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Stuart M. Law

Stuart Law has been practicing Family Law for twenty years acting for children as well as spouses. He deals with all issues arising from the break-down of a marriage including child support, spousal support and equalization. He is a parent himself, a partner at SimpsonWigle LAW and an avid hiker.

Q I just caught my spouse cheating and I'm going to leave him or her. Should I claim sole custody of the kids?

A This question comes up a lot for Family Law lawyers and I hope we all give the same speech in answer to it. Marriages rarely, if ever, break down because one parent believes the other parent is unfit to participate in decision-making regarding the children. That is all "custody" means: decision-making regarding important questions like education, healthcare and religion (if applicable). Marriages breakdown for a lot of valid and unfortunate reasons, but the parenting skills of the other spouse are usually not an issue at all. Why manufacture an issue now just because you are angry with your spouse? Marriage break-ups are complicated and stressful enough already without throwing the children into the mix. Kids love both parents and want a meaningful relationship with each. They want as little change as possible in their lives. Try not to change their schools and neighbourhoods if at all possible. Their community of friends and teachers will be very important to them in the months ahead. So no, don't make custody an issue. You have had joint custody of your kids up to now. There is no need to change that.



SimpsonWigle
LAW LLP

HAMILTON

1 Hunter St. E., Suite 200
905-528-8411

BURLINGTON

390 Brant St., Suite 501
905-639-1052

www.simpsonwigle.com