



Justice Institute of British Columbia COURSE OUTLINE

Course Code: CCR212

Course Title: **Mediating the Financial Divorce**

Prerequisite Courses: CCR100 (formerly CR110A) or CCR101 (formerly CR110B), and CCR180 (formerly CR250)

Sponsoring Division: Centre for Conflict Resolution

Previous Course Code & Title: CR301-Mediating the Financial Divorce

Course Effective Date: **June 1, 2008**

# of Credits:	1.5
----------------------	------------

Course Description:

This course will introduce participants to applicable legislation, information and strategies for mediating the financial part of separation and divorce. Participants will be introduced to relevant sections of the Divorce Act and Family Relations Act. Topics covered include: types of mediated family agreements, ownership and division of family assets and liabilities at separation, including pensions and RRSPs, trust law, inheritance rights, spousal support, and the tax implications regarding these areas. The mediation process applicable to these topics will be introduced.

Course Goal(s):

Upon successful completion of this 1-day (7-hour course), the learner will be able to:

- Employ knowledge of the legislation impacting the financial aspects of divorce, and the factors to consider in mediating the financial aspects of separation and divorce.

Course Learning Objectives:

The learner will:

1. Recognize the complexities of the financial divorce
2. Avoid serious but common errors made by mediators
3. Assess the need for legal, tax and asset valuation advisors
4. Organize complex client information
5. Apply a financial system to assist in mediations
6. Describe relevant legislation, mediator risk, and ethical issues
7. Refer to other professionals as needed.
8. Describe spousal support and its relationship to quality of life issues
9. Define family property and non-family property
10. Draft mediation notes and the memorandum of understanding



Course Topics/Content:

Day 1:

- Typical family mediation issues
- Applicable legislation: *Divorce Act* and *Family Relations Act*
- Types of mediated agreements
- Expert's role in mediation and when to refer
- **FAMILY RELATIONS ACT - FAMILY ASSETS AND LIABILITIES**
 - Property regime in B.C.; property ownership, registration and transferring property
 - Entitlement to property division under the *Family Relations Act*
 - Triggering events
 - Presumption of equal division
 - Types of assets under *FRA*: family and business assets
 - Grounds for unequal division/ reapportionment
 - Date for asset division
 - Relationship between reapportionment and spousal support
 - Family liabilities
 - Tax implications
- **PENSIONS AND RRSPS**
 - Federal/ provincial pensions
 - Types of pension plans
 - Pension valuation
 - Pension division
 - Canada Pension Plan
 - RRSPs
 - Tax implications
- **TRUST LAW**
 - Different types of trusts
 - Constructive trust
- **MEDIATION DEMONSTRATION – PROPERTY**

DAY 2

- **SPOUSAL SUPPORT**
 - Entitlement under the *Divorce Act*
 - Entitlement under the *Family Relations Act*
 - Objectives
 - Types of spousal support
 - Form 89



- Determining Income
- Different types of income
- *Spousal Support Advisory Guidelines*
- Duration and quantum of spousal support
- Interim spousal support
- Prior spousal support
- Security for spousal support
- Review and variation of spousal support
- Tax implications
- Relationship between division of property under the *FRA* and spousal support
- Relationship between child support and spousal support
- Mediation Process for spousal support
- **FAMILY AGREEMENTS**
 - Marriage Agreements
 - Cohabitation Agreements
 - Interim Separation Agreements
 - Separation Agreements
 - Setting aside Agreements
- **MEDIATION DEMONSTRATION – SPOUSAL SUPPORT**

DAY 3

- **PROPERTY MEDIATION – PROCESS AND LAW**
 - Mediation process
 - Consideration of different assets- the law and options for Agreement
 - Assets and Liabilities Schedules
 - Valuation of assets
 - Mediation demonstration

Text and Resource Materials:

Required:

The Family Relations Act @: http://www.qp.gov.bc.ca/statreg/stat/F/96128_01.htm

The Divorce Act @: <http://laws.justice.gc.ca/en/D-3.4/235045.html>

Recommended:

Course Level:

X	First Year		Second Year		Third Year		Fourth Year
---	------------	--	-------------	--	------------	--	-------------



	Other (describe):
--	-------------------

Equivalent Course(s) within the JIBC: None

Class Delivery Methods:

Some courses are delivered using a range of methods within one class (course section) or alternative methods in different classes. Please outline the most common delivery options used for this course. The total class hours should be the same for each option.

Delivery Methods	Class Option A (Hours)	Class Option B (Hours)	Class Option C (Hours)	Class Option D (Hours)
Classroom/Lecture/Discussion	21			
Simulation/Lab				
Practicum/Fieldwork				
Online				
Correspondence				
Total Class Hours	21			

Comments on Delivery Methods:

Related Program(s): (where applicable)

Credit Transfer exists at: (See list of Institutions with official transfer agreements and name equivalent courses on our website)

Course Grading System:

Check the system that applies to this course:

<input type="checkbox"/>	Letter Grades	<input type="checkbox"/>	Percentage	<input checked="" type="checkbox"/>	Pass/Fail	<input type="checkbox"/>	Credit/No Credit
<input type="checkbox"/>	Complete/Incomplete	<input type="checkbox"/>	Attendance Only	<input type="checkbox"/>	Not Applicable		

Passing Grade:	Pass
-----------------------	------

JIBC Standard Grading Scale for Letter, Grade Point and % Grades:

Evaluation Activities and Weighing: (complete the %'s which apply – total must equal 100%)

Final Exam	%	Assignments	X %	Project	%	Capstone Project	%
Midterm Exam	%	Portfolio	%	Participation	X %	Other:	%



Quizzes/Test	%	Simulations	%	Practicum	%	TOTAL	100%
--------------	---	-------------	---	-----------	---	-------	------

Comments on Evaluation:

Criterion-referenced evaluation.

Other Course Guidelines, Procedures and Comments:

1 or 2-Day Course: Learners must attend the full course to receive credit.

3, 4 or 5-Day Course: Learners who miss more than 7 hours of classroom time must repeat the entire course at their own expense. Learners who miss less than 7 hours of classroom time will receive a status of "no credit granted" for the course on their learner record. This status can be updated to "credit granted" by attending Use It or Lose It Clinic.

All Courses: If the course involved a coached skills-practice role-play, the learner must complete the role-play, or they will receive a status of "no credit granted" for the course on their student record. This status can be upgraded to "credit granted" by attending a Use It or Lose It Clinic.

Course Outline Changes: All changes to course outlines communicated to learners in class.

View the Justice Institute of BC Policies listed below at:

<http://www.jibc.bc.ca/studentServices/main/AcademicServices/policies.htm>

Access Policy
Harassment Policy
Prior Learning Assessment Policy
Student Code of Conduct

Academic Appeals Policy
Intellectual Property Rights Policy
Research on Human Subjects: Ethics
Student Records