

Worried about the break up of your marriage? *It doesn't have to result in a vicious battle.*

You can make your situation better. Read the wise advice in this article series authored by experienced family lawyers. Then consider how you'll proceed in the best interests of yourself and your family.

Article 10: Resolving your family law dispute: what to do next.

This is the last of ten articles designed to help people understand the complex area of family law. The articles are not a substitute for legal advice. They are meant to help you focus on the issues that you should consider when faced with family conflict.

Life is full of choices. If you and your spouse are still together, but your relationship is struggling, you can choose to stay together or separate. If you stay together, you can choose to seek help through marriage counseling or individual counseling.

If you can't stay together, you and your spouse still have choices as to how you will resolve the issues arising out of the break up of your family. The choices you make, particularly if you have children, will profoundly affect your future and your children's future.

If you choose to deal with your spouse with hostility, inflexibility and court proceedings, you will pay both an emotional and a financial price. Lawyers are very expensive and courts do not know you or your needs. Hostility never leads to reconciliation – it only leads to more hostility. Name calling and accusations stick (sometimes for years) and damage not only the combatants but also your children.

A good question to ask yourself when deciding how to resolve your issues is: "Five or ten years from now, how do I want my children to view how my spouse and I resolved our issues?" Do you want them to admire your ability to get through separation and divorce with class, or do you want them to look at this time with pain and regret?

Today, the courts, the government and lawyers all recognize that family autonomy, cooperation and the best interests of children should be the core values of any dispute resolution system. (Report of the B.C. Justice Review Task Force, [A New Justice System for Families and Children](#), May, 2005) But the courts and government can only do so much. You are responsible for how you deal with your breakup. You can get counseling help, hire collaborative lawyers, and hire mediators, but you need to be willing to get past the hurt and the grief and really be willing to see the world through the eyes of your spouse and children.

Your issues will be resolved one way or another. It's a little like having a baby. You can have the baby, but you can do so with more pain or less pain. You can resolve your outstanding issues with much pain and cost, or you can resolve them collaboratively and with less cost. Truthfully, you will probably get to about the same resolution either way. The choice of how you get there seems obvious, and the choice is yours.

Ronald J. Smith and Glenda Peacock are family lawyers and mediators based in Kelowna, BC. They wrote this article series to help people learn about preparing for collaborative and constructive solutions to the legal issues involved in marriage breakup.

You can contact Smith Peacock for a consultation by phoning 250.860.7868 or 888.787.6484.

Smith Peacock 1615 Bertram St. Kelowna, BC V1Y 2G5 • www.ronaldjsmith.com



SMITH PEACOCK

Lawyers, Chartered Mediators, Chartered Arbitrators