

York Hills Family Mediation and Information Services

I've finished Mediating – Now What?

You have received a Memorandum of Understanding (MOU) from your mediator. This is not a legally binding document. You can make it into a legally binding document by turning your MOU into a Separation Agreement or a Court Order.

NOTE: Agreements or Court Orders that are not reviewed by lawyers can sometimes have effects that you did not intend, or consequences that you did not anticipate. It is always recommended that you get Independent Legal Advice (ILA) before signing any document.

SOME OPTIONS FOR INDEPENDENT LEGAL ADVICE (ILA):

Options for Advice	What service do they provide?	How much does it cost?
Legal Aid Ontario/ Family Law Information Centre (FLIC)	The FLIC Advice Lawyer and/or Duty Counsel provides up to 20 minutes of summary legal advice which may include the review of an MOU for the purpose of obtaining a Court Order. NOTE: The lawyer will not give advice or sign an MOU regarding the issues of property and spousal support.	Free <i>Call Legal Aid at 1-888-616-0119, ext. 18 or 1-800-668-8258 to request a call-back from a lawyer.</i>
Law Society Lawyer Referral Service	The Law Society can provide you with the name of a lawyer in the community who can give you a free 30-minute consultation. You have the option of continuing to hire the lawyer at their rate after the consultation is complete.	Free (first 30 minutes) <i>Call 1-855-947-5255 or go online at www.findlegalhelp.ca for more information.</i>
Lawyer in the Community	You may hire a lawyer on your own. Some lawyers offer flat rate consultations or “unbundled services” (sometimes called “limited retainers”) to review a MOU, provide ILA, or prepare a separation agreement at a lower cost or retainer. Ask directly when you call.	Varies <i>Go online to: www.familylawlss.ca or yorklaw.ca/findalawyer/</i>
Ontario Family Law Limited Scope Services	If you are self-represented, not eligible for Legal Aid and cannot afford a lawyer; listing of lawyers who offer “unbundled services”.	Varies <i>Go online to: www.familylawlss.ca for more information.</i>

If you are divorcing, you can include the signed agreement in the divorce application – Please speak to a lawyer or the FLIC Advice Lawyer for more information.

If you have already obtained Independent Legal Advice (ILA) or do not have any questions with regard to the Memorandum of Understanding (MOU), here are some options on how to make the MOU into a legally binding document.

IF YOU ARE ALREADY IN COURT:

If you are already in Court, the quickest route may be to turn your MOU into a Court Order.

Note: Some terms of your MOU may not be enforceable by the Court. You may want to speak to your lawyer or the FLIC Advice Lawyer about which terms to incorporate into your Order.

If no court date scheduled
You may need to file a “14B Motion” along with “Minutes of Settlement” to incorporate the terms of your agreement into a Court Order. Please see your lawyer or the FLIC Advice Lawyer to learn the forms you will need in order to do so.

IF YOU HAVE NOT STARTED A COURT ACTION:

If you are not already in Court, you may prefer to keep the matter out of Court and turn your MOU into a Separation Agreement.

Note: Separation Agreements can be filed with the Court for enforcement of child support or spousal support by the Family Responsibility Office. Please see a lawyer for more information.

Option 1	Option 2
<p>One party hires a lawyer to prepare a Separation Agreement based on the MOU. This party can receive legal advice and have their signature witnessed by this lawyer.</p> <p>The other party can hire a different lawyer to review the draft Separation Agreement with them, or can waive their right to legal advice.</p> <p>Note: <i>The Law Society says that one lawyer cannot provide legal advice to both parties.</i></p>	<p>Take the MOU content and write it into your own Separation Agreement, with room for signatures, dates and witnesses. Then have each party sign the new agreement and have two witnesses (over the age of 18) witness your and the other party’s signatures and date the document.</p> <p>Note: Your Agreement may have effects you did not anticipate or intend. It is recommended you speak with a lawyer prior to signing any agreement.</p>

ADDITIONAL RESOURCES ONLINE FAMILY LAW RESOURCES

JUSTICE NET	Justice Net is a non-profit service helping people in need of legal expertise, whose income is too high to access legal aid and too low to afford standard legal fees. The lawyers listed on this site have agreed to devote a portion of their practise to qualifying clients at reduced fees. www.justicenet.ca 416-479-0551 or 1-866-919-3219
CLEO-STEPS IN A FAMILY LAW CASE	CLEO is a community legal clinic that produces clear language material to assist people with low incomes. CLEO has designed an easy tool that guides people through some of the complicated steps with an interactive flow chart. cleoconnect.ca/legal-topic/family-law/ cleo.on.ca/en/family-flowchart/steps-family-law-case
CLEO-GUIDED PATHWAYS	This is a series of online interviews that are designed to help you fill out the court forms you need for your family law matter. The pathways ask you questions and then puts your answers into required forms. Each question includes information that explains what is needed. The pathways are free to use. stepstojustice.ca/guided-pathways
MINISTRY OF ATTORNEY GENERAL WEBSITE	A guide to Procedures in Family Law attorneygeneral.jus.gov.on.ca/english/family/guides
ONTARIO COURT FORMS	All Family Court forms can be found here: ontariocourtforms.on.ca/en/family-law-rules-forms/

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