



Department of Justice
Canada

Ministère de la Justice
Canada

**THE CHILD-CENTRED FAMILY LAW STRATEGY
SUMMATIVE EVALUATION
Final Report**

June 2008

**Evaluation Division
Office of Strategic Planning and Performance Management**

TABLE OF CONTENTS

1. INTRODUCTION.....	1
1.1. Context and Purpose of the Summative Evaluation	1
1.2. Organization of the Report.....	2
2. BACKGROUND AND DESCRIPTION OF THE STRATEGY	3
2.1. Issues and Trends in Families	3
2.2. Family Law and Family Justice Activities in Canada	5
2.3. Description of the Child-centred Family Law Strategy	6
2.3.1. Pillars of the Strategy.....	7
2.3.2. CCFLS Governance, Structure and Activities	8
2.3.3. Provincial/Territorial Involvement	10
3. EVALUATION METHODOLOGY	13
3.1. Evaluation Objectives	13
3.2. Research Design and Activities	13
3.3. Methodological Challenges and Limitations	15
3.3.1. Evaluation of a Strategy with Multiple Components.....	15
3.3.2. Attribution of Outcomes	16
3.3.3. Information Gaps and Data Limitations	16
4. RELEVANCE OF THE STRATEGY	19
4.1. Relevance of Objectives	19
4.2. Role of the Federal Government.....	21
4.3. Observations and Conclusions	22
5. IMPLEMENTATION	23
5.1. Design and Delivery	23
5.2. Performance Measurement	26
5.3. Financial Resources	29
5.4. Observations and Conclusions.....	31

6. ACHIEVEMENT OF OBJECTIVES	33
6.1. Needs and Best Interests of the Children	33
6.1.1. Observations and Conclusions	39
6.2. Direct Outcomes of the Strategy	40
6.2.1. Observations and Conclusions	44
6.3. Child Support and Support Enforcement	44
6.3.1. Observations and Conclusions	49
6.4. International Activities	49
6.4.1. Observations and Conclusions	52
6.5. Information, Communication and Research	52
6.5.1. Observations and Conclusions	59
6.6. Lessons Learned	59
7. COST EFFECTIVENESS	63
8. KEY FINDINGS, RECOMMENDATIONS AND MANAGEMENT RESPONSE	65

EXECUTIVE SUMMARY

1. Introduction

The Child-Centred Family Justice Strategy¹ (CCFLS or the Strategy) is a five-year initiative introduced in 2003 and scheduled to sunset March 31, 2008. Over the past two decades several successive initiatives were launched by the Department of Justice in the area of family law that were designed to assist and work in collaboration with the provinces/territories in creating and enhancing family law policies and services. The CCFLS represents ongoing efforts in this area and builds on experiences and successes of preceding programs and initiatives.

The broad policy objective of the Strategy is to help develop and maintain a child-centered family justice system that:

- minimizes the potentially negative impact of separation and divorce on children;
- provides parents with the tools they need to reach parenting arrangements that are in the child's best interests; and
- ensures that the legal process is less adversarial with only the most difficult cases going to court.²

Family law in Canada is an area of shared jurisdiction between the federal and provincial/territorial governments. The Strategy is implemented by the Family, Children and Youth (FCY) Section of the Department of Justice through six units that work collaboratively to support the CCFLS. The FCY Section is responsible for legislative reform and administration of the Child-centred Family Justice Fund (CCFJF), while the provinces/territories are responsible

¹ The original title for this initiative was the "The Child-centred Family Law Strategy". It changed to "Child-centred Family Justice Strategy (CCFJS)" in 2003 to better reflect all activities of the initiative, such as funding to the provinces and territories, communications, public legal education, research, etc., and not just amendments to the law. All the formal documentation refers to the Strategy as CCFLS, which will be used throughout this report.

² Justice Canada (2004). *Results-based Management and Accountability Framework for the Unified Family Courts*.

for family law matters other than divorce and property, and design and delivery of family justice services are within their respective jurisdictions.

The FCY Section has five main areas of activity to support the Strategy, including:

- Family law,
- Support enforcement,
- Program Development (grants and contributions),
- Law information and professional training, and
- Research and evaluation.

In order to meet Treasury Board Secretariat requirements, the FCY Section was to complete a summative evaluation of the CCFLS. The evaluation relied on multiple lines of evidence, both quantitative and qualitative, including surveys, interviews and focus groups as well as existing data sources, documentation and literature.

The following presents the key highlights of the results of the Summative Evaluation of the Child-centered Family Law Strategy (CCFLS) conducted in 2007 on behalf of the Department of Justice.

2. Relevance

The three broad objectives of the CCFLS continue to be relevant, although there are emergent areas that require better understanding and/or supports.

The objectives stated above are important to maintaining an accessible and client-centred family justice system in Canada, although how the objectives are attained may change to reflect changes in the issues facing separating or divorcing families.

In general, Canadian families have become less stable with married couples separating or divorcing earlier and common-law relationships, which tend to be shorter in duration than marriages, becoming more prevalent.³ According to the 2006 census, the number of common-law-couple families increased more than five times faster than married-couple families when

³ Statistics Canada (2007). Navigating Family Transitions: Evidence from the General Social Survey (Cycle 20).

compared to previous census results.⁴ Between 2001 and 2006, approximately 2.0 million Canadians ended a marriage or common-law relationship.⁵

Recently, discussions in the media and academic journals revolving around the best interest of the child principle have increasingly included adoption cases and same-sex couples as parents, as well as the increasing number of custody decisions where judges award joint custody in terms of legal decision-making.⁶ Increasing cultural representation within Canadian society as well as families with blended cultural backgrounds creates additional pressures on the family justice system in terms of resolution. These issues, among others, were noted by members of the judiciary as being factors that can further complicate the issues faced by separating families.

Families, therefore, require assistance and services to assist them in addressing the more complicated issues involved in the process of separation and divorce in order to minimize the negative impact on their children. Key areas identified by family law professionals that require attention are custody and access, relocation/mobility and spousal support.

The federal government has a legitimate and necessary role as a leader and coordinator in developing and maintaining a national perspective towards family justice.

Family law, like other areas of law, is divided between the federal and provincial/ territorial jurisdictions. Therefore, an important element of the Strategy has been the collaboration between the provinces/territories and the federal Department of Justice in a number of different areas. The provinces/territories rely on the federal government as a coordinator and leader in family justice activities in order to develop a national perspective on family law and ensure that family justice services are available to all Canadians in all provinces and territories.

The federal government is also seen as having an important leadership role in the area of support enforcement, both nationally and internationally. In terms of support enforcement activities, the

⁴ Statistics Canada (2007). *Family Portrait: Continuity and change in Canadian families and households in 2006: National Portrait: Census families*. Retrieved September 13, 2007 from <http://www12.statcan.ca/english/census06/analysis/famhouse/cenfam1.cfm>

⁵ Statistics Canada (2007). *Navigating Family Transitions: Evidence from the General Social Survey (Cycle 20)*.

⁶ See for example 1999. Shalansky, Catriona et. al. Abused women and child custody: the ongoing exposure to abusive ex-partners. *Journal of Advanced Nursing*. 2004. Jaffe, Peter and Crooks, Claire. Partner Violence and Child Custody Cases. A Cross-National Comparison of Legal Reforms. *Violence Against Women*. 2004. Rhoades, Helen and Boyd, Susan. Reforming Custody Laws: A Comparative Study. *International journal of Law, Policy and the Family*. 2004. Thompson, Rollie D.A. Movin' On: Parental Relocation in Canada. *Family Court Review*. 1998. Johnston, Janet and Girdner, Linda. Early Identification of Parents at Risk for Custody Violations and Prevention of Child Abduction. *Family Court Review*.

federal government has been a leader nationally in assisting the provinces/territories in developing and expanding their own support enforcement systems, as well as internationally in the development of a new Hague Convention on family maintenance matters and the establishment of new bilateral partnerships with other states.

3. Program Design and Delivery

A key element of the Strategy was the continuation, development and expansion of a number of collaborative partnerships.

The Strategy was built on successes and experiences of four preceding family law initiatives that have been implemented over the past two decades. A key strength of the Strategy noted by several federal and provincial/territorial representatives was the ability to use and build on existing collaborative partnerships among the federal government, the provinces/territories, non-governmental partners as well as international partners.

The Coordinating Committee of Senior Officials – Family Justice (CCSO-FJ) and its sub-committees help support the achievement of the objectives of the CCFLS by acting as the forum where discussions can take place and issues can be resolved. In addition, the Department of Justice works in close collaboration with the Canada Revenue Agency (CRA) with regard to support enforcement activities. Other, less formal relationships noted by Department of Justice officials included the good working relationship with the Canadian Bar Association and with the judiciary. Partnerships with community organizations have been established to deliver family law information sessions and programs.

Enhanced and expanded communication structures, and new or expanded partnerships were also identified by FCY Section staff as legacies that would continue after the sunsetting of the CCFLS in 2008.

The Performance Measurement and Evaluation Strategy continues to be problematic in terms of provincial/territorial reporting.

Despite improvements in performance measurement and reporting activities by the provinces/territories, gaps in available information indicate that there continues to be room for improvements. Data collection and reporting activities need to be simplified and streamlined in order to allow for the collection of complete and meaningful data. Efforts to improve the quality of performance data are currently underway. It should be noted that extensive performance

measurement and evaluation activities were newly introduced requirements by the Treasury Board Secretariat at the inception of the Strategy.

4. Achievement of Objectives

Parent education and parenting plans are useful tools to help parents understand and focus on the children's needs during and after separation/divorce and to promote the use of the Best Interests of the Child (BIC) criteria.

