

Family Law Guide

While there are sections in this guide devoted to American and Family Law, the majority of this guide is on Canadian Family law. Family Law in Canada is governed, for the most part, by provincial law, although divorce is covered by Federal law. The guide will deal not only with Marriage and Divorce, but also with Children. There will also be information on U.S. Family law as well as international aspects of family law.

CANADA

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CANADA

Primary Sources

To start, you may want to find a good introduction about the topic. You can do this by going to the *Canadian Encyclopedic Digest*-this is a multi-volume set covering most legal topics. For family, you will want to go to volume 13, title 62.

1. Statutes and Regulations

A. Federal

- I. *Divorce Act* R.S.C. 1985, c.3. (2nd Supp.)

B. Provincial

- I. *Child and Family Services Act*, R.S.O. 1990 c. C. 11.
- II. *Children's Law Reform Act*, R.S.O. 1990 c. C.12.
- III. *Family Law Act*, R.S.O. 1990 c. F. 3.
- IV. *Marriage Act*, R.S.O. 1990 c. M. 3.

How to search for other statutes: You can look at other sources such as:

- I. [CanLII](#)- A free internet source, this service gives access to statutes and recent cases from all of the federal and provincial courts.
- II. [Westlaw - FamilySource](#)

- III. [Quicklaw](#)
- IV. [Justice Canada](#) – from the Department of Justice
- V. [E-laws](#) – from the Ontario government

2. Case law

To find case law, here are some sources you can browse:

- I. *Canadian Abridgement*. DIG B35 3rd ed. Vol. 36-47: Family Law, or electronically available in Westlaw-eCarswell.
- II. [Reports of Family Law](#) – Series 1-6

Using keywords, you can use these sources:

- III. Quicklaw >>Source Directory >> Canada >> Topical Collection of Case law and commentary >> **Family Law Cases, Topical**
- IV. Westlaw-eCarswell >> Cases

Secondary Sources

Secondary sources include treatises and articles. They not only give a general overview of the law, but also provide citations to legislation and case law.

1. Books

- a. Bala, Nicolas C. Canadian Child Welfare Law: children, families and the state. 2nd ed. Toronto: Thompson Educational Pub., 2004. LAW RESV 3735 B36 2004.
- b. Baqi, Karen. Behind Closed Doors: How faith-based arbitration shuts out women's rights in Canada. Montreal, Rights & Democracy, 2005. KF 505 ZA2 B37 2005.
- c. Hainsworth, Terry W. Divorce Act Manual. Looseleaf. Aurora, ON: Canada Law Book, 1994. KF 533.4 H24 1994.
- d. Landau, Barbara. Family Mediation and Collaborative Practice Handbook. 4th ed. Markham, ON: LexisNexis Butterworths, 2005. KF 535 L28 2005.
- e. McLeod, James G. and Alfred A. Mamo. Matrimonial Property Law in Canada. Looseleaf. Calgary: Burroughs, 1980-. LAW RESV KF 524 A6 M28
- f. Mossman, Mary Jane. Families and the Law in Canada: cases and commentary (Toronto: Edmund Montgomery Publications, 2004). Law RESV KF 505 ZA2 M67 2004
- g. Nemet-Brown, Sheila. Matrimonial Property Markham, Ont.: Lexis Nexis, 2007.
- h. Payne, Julien D & Marilyn A. Payne. Canadian Family Law. 3rd ed. Toronto: Irwin Law, 2008. LAW RESV KF 505 ZA2 P39 2008.
- i. Payne, Julien D. and Marilyn A. Payne. Child Support Guidelines in Canada, 2004. Toronto: Irwin Law, 2004. KF 547 P39 2004
- j. Shaffer, Martha ed. Contemporary issues in family law: engaging with the legacy of James G. McLeod. Toronto, Thomson Carswell, 2007. KF 505 ZA2 C66 2007.

- k. Steinberg, David M. et al. Ontario Family Practice 2009. [Canada]: Lexis Nexis Canada, 2008. LAW RESV. KF 505ZB3 O57 2009
- l. Wilson, Jeffrey. Wilson on Children and the Law Toronto, Ont.: Looseleaf. Butterworth's, c1994. Law RESV. KF 479 A6 W45 1994

To find more books:

Search the [Osgoode law library catalogue](#): use subject searches such as:

Child Welfare—Canada
 Children—Legal status, laws, etc.--Canada
 Divorce—Law and legislation--Canada
 Domestic Relations—Ontario
 Domestic Relations—Canada
 Marital property—Canada
 Minors--Canada
 Parent and child (Law)--Canada

2. Articles

To find articles on Canadian family law, go to the Index to Canadian Legal Literature (ICLL), which is available in Print and online on Westlaw and Quicklaw. Here are some examples of Canadian family law journals in our library.

