

news + views

DM Cloud Progress: Marching Forward

The next phase of our DM Cloud development is well under way as we add the Forms and Precedents to the DM Cloud portal. This will ultimately bring the DM Cloud product line in sync with the DivorceMate desktop product line. Of course this will open the door for Ontario and British Columbia users to move exclusively to DM Cloud.

You may also be interested to know that we are in the final stages of moving DM Cloud and all data to Canadian soil. This task will be completed Q1 2017.

Why move to DM Cloud?

DM Cloud will be an incredibly powerful product that gives the user tons of options and flexibility. It will improve the way you communicate and interact with your clients, and will enhance the effectiveness and efficiency of your practice. Consider some of the following features we plan to incorporate into DM Cloud and you'll see the potential.

Client collaboration

DM Cloud users will have the option to invite their clients into the DM Cloud portal to essentially fill out an easy to understand intake section. Clients will provide basic information like important dates, names, ages, addresses and employment information etc., as well as critical financial information about income, expenses and property. You will then be able to review, amend and "import" the information for your use in the file.

More merging

We will take merging to another level. Extensive common information will get merged across all of our products. This includes all financial information, both income and expenses, that will not only get merged into court forms and financial statements, but will also merge into DM Tools calculations automatically. There will no longer be any need to input financial information multiple times!

Automatic Transferring

Another feature will allow the user to transfer the property section of two different financial statements (yours and the other side's) into a single NFP. This will eliminate the

time consuming task of adding the other side's property items to the NFP. (It will also work great for mediators working with two client's financial statements.)

We also plan to extend this merging ability to NFP comparison statements, allowing the user to merge two NFP statements into a single NFP comparison statement, once again eliminating the tedious and time consuming task of inputting the other side's information.

Mediation friendly

Mediators - don't despair! We are developing "mediation friendly" software that will allow you to remove court references and customize labels in various statements/reports (eg. changing applicant/respondent to husband/wife or Harry/Sally).

Plus, as a mediator, you will be able to invite both sides to the DM Cloud portal to fill out their own intake information including financial and property information, which in turn can be merged into single NFP or NFP comparison statements.

Other features

Some other innovative helpful features we are developing: post-separation property settlement statements (akin to a real estate "statement of adjustments"); the ability to create notes in both financial statements and DM Tools calculations; the ability to track changes; calendar with tickler system; the ability to generate all relevant forms for a particular task with a single click; the ability to save your own clauses in DM Precedents.

We are planning to release the next phase Q3 2017.



SEND US YOUR SUGGESTIONS FOR A CHANCE TO WIN!

Is there something you would love to be able to do in DivorceMate? If you have any suggestions or ideas for our future development, we want to hear from you! All suggestions, no matter how small, are valued. Forward your ideas to cmontgomery@divorcemate.com for a chance to be entered into our draw for a premium golf bag.

OCTOBER 2016 AUTOMATIC UPDATE

Precedents One (ON/B.C.): *The following clauses and/or commentary have been added/updated:*

Background

- Children from Prior Marriages/Relationships
- Social Insurance Numbers
- Incorporation of Background/Recitals

Child Support

- If Shared Custody / Guardianship
- Annual Review on Request
- Alternate - Automatic Annual Review
- Disclosure - short form
- Alternate - Disclosure - long form
- Cost of Living - Indexing clauses
- Income Tax clauses - implementation of CCB and repeal of UCCB & CCTB

Spousal Support

- End of Support

Life Insurance

- Irrevocable Beneficiary Clauses - *Dagg v. Cameron Estate* case
- Variable if Material Change in Circumstances

Property

- Security for Payment clauses (BC only)
- Property - Indemnity for Tax Liabilities (BC only)
- Matrimonial Home - Release of FLA Part II Rights (ON only)

Tools One (All provinces)

- Net Present Value (NPV) discount rates adjusted
- All "Spousal support" references eliminated for Child Support only calculations

Click [here](#) for more details.

CAUTION re: Irrevocable Beneficiaries

Be careful when designating a spouse as an irrevocable beneficiary of a life insurance policy. In a recent case, *Dagg v. Cameron Estate*, 2016 ONSC 1892, the Ontario Divisional Court held that despite the deceased's designation of his first wife as the irrevocable beneficiary of his policy in a consent order, the proceeds were available to the second wife and child to satisfy their claims for support under the Succession Law Reform Act. In other words, an irrevocable designation may not be enough to protect the policy against another dependant's claim under the SLRA. As a result of this case, a "caution" has been added to the irrevocable beneficiary life insurance clauses of Precedents One.

