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ISBN-10: 1-55093-738-3
ISBN-13: 9781-55093-738-1

A Great and Sudden Change: Changes to the *Family Property Act* and the *Divorce Act* in 2020

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Legal Education
Society of Alberta

Advanced Family Law Issues for Paralegals
Edmonton, Alberta – January 16, 2020
Calgary, Alberta – January 23, 2020

A GREAT AND SUDDEN CHANGE:
CHANGES TO THE FAMILY PROPERTY ACT AND THE DIVORCE ACT IN 2020

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Mary Wollstonecraft Shelley said, “Nothing is so painful to the human mind as a great and sudden change.” If that is true, we are in for a painful year in 2020.

The practise of family law is one of the most rapidly changing areas of law. As society changes, and as people’s relationships to each other, and to the children in their lives change, so must the area of family law change to accommodate the new realities that face families today.

The Courts are constantly struggling with the fact that families today do not look like families did even ten years ago. Many children have parental-type relationships with many more people than simply their biological parents. More and more people are starting new relationships before the legal consequences of their previous relationships are ended, resulting in people who may have more than one family dependent on them and their income. People are cohabiting with each other very early on in relationships, for various reasons (including some that are financial), which creates financial rights and obligations in regard to property obtained, or equity earned, during these relationships.

Changes to our area of law are usually incremental – cases being decided one by one and the Court of Appeal accepting or rejecting new ideas. However, 2020 will see the largest changes to the area of Family Law in Alberta in decades. That is because both the provincial and federal governments have decided that changes must be made to the legislation that governs our families – for the specific areas of both the division of property and divorce. While these changes may be difficult for us to adjust to, they are simply a reflection of our changing times and the changing face of our families.

One thing that has not, and will not, change is that family law practitioners, perhaps more than lawyers that practise in any other area of law, do best if they have a strong legal assistant to help them. This includes not only the day to day work, but also sharing the day to day struggle of dealing with clients who are likely going through the worst times in their lives. While we might not always acknowledge it, most family lawyers know that we cannot do it alone, and a smart, engaged, empathetic legal assistant is our most valuable partnership.

This paper is designed to provide information about the changes to the *Family Property Act* and the *Divorce Act*. The aim is to provide background, as well as practical information, which will equip you with the knowledge to be of immense assistance to your lawyer and also to provide enhanced service to your clients.