- I. Annual Review of Family Law Call No. KF 505 ZA2 M35 2001
- II. Canadian Family Law Quarterly Call No. PER C17185
- III. Canadian Journal of Family Law Call No. PER C17415
- IV. Family Law Review Call No. PER F2913

Other sources to find articles:

- V. Westlaw-eCarswell
- VI. Quicklaw

3. Internet Resources

- I. [Justice for Children and Youth](#) – a legal clinic that assists youth and children in all areas of children's law. Topics include but are not limited to, child welfare, custody and access and corrections. There is a section on position papers dealing with various aspects of children's law, as well as links to other resources.
- II. [Vanier Institute of the Family](#) – this non-profit charitable organization advocates for the well-being of Canadian families. There is a library dealing with issues including divorce, aboriginals, and parenthood.
- III. [Gene C. Coleman's Family Law Centre](#) – this website, from a sole practitioner in Toronto who was a co-founder of the Canadian Journal of Family Law, has numerous links to various family law resources from Canada, the U.S., Britain and Australia.
- IV. [Association for Research on Mothering](#) – based out of York University, this group is the first feminist organization to discuss and disseminate research on motherhood. The group was founded in 1998 and now has over 500 members in 20 countries.

- V. [Canadian Policy Research Networks](#) – This group’s mission is to create research and promote discussion on social and economic issues of importance to Canadians. The research is available for free on the web, no passwords are necessary.
- VI. [Family Responsibility Office](#) – A part of the Ontario Ministry of Community and Social Services, the FRO’s mission is to enforce court-ordered support responsibilities

United States Family Law

Because there is a wealth of information on United States family law, here are some guides from U.S. law schools and government sources with information on where to go for family law

- I. [Washlaw Web- Family and Juvenile Law](#) – a good website from Washburn University law library. It provides links to various internet sources (mostly American) on various kinds of international law.

Other Sources

- I. [THOMAS](#) – from the Library of Congress. This is a good site to view the full text of Federal Public laws from 1973 to the present, as well as the full text of bills from 1989 to the present.
- II. [Legal Information Institute \(Family Law\)](#) – From Cornell’s Legal Information Institute, this page lists and provides links to important federal and state laws and court decisions regarding Family Law. It is split into different areas, including adoption, marriage, divorce, and child custody.
- III. [ABA Center on Children and the Law](#) – as part of the ABA, this group focuses on diverse areas of law and court-related topics affecting children. These include, but are not limited to, domestic violence, foster care, guardianship, and custody and support. The page has some interesting links on resources dealing with children’s law.
- IV. [Administration for Children and Families](#) – Operated under the Department of Health and Human Services, this body is responsible for federal programs that promote the well-being of children and their families.

Note: For U.S. journals on family law, try [LegalTrac](#), [HeinonLine](#) and [Index to Legal Periodicals](#), which are all on e-resources. Westlaw and Lexis Nexis also have a number of family law related articles in their database.

Foreign Family Law

Family law from other countries:

- I. [WorldLII \(World Legal Information Institute\)](#) – under ‘catalog’, click on “subjects”, then “family law” to get information on family laws of various countries, as well as case law, international treaties, and links to international organizations dealing with labour.

International Family Law

1. International Organizations

- I. [International Society of Family Law](#) – an international organization dedicated to the scholarly study and discussion of family law issues. They have some good links to other organizations.
- II. [UNICEF](#) (United Nations Children’s Fund) – this organization provides long-term humanitarian and developmental assistance to children and mothers in developing countries. On its website are a number of policy initiatives the organization is involved in.

2. International Treaties and Conventions

- I. [UN Convention on the Rights of the Child](#) – this international convention sets out the civil, political, economic, social and cultural rights of children. It has been ratified by nearly everyone in the world, with the exception of the United States and Somalia.
- II. [CEDAW](#) (Convention on the Elimination of All Forms of Discrimination Against Women– this UN convention has been described as a bill of rights for women, outlawing all forms of discrimination against women.
- III. [Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption](#)

3. Journals

- I. [International Journal of law, policy and the family](#) LAW PER IN772
- II. [International Journal of Law and the Family](#) (only until 1995) LAW PER IN768
- III. [Australian Journal of Family Law](#) (Library has until 1993) PER AU78257

4. Other Resources

- I. [International Family Law – A selective guide](#) – This guide, prepared by a former law librarian at the University of Toronto, lists numerous sources dealing with family law.

Blogs

- I. [Andrew Feldstein – Family Law Blog](#) – This blog, from a Toronto family law firm, is continuously updated with comments from the lawyer about recent family law cases. There does not seem to be much dealing specifically with statutes, only with cases, but still a good site to go to in order to keep up with new case law.
- II. [Family Law Prof Blog](#) – This blog, run by professors from various law schools in the U.S., mostly deals with U.S. family law, although it does have some postings that cover family law from other countries.
- III. [Ontario Family Law Blog](#) – From a small law firm in Barrie, this blog deals with many topics on family law, including divorce, separation and other interesting areas including pain and suffering.

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