Leave to appeal this case to the Ontario Court of Appeal has been granted. In the meantime, parties may need to make other arrangements to secure support. Once the Court of Appeal releases its decision and the law becomes clearer on this issue, we will revise the Precedents clauses as necessary.

The Eligible Dependant Credit: *Things you MUST know!*

1) Don't assume that the eligible dependant credit is automatic. Certain conditions must be met to be eligible. For example, the credit cannot be claimed if a party is remarried, has a new common law spouse or is claiming a spousal credit. Click [here](#) for full details. If your client is not eligible, you must change the default setting in the software.

2) In shared parenting situations, the parties must agree on the allocation of the eligible dependant credit, failing which, neither party gets it. **In order to allocate this credit, both parties must be obligated to pay support for the child, even if for practical reasons, a single "setoff" payment from one to the other is ultimately made.**

If more than one child is in a shared parenting situation, as long as both parties agree and are paying support, it would appear that both parties can claim the credit.

A word of caution, however, when drafting this clause—express reference to the Child Support Guidelines or to a single setoff payment may prohibit the parties from allocating this credit to a higher income parent, even if two payments are set out in the order or agreement; CRA may construe any child support based on the CSG statutory scheme as legally obligating only one party to pay child support, thereby disallowing the allocation of the credit. See the various examples in [CRA Guide P102](#), under the section "Shared custody and the amount for an eligible dependant".

Remember that ultimately CRA will have the last word. You should have a "back up plan" in the agreement in the event that CRA disallows the allocation of the credit. For example, expressly set out an alternate amount of support, or provide for a review/variation of support, in the event that the credit allocation is disallowed.

3) Understand the impact of the credit on your calculation. It will not affect the Table amount of child support, but will impact the proportionate sharing of special expenses and spousal support under the SSAG.

Click [here](#) to see the full paper.

JUST FOR LAUGHS

Marriage Licence

We accompanied our son and his fiancée when they went to sign some pre-wedding ceremony papers. While filling out the form, our son read aloud a few questions. When he got to the last one, which read: "Are you entering this marriage at your own will?" he looked over at his fiancée'. "Put down 'Yes,'" she said.



MySupportCalculator gets some work done under the hood

We are always looking for ways to maximize traffic to [MSC](#). Those of you that have a website understand that to be successful and attract more people to your site, you need to keep things current and fresh with new and relevant content. The website should never sit dormant for an extended period of time. To be successful, you also need to be in tune with Google and the Google algorithm, PageRank. This algorithm dictates how webpages are ranked in search engine results.

At [MSC](#), we recently did some extensive “behind the scenes” work to help improve our site. The goal of the work was to improve our ranking on Google searches and our search engine optimization (SEO) overall. Not only did we want to be at or near the top for standard “key word” searches, but we also wanted to improve our ranking on a wider range of “key word” searches. Much of the work focused on making our site more friendly to the Google “crawlers”. The more the Google “crawlers” can read on a site, and assume what they read is relevant, the higher the site will rank. So, by improving our Google PageRank, an increasing number of people will find [MSC](#) through organic Google search results.

Why you should consider a PREMIUM profile on MSC

We currently welcome over 15,000 unique Canadian visitors to [MSC](#) each month and we have 192 Premium Profiles of Family Law Professionals advertising their family law services in our directory. If you already have a free Basic Profile, that’s a step in the right direction, but we thought you should know how Basic Profiles actually compare to Premium Profiles.

For our Toronto professionals, the average number of clicks per Premium Profile is greater than 100 per year! Free Profiles in the Toronto area only average approximately 1 or 2 clicks all year.

Vancouver professionals can expect to receive 85 clicks per year on their Premium Profiles compared to free Basic Profiles which average only 4 clicks per year.

In most locations across the country you can expect to receive at least 15-20 times more clicks on your profile when you switch from Basic to Premium.

Each of these clicks represents an individual who is likely separated or divorced, who could be a potential client, and who may reach out to you because your Premium Profile was there when they were ready to ask for help.

Please contact Faith Feldman, General Manager of MSC at (416) 787-8515 or ffeldman@mysupportcalculator.ca if you have any questions about our improvements or about getting signed up for a Premium Profile.

Changes to Social Assistance in Ontario

In 2017, Ontario is ending the claw back of child support payments from social assistance.

Currently both child and spousal support payments are considered income and deducted on a dollar-for-dollar basis (ie. “clawed back”) from social assistance. Starting in 2017, Ontario Works (OW) and the Ontario Disability Support Program (ODSP) will no longer claw back child support payments (spousal support will continue to be clawed back on a dollar-for-dollar basis).

The exemption will take effect January 1, 2017 for the Ontario Disability Support Program (ODSP) and February 1, 2017 for Ontario Works (OW).

Clients will also no longer be required to pursue child support as a condition of eligibility for social assistance - a requirement that clients and advocates have reported as a cause of distress.

How will this impact DivorceMate and your child and spousal support calculations?

This change will have no impact on your calculations for Child Support Table Amount or the apportioning of Section 7 expenses. The full amount of social assistance is considered as income for Guidelines purposes and is not clawed back.

Nor will this change impact your SSAG calculations. Social assistance is not considered income under the SSAG. Any social assistance input into the software will be automatically backed out of income in the calculation of spousal support under the SSAG, and so the claw back has no bearing on the calculation.

This change will, however, impact the NDI calculations under the Support Scenarios. In many cases, the recipient will have a greater NDI because of the reduced claw back. We plan to update the software at the beginning of 2017. Stay tuned for more info.



UberLaw? Buyer Beware!

It seems like every day we hear about a new online family law product geared towards the public. These self-help, do-it-yourself online programs are everywhere. There is an “Uber” movement happening in family law with support calculators and family law information services popping up all over the internet. Unlike Uber drivers, however, whose trustworthiness is reinforced through their ratings, the public can’t possibly know which services they can trust.

We reviewed a number of online sites and found that in many cases, the information provided was incorrect. Our extensive testing of several online child and spousal calculators also exposed inaccurate results. Unfortunately, the Canadian public and your potential clients, have no idea that the information on which they are relying, and the calculator on which they are basing support payments, may be grossly inaccurate.

For example, consider the following facts:

- Party A - age 40 living in ON, \$120,000 of income;
- Party B - age 40, living in ON, \$20,000 of income;
- 3 children, ages 12, 14, and 15 living primarily with Party B.

The chart below compares the SSAG spousal support ranges generated by DivorceMate/MSA with some other online calculators:

MSC Calculator:	\$113 — \$431 — \$787
Lawyer’s Website:	\$601 — \$1,018 — \$1,515
Other Online Service:	\$887 — \$1,487

You’ll see from the figures that the results vary wildly! At the midpoint alone, there is a difference of \$7,044 per year! Even in this very basic situation, people are costing themselves thousands of dollars by unknowingly relying on inaccurate software. The reason why these online calculators are incorrect is because they are incapable of completing the necessary mathematical, income tax and social program iterations required.

So, as lawyers and mediators on the front lines, what can you do to protect your clients, family, friends and the public? First of all, use your websites, social media and advertising space responsibly – don’t provide or recommend inaccurate calculators! Secondly, educate your clients - let them know that if they are doing their own simple calculations, they can confidently rely on the support figures generated by MySupportCalculator, as it remains the only accurate online child and spousal support calculator available to the Canadian public.

And with our newly added MSC Advantage option, more complicated scenarios with different types of income and Section 7 Expenses, can also be easily and accurately handled.

Lunch On Us Contest

A sincere “thank you” to all of those who participated in our [Spring/Summer 2016 news + views’ Lunch On Us Contest!](#) We received many great captions for the image on the right (which was actually taken by a friend in New York last year). The winning caption submitted by Joseph Hamon from Ottawa, Ontario, was: **“No! Really! I even have to park my Mercedes where the bailiff can’t find it!”** Joseph took advantage of his FREE lunch for two (worth \$150) at Grill 41 at The Lord Elgin Hotel in Ottawa. How nice is that?!



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Here’s *your* chance to indulge with your favourite person at a restaurant of your choice. Review the image above very carefully, get your ‘creativity hat’ on, and email your caption phrase to: info@divorcemate.com by **Tuesday, January 31, 2017**. Your caption will be judged based on creativity and relativity. The selected winner will be notified by Monday, February 6, 2017. Good luck!

For contest rules and regulations, please contact us.

DON'T FORGET!

As of **January 1, 2017**, these tax credits are eliminated:

- federal fitness credit
- federal arts credit
- federal education and textbook credits
- activities credit (ON only)

And further credits are eliminated in September 2017:

- tuition and education credits (ON only)