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YOUR FAMILY YOUR BUSINESS AND THE LAW

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Garfin Zeidenberg LLP is a full-service law firm with lawyers practicing: Civil Litigation, Corporate and Commercial law, Family and Divorce Law, Real Estate Law, Wills and Estate Planning, Employment Law, Trademarks and Copyright, and Condominium Law.

Family Law Issue:

IN THE SILENCE
BETWEEN THE WORDS:
THE ADULT CHILDREN
OF DIVORCE

DIVORCE:
CONSIDERATIONS &
REASONABLE
EXPECTATIONS

IMPORTANT CHANGES TO
DIVORCE LAW

THE GZ FAMILY LAW
TEAM

HELPING FAMILIES ON
SOCIAL MEDIA

Congratulations!

Mr. John Tibor Syrtash LL.B., recently celebrated 40 years in family law. Servicing hundreds of clients across Canada and worldwide since 1981, he currently serves as Senior Family Law Associate at Garfin Zeidenberg LLP.

Martin Zeidenberg, Founder and Senior Partner at the firm, commented, “John’s tremendous knowledge in his field and ability to bring compassion and understanding of his various clients serves him well in dealing with the emotionally difficult cases he takes on as a senior family law lawyer.”

[For more on John's anniversary.](#)

In the Silence Between the Words: The Adult Children of Divorce

By John T. Syrtash, B.A. (Hon.) LL.B.

“One of the tasks of true friendship is to listen compassionately and creatively to the hidden silences. Often secrets are not revealed in words; they lie concealed in the silence between the words or in the depth of what is unsayable between two people.”

– John O’Donohue (1956-2008) Irish poet, author, priest, and philosopher From *Anam Cara: A Book of Celtic Wisdom*

Common sense informs most of you that Divorce hurts children of younger years for obvious reasons. As a family law lawyer in Toronto, I have seen this frequently, but the challenges also extend to the adult children of divorce. Formerly, it was thought that breaking up a bad marriage was much better for children than waiting until they grew up, at least until they moved out. Long-term studies, such as Judith Wallerstein’s “Legacy of Divorce” have proven that in the absence of violent/ abusive situations, this myth may be very problematic. Quite the opposite is true. Children of divorced parents have been shown to be at far greater risk of divorce themselves, criminal behaviour, substance abuse, and other problems than those kids whose parents with troubled relationships who either stayed together or deferred separation until the children had moved out permanently.

John T. Syrtash serves as Senior Family Law Associate at our firm and serves clients across the country. He is recognized for delivering the highest legal services related to the complete separation and divorce process, including expertise in property division, child and spousal support, child protection, and international parental child abduction cases. John is a member of the Law Society of Ontario and a veteran, senior trial lawyer. He also conducts a family law mediation and arbitration practice. Reach him at: (416) 886-0359, jsyrtash@gzlegal.com.



However, far fewer studies have been published on the effect of divorce on adult children. Children who have moved out or have “grown-up” often suffer in silence when their parents separate. Although no longer living at home, many parents of such adult children forget the boundaries they taught their kids by putting them “in the middle” of disputes arising from the separation or by using their children as shoulders on which to cry. Such behaviour often shatters an adult child’s own sense of stability and identity with which he or she has identified all his/her life. That stability is based on the marriage that nurtured their very being and much of who they have become. By attempting to force such an adult child to take sides, offspring can develop an enormous degree of stress, leading to emotional problems and occasionally, the stress in their own marriages. Sometimes such stress can be a factor leading to divorce with their own spouses. Moreover, in cases where an adult child has already been alienated when young by one parent against the other, such conduct by parents can further intensify such feelings of alienation.

So what to do? Is there such a thing as a healthy divorce? In the quote above, Irish poet John O’Donohue describes what two friends mean to each other, how the secrets of friendship blossom “between the words.” It means to “listen compassionately and creatively to the hidden silences.” In a remarkable Sabbath morning speech, Rabbi Daniel Korobkin of Thornhill’s BAYT synagogue recently remarked that it is between the words where one finds God. As applied to the adult children of divorce, I interpret such wisdom to mean that in order to protect your adult child’s stability and sense of self-worth: keep your mouth shut. No matter how close you may be to your kids and no matter how badly you want them as your “allies”: don’t. As difficult as this is to read, an adult child does not owe you any greater allegiance.

The adult child will listen very intently to that silence. He or she will appreciate it more than you can imagine.

Divorce: Considerations & Reasonable Expectations

By Marlene Kazman B.SC., LL.B.

Studies show that married people are the happiest people on Earth. That said, 35-40% of marriages end in divorce, and the divorce rate among people who marry before age 25 is around 75%. We can conclude that when marriages “work”, it is a great thing for all interested parties, but a considerable percentage of marriages don’t work, especially amongst people who married too young. If your marriage is not working, you ought to consider a few things before you end it:

Divorce is final: Separation does not have to be final, but it typically proceeds to divorce.

Your spouse’s understanding: Once you tell your spouse that you are separating from him/her, your spouse may hear you as saying you want a divorce. You cannot control your partner’s emotions or reactions. Even if your spouse understands that you are expressing a desire to separate only, your spouse may say that they wish to divorce. Your spouse “one ups” you.

Your kids: They will be affected by the divorce forever. Do you have a reasonable parenting plan in mind, or are you looking to erase your spouse from the kids’ lives? The former not the latter, are acceptable goals.

