

The decision regarding next step should always be made in consultation with the client. Best practice is to set up a call between the attorney and client once initial pleadings are done to talk about the next steps. When determining how to proceed, the following things should be considered, while understanding that every case is different.

Initial Pleadings Done
(Petition and Answer & CP)

Discuss with attorney whether to file with Court

Next Step

Make a Proposal
(Letter Proposal or MTA/Stip)

Best when

- Client has solid knowledge of both their and OPP's finances
- Client has an idea of how they'd like to divide things
- Few debts / assets property
- Unlikely to be disagreement over custody/parenting time
- Parties have worked together to come to a general agreement
- OPP is unrepresented and client believes they may just agree to whatever we propose

Not good when

- Client is not familiar with OPP's finances, doesn't know values of accounts, or thinks OPP may be hiding things
- There is a business our client is unfamiliar with
- There are obvious and significant disagreements between parties on division or value of property or custody/parenting time
- The parties do not get along and are not likely to agree to anything

Complete Discovery
(Informal or Formal)

Best when

- Client obviously needs financial information they don't have access to in order to make or accept a proposal.
- OPP may have medical, mental health, or chemical dependency records that are important for our client to see before any custody or parenting time agreement
- Client has specific questions they want OPP to answer, possibly about past behavior, specific financial questions
- There is a business involved

Not good when

- Client has full knowledge of and access to both their and OPP's financial information and can get it all themselves
- Client has very limited funds AND believes they have good understanding of financials or can work with OPP to get them
- Custody / Parenting Time is the only issue and there aren't any serious concerns with the other parent (mental health or chemical dependency history)

ADR
(Mediation or ENE)

Best when

- Issue is only custody / parenting time and the parties would benefit from a neutral party helping them come to an agreement; however, no discovery is needed.
- Few debts / assets and client has access to all the financial information so we can complete a DA sheet without needing discovery
- Parties have already come to an agreement on a quite a few areas and have just a few remaining things they disagree on and would benefit from a neutral to help finalize the agreement.

Not good when

- Client is not familiar with OPP's finances, doesn't know values of accounts, or thinks OPP may be hiding things.
- There is a business that our client is unfamiliar with
- We don't have enough money to put together a debt asset sheet
- Client wants to involve experts and those reports (appraisals, custody evaluations) will be necessary to have a productive mediation.

Must be filed

Temp Relief Hearing

Best when

- Client needs an order from the Court as soon as possible to address something and it cannot wait until the matter is final – temporary parenting time, temporary spousal support, temporary child support
- It's anticipated that the proceeding will take a long time (9+ months)

Not good when

- Client doesn't have any specific, immediate needs.
- The proceeding probably won't take too long, either because it is low conflict or there's not a lot of assets.
- Client thinks they can work out a temporary agreement with OPP or the attorney believes they may be able to reach out to OPA/OPP to reach a temporary agreement
- Client doesn't have the financial or other info necessary to complete an affidavit to support their request
- Client does not have funds to pay for the motion