Results of the client follow-up survey completed as part of the summative evaluation indicate that parents who participated in parent education programs were more aware of their children's needs during separation/divorce (83.6%), had a better understanding of a child-focused approach to resolving issues (78.5%) and improved their awareness of how to make child-focused decisions (75.2%). Lawyers and members of the judiciary as well as secondary sources indicate that parents and children seem to benefit from the services and tools through enhanced knowledge/familiarity. Although not legislated, there is evidence that issues reflected in the proposed BIC criteria are increasingly considered in family justice services as well as in court decisions. Court file data indicates that in 83% of cases, one or more of the issues reflected in the proposed BIC criteria were relevant during the hearings.

The Federal Child Support Guidelines continue to help create consistency in child support arrangements and need to be reviewed regularly.

The Federal Child Support Guidelines have been identified by informants as one of the most important tools in eliminating subjectivity in decisions surrounding child support. The Guidelines as well as numerous education and information materials associated with them have helped Canadian families and family law professionals in determining appropriate levels of child support in a consistent and accepted manner.

In general family justice services supported through the CCFLS continue to expand and are effective in helping families resolve issues without going to court.

In general, the CCFLS has been successful in supporting a move towards collaborative and less adversarial family law processes. There has been an expansion of family justice services offered by the provinces/territories over the course of the CCFLS. Provincial/ territorial reports indicate that, from 2003/04 to 2006/07, 71 provincial/territorial family justice services were expanded, 32 new ones were introduced and 176 were maintained.

Overall, it was noted that services like mediation and parent education are useful and important tools in assisting parents to recognize the needs of their children and minimize the negative impact of separation and divorce on the children. However, due to the increased complexity of family arrangements and the number of self-representing clients, pressure to require resolution through judicial decision continues. Furthermore, family law professionals interviewed stressed that in high-conflict situations court intervention is still needed and should be initiated as soon as possible in order to minimize negative impact on children.

1. INTRODUCTION

The Child-centred Family Justice Strategy⁷ (hereafter referred to as the CCFLS or the Strategy) is a five-year initiative introduced in 2003 and scheduled to sunset March 31, 2008. In order to meet Treasury Board Secretariat requirements, the Family, Children and Youth (FCY) Section of the Department of Justice was to complete formative and summative evaluations. The formative evaluation was conducted early in the Strategy, with the summative evaluation scheduled for completion near its end.

Presented in this report are the key findings of the *Summative Evaluation of the CCFLS* conducted in 2007 on behalf of the Evaluation Division of the Department of Justice.

1.1. Context and Purpose of the Summative Evaluation

In contrast to formative evaluations, which focus on using research findings to improve program delivery and implementation, summative evaluations focus on the assessment of outcomes, impacts and cost-effectiveness of a program or initiative after it has been implemented and delivered. The *Summative Evaluation of the CCFLS* is based on the revised CCFLS Results-based Management and Accountability Framework (RMAF), logic model and evaluation framework that was developed by the FCY Section in 2006.

The stated purpose of the summative evaluation is twofold. The primary goal is to assess the extent to which the Strategy was successful in achieving the intermediate and final outcomes identified in the RMAF specifically the relevance, design and delivery, outcomes and cost-effectiveness of the CCFLS. The secondary purpose of the evaluation is to examine how well the performance measurement mechanism worked to ensure that performance measurement data were systematically collected, a recommendation resulting from the formative evaluation. The

⁷ The original title for this initiative was the "The Child-centred Family Law Strategy". It changed to "Child-centred Family Justice Strategy (CCFJS)" in 2003 to better reflect all activities of the initiative, such as funding to the provinces and territories, communications, public legal education, research, etc., and not just amendments to the law. All the formal documentation refers to the Strategy as CCFLS, which will be used throughout this report.

results generated through the evaluation will inform decision-making and future directions of Department of Justice activities in family law.

Research activities undertaken for the evaluation include qualitative and quantitative methods. Evaluation activities commenced in March of 2007 and were completed in October of the same year. The complexity and broad scope of the CCFLS presented some research challenges for the evaluation (addressed in Section 3), but reflects the context in which the strategy was developed and implemented.

1.2. Organization of the Report

The remainder of the report is organized as follows:

Section 2: Background and Description of the Strategy

Section 3: Evaluation Methodology

Section 4: Relevance of the Strategy

Section 5: Implementation

Section 6: Achievement of Objectives

Section 7: Cost Effectiveness

Section 8: Key Findings, Recommendations and Management Response

2. BACKGROUND AND DESCRIPTION OF THE STRATEGY

This section of the report provides background and context about family law issues in Canada and provides a detailed description of the CCFLS, including its mandate and objectives, governance structure and activities.

2.1. Issues and Trends in Families

In general, Canadians are still more likely to be married than living in a common-law relationship, but there is an increasing trend for couples to enter into common-law arrangements. In fact, according to the 2006 census, compared to previous census data, the number of common-law-couple families increased more than five times faster than married-couple families.⁸

Another trend is that the level of instability in couples' relationships has been increasing. The 2006 Census revealed that 8.1% of the population aged 15 and over was divorced, up from 7.7% in 2001. Between 2001 and 2006, approximately 2.0 million Canadians ended a marriage or common-law relationship.