

Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP

Answers to pressing questions on Family Law.

Follow these steps for your license.

Question: I'm writing because I was married and divorced outside of Canada (both events were in the United States). Do I still need to go through process as people who married in Canada and divorced elsewhere when I remarry? Or can I just apply directly for a marriage license because both events happened outside the country?

Answer: You can apply directly to the Registrar of Ontario for an Ontario marriage license application that you must take to a competent family law lawyer. That lawyer must give you a "legal opinion" in a form prescribed by the Ontario government that certifies that you were domiciled in the jurisdiction that granted you the foreign divorce for at least one year prior to the granting of the Divorce Order. Otherwise, you could have simply flown to Las Vegas and obtain a weekend divorce. A lawyer will charge you a fee for such an opinion since he or she has to verify your identity, examine your passport and proof of domicile on that foreign jurisdiction for at least one year. He then also has to complete the Ontario legal opinion, which must be completed in a particular format. You then file that opinion with the rest of your marriage application to obtain the Ontario marriage license.

Question: My husband has custody of the baby. He is denying me access if I don't give him money. We have no court documents on access but my lawyer is working on that. Is there any way that I can get custody of my child? I have been accused of assault of my step daughter, the CAS is involved. My husband has been a former drug addict only quit last year July, he is abusive towards me. CAS gave me unsupervised access to my daughter. They told my lawyer they have no concerns about me having the baby.

Answer: Cases like this involve a spaghetti of conflicting allegations of abuse, especially when child protection workers are involved. Normally, the Ontario Court of Justice first hears from the Children's Aid Society to see if there is any merit to any of the abuse allegations before the same court or the Superior Court of Justice entertains any custody applications. Allegations of substance abuse by your ex can be tested with DNA hair testing samples that your lawyer can ask the Court to order, if Dad is denying it. Of course, you and yourself will be subject to the same tests.

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