

Working with a Private Investigator to Uncover the Hidden Truth about your Partner

At any stage of a personal relationship, your partner's words and actions may be creating a lot of questions that are going unanswered. Are they really who they say they are? Do they really do what they say they do? Feeling suspicious is not only emotionally taxing, but it can increase the strain on an already strained relationship. Over the years, we have found that clients at our Offices have benefitted greatly by working with a private investigator to find the answers to their concerns. Not only does it provide peace of mind, but it can also be of great assistance to a file during court proceedings, with findings being explained first hand by an unbiased third party in an affidavit, or during negotiation and mediation. For example, in a 2006 case, a judge imputed an income of \$100,000.00 to a party claiming to have no income based on the testimony of a private investigator (See *Perkins v. O'Neill* below).

The Private Investigator that our Offices regularly works with has over 30 years of experience. Part of his success stems from the holistic and individualistic approach he takes to each case: Meeting with the family or individual to assess their goals, using his psychology and social work training to help find and interpret behavioural patterns and working with a team of skilled professionals – from lawyers and accountants to experienced actors – to obtain whatever information is required.

Investigative techniques often involve a combination of audio, video and photographic capturing devices to observe and track an individual's behaviour. Sometimes it is also necessary to facilitate a face-to-face meeting with the subject of an investigation, in which case a team of highly trained actors works to create that opportunity and gather evidence, while completely maintaining the client's confidentiality. This often occurs when there are questions around infidelity or disputes around income and assets. Certain situations require going over-seas to connect with major institutions to search for hidden assets. This type of extensive investigation can occur, for example, in matrimonial disputes when the support payor is trying to avoid or reduce monthly spousal and/or child support payments. It is therefore important to work with an investigator who is well connected and can find this type of information for you as quickly and efficiently as possible.

Once the evidence is gathered, everyone works together to develop an action plan to move forward with the information, if you so choose. Recognizing the sensitivity of relationships, the investigator that we work with always strives to resolve any issue discreetly. Sometimes a solution does not have to be as adversarial as it first appears. Our private investigator recently worked with a family where one party claimed that she could not work, the other party – the support payer – thought that she could. With the permission of his client, our Private Investigator met with the adult children of the parties who expressed a sincere interest in helping resolve the issue. They all worked together to create a re-education plan in an effort to help both parents resolve the issue.

It is a difficult decision, but sometimes necessary, to go below the surface of what your partner or ex-partner is saying. In the end, it is best to always be as informed as possible when signing a pre-nuptial agreement, a separation agreement or filing for divorce. Working with a Private Investigator can provide you with security and knowledge to help you make a thoroughly informed decision on how you wish to proceed.

For further reading, you may wish to read:

For imputed income based on a private investigator's findings, see Perkins v. O'Neill [2006] O.J. No. 4655 at paragraph 57:

<http://www.canlii.org/en/on/onsc/doc/2006/2006canlii39035/2006canlii39035.pdf>

For an American perspective on the admissibility of private investigator's evidence, see:

<http://www.divorcesource.com/research/dl/expert/99nov217.shtml>

For a recent article on Privacy Laws and the admissibility of videotape evidence, see:

<http://www.langmichener.com/index.cfm?fuseaction=content.contentDetail&ID=8534&tID=244>

For a more general and historical perspective on the use of videotapes and photographs in the courtroom, see: <http://www.videoevidence.ca/pdfs/0719184336.pdf>