Your safety: Can you verbalize your desire for separation and/or divorce safely? If not, what does your safety plan look like?

Your house: Your spouse is not required to sell his/her interest in the property to you. It is reasonable to list and sell the home to get the Best return the market will bear.

Your feelings: Will you feel guilty for the rest of your life for destroying the family unit? What processes do you have in place to deal with your emotions? How will the children's emotional well-being be supported?

Your standing in your community: Will life be miserable without reliance on the relationships you have forged with your spouse? Will you be shunned by friends, in-laws, etc.?

Your financial future: Can you support yourself without contribution from your spouse? If not, does your spouse have the financial ability to contribute to your support? For example, two women can have identical marriage “stories” in that they are staying at home moms with primary residence of 3 kids all under the age of 11, but the first woman’s husband earns \$75,000/year and the second woman’s husband earns \$225,000/year. Both women will receive "Table" child support based on the income of their own husband. However, Wife #1 can expect spousal support of about \$300/month while Wife #2 can expect spousal support of about \$3,000/month.

You have considered the items above, and the other considerations that go into your own personal calculus, and you have decided to end the marriage. Now, you need to understand your rights and obligations. That is where I come in. Practicing law since 1993, I have the skill and experience to guide you through the separation and divorce process armed with reasonable expectations and creative solutions.

Marlene Kazman is our senior associate practicing exclusively in family law. She handles all family law matters including divorce, custody and access, child and spousal support, property division, separation agreements, marriage contracts, and cohabitation agreements. Marlene attends regularly at court and at mediation, and has successfully resolved numerous matrimonial disputes on behalf of her clients. Reach her at: +1.416.642.5416, kazman@gzlegal.com.



Important Changes to Divorce Law

By AILIN HE, LL.B., MSc

The amendments to the federal Divorce Act came into force on March 1, 2021. The following is a summary of important changes:

- 1. Terminology:** “custody” and “access” have been replaced with “decision making responsibility” and “parenting time”;
- 2. Family dispute resolution:** lawyers must inform and encourage clients to participate in alternative dispute resolution, including negotiation, mediation, or Collaborative law; and
- 3. Family violence:** courts are now required to consider the impact of family violence when considering corollary relief proceedings. Family violence is defined as conduct that is violence or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes a family member to fear for that family member’s own safety or for the safety of another person. Most importantly, such behaviour includes physical abuse, sexual abuse, threats of harm, harassment, psychological abuse, and financial abuse. In the case where a child is involved, family violence captures the direct or indirect exposure of the child to such conduct.

Ailin practices in the areas of family law and litigation. She was called to the Ontario Bar in 2020 and joined Garfin Zeidenberg LLP as an associate after training with the firm. Ailin has experience in all aspects of family law including property division, support, child protection and custody matters.

Reach her at:
+1.416.642.5424,
ailinh@gzlegal.com



WHAT IMPACT DO THESE HAVE ON YOU?

1. Less confusion: a common misconception that I hear from clients is that they seek sole custody because they want the children to live with them.

“Custody” in family law context refers to the right and responsibility of a parent to make major decisions for the parent’s child. Major decisions include those concerning education, religion, and non-emergency health care. After I explain what “custody” really means, I always ask my clients if they really want to make all major decisions alone? The answer I get every single time is no, they wish to make decisions jointly. Therefore, with the new terminologies in place, parents will be less likely to fight over “custody”.

2. Make child focused decisions: amendment to the Divorce Act also confirmed that the best interests of the child is the only consideration when the court makes parenting or contact orders. The Act now provides a non-exhaustive list of legislated factors to apply in weighing the best interest test. The new amendments places greater emphasis on family violence and the ability and willingness of a person engaged in family violence to care for and meet the needs of the child.

3. Try to keep in-court litigation to a minimum: The new amendment now requires lawyers to inform and encourage clients to participate in alternative dispute resolution (ADR). These include mediation,

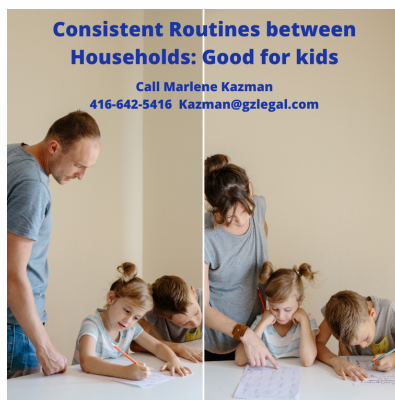
Our Team of Family Law Lawyers

John Tibor Syrtash
Marlene Kazman
Melissa Stamkos
Ailin He

Family and Divorce Law Services

- Divorce proceedings, including bringing and defending claims for Spousal Support, Child Support, Decision-making, Access, and Division of Property
- Civil Litigation
- Preparation for and attendance at Motions, court Case Conferences, and Trials
- Separation Agreements
- Marriage Contracts
- Wills and Estate Planning
- Real Estate
- Co-habitation Agreements
- Alternative Dispute Resolution Services, including Mediations and Arbitrations
- Applications under the Hague Convention on the Civil Aspects of International Child Abduction

Helping Families on Instagram



www.instagram.com/john_syrtash_family_law

www.instagram.com/northyorkfamilylaw

Garfin Zeidenberg LLP
5255 Yonge St, Suite 800, North York, ON, M2N 6P4
[416.512.8000](tel:416.512.8000), gzinfo@gzlegal.com
www.gzlegal.com

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