech support people are now using a truly amazing software support tool, **SupportAnyPC**. This software tool allows us to "take control" of the user's computer and fix any problem as if we were there physically working on the user's PC.

SupportAnyPC allows faster resolution of software support problems; is simple, fast and works with any hi-speed Internet connection; it is a secure connection controlled by the user, not DIVORCEmate; you can see what is going on by observing your monitor; it can be used as an excellent software "training" tool.

Please contact Filloyd Morgan at (416) 718-3461 x419 for a quick demonstration of SupportAnyPC. It's magic!

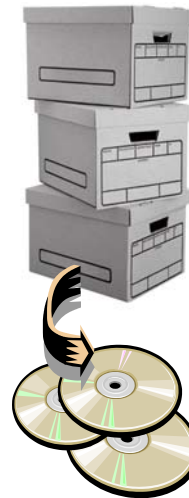
### **What The Courts Are Saying About ...**

*"Mother's counsel submitted a **Divorcemate Calculator** which revealed the tax impact of adding back the deducted expenses in the amount of \$4,991.00.... I am very familiar with the **Divorcemate** software. Lawyers provide valuable assistance to a court when they utilize this software."* Heuss v. Surkos, Ontario Court of Justice, Spence J., 2004 CarswellOnt 3517

*"Having carefully reviewed the evidence, the financial statements, the **Divorcemate Guideline Calculator** provided by counsel and the able argument of counsel, I find that an appropriate spousal support award ought to be \$5,400.00 monthly..."* Watson v. Watson, Ontario Superior Court of Justice, Jenkins J., February 15, 2004, 2004 CarswellOnt 1245

*"I have used the **DIVORCEmate** programs to complete my calculation, using the monthly proportions of annual amounts calculated by the Respondent in exhibit B for the 2003/2004 year. Based on the reasons set out, I have significantly reduced the claimed expenses as follows..."* Belcastro v. Belcastro, Ontario Superior Court of Justice, Eberhard J., 2004 CarswellOnt 1994

### **DOCUDavit Continues to Amaze**



Our new joint venture, DOCUDavit Solutions Inc. is gaining steady momentum. We have completed several electronic Affidavit of Documents scans and have arranged for a number of "archiving" jobs.

"We want to bring the benefits of e-Discovery to small and medium sized law firms; ease-of-use, cost and time-to-learn are now within the reach of even the sole-practitioner", says Mark Harris, President of DIVORCEmate Software Inc. "Our scanning for archival storage is a no-brainer when compared to never-ending banker's box storage arrangements!"

DOCUDavit Solutions Inc. is your affordable source for document imaging, management, archival storage and litigation support services in southern Ontario.

### ***Never pay for archiving another banker's box!***

DOCUDavit Solutions Archival Service is guaranteed to save time and money on archival file storage.

We eliminate the need for expensive, slow-to-access, off-site storage or the hassle, expense and potential risks of on-site storage.

We take your banker's boxes, carefully prepare the documents, scan them and return the documents to you in electronic format.

**FREE OFFER: For a limited time, we are offering to scan a sample banker's box for no charge.**

Please contact Sid Soil to take advantage of this free "Scan a Banker's Box" offer, [ssoil@docudavit.com](mailto:ssoil@docudavit.com) (416) 718-3461 x420

## DIVORCEmate Donates To University Student Legal Aid Clinics

We are pleased to announce that both Downtown Legal Services (“DLS”) at the University of Toronto and Community & Legal Aid Services Program (“CLASP”) at Osgoode Hall, York U will be using **DIVORCEmate Software** to help low-income families dealing with matrimonial law matters. Ontario Legal Aid principally funds both CLASP and DLS.

The clinics provide an opportunity for students to learn clinical skills and develop an understanding of the needs of low-income communities. Students are the front line service providers, but staff lawyers supervise them in all of their work.

We wish to thank **Glenn Stuart**, CLASP Clinic Director; **Lisa Cirillo**, U of T; **Lora Patton**, York U; **Roslyn Tsao**, Epstein Cole; **Janet Miliaris**, Ricki D. Harris for making this happen!

### We Have a Winner!



We were amazed by the response to this contest; we had over 75 entries, with many people suggesting several names!

Here are some of our favourites:

DECI <sup>mate</sup>	CONSU <sup>mate</sup>
EVALU <sup>mate</sup>	ULTI <sup>mate</sup>
CASH <sup>mate</sup>	LEGIT <sup>mate</sup>
PAY <sup>mate</sup>	STALE <sup>mate</sup>
IDO <sup>mate</sup>	MAINTAIN <sup>mate</sup>
ALI <sup>mate</sup>	WAS <sup>mate</sup>
APPROXI <sup>mate</sup>	PLAY <sup>mate</sup>
SUM <sup>mate</sup>	MOEGE <sup>mate</sup>
ECONO <sup>mate</sup>	CALCU <sup>mate</sup>
PAY <sup>mate</sup>	PAYyour <sup>mate</sup>
PAY2U <sup>mate</sup>	EX <sup>mate</sup>
PAYOUR <sup>mate</sup>	CHEAPER TO KEEP HER, <sup>mate</sup>
PAY or MATE	TAK <sup>mate</sup>
LEECH <sup>mate</sup>	SCREW <sup>mate</sup>
ALTER <sup>mate</sup>	TRYTOGETMETOPAY <sup>mate</sup>
RID <sup>mate</sup>	BALL AND CHAIN, <sup>mate</sup>

We had a 4-way tie for the “CHEQUE<sup>mate</sup>” winning name, and therefore we had to look at the earliest submission. The winner is **Lilia Figueiredo of Onorato Law Offices** in Cambridge, Ontario. Lilia has won a single-user Tools+ Update for 2005, 2006, and 2007!

### Did You Know That ...

- ☑ There is a new **B.C. Forms+ Update** available on our website dealing with a Practice Direction regarding affidavits prepared for filing in B.C. Supreme Court.
- ☑ Our **B.C. Precedents+ Separation Agreement** is selling well; if you haven’t tried it, please give it a look... *How good is your Separation Agreement?*
- ☑ On Dec 2<sup>nd</sup> and 3<sup>rd</sup>, the staff of DIVORCEmate software went on an **off-site, outdoors, team-building “holiday”**. We discussed the future direction of DIVORCEmate Software and how we could achieve our business goals and help our clients become more successful. The weather was exceptional; we all had a delightfully thought-provoking time!
- ☑ London, Ontario family lawyer, **Alf Mamo** has written an interesting paper titled “The Supreme Court of Canada’s Decision in Hartshorne: Implications for the Family Law Practitioner”. Issues like “fairness vs contract”, how recent SCC changes will affect the shelf life of this decision, the importance of ILA and the marriage contract “road map” are explored and simply explained. Get a copy!
- ☑ Thank you to the many DIVORCEmate users who completed our “Quick Survey - Off Site Archiving and Electronic Affidavit of Documents”. **Gilda’s Club** of Greater Toronto has received a generous donation because you took the time to respond!

### And a Bit of Humour...

**Divorce lawyer: \$10,000**

**Loss of house, car, etc.: \$250,000**

**Small marine motor: \$275**

**Disposable camera: \$8**

**Sending your ex-wife a picture of you boating in her family heirloom dining room table:**

**PRICELESS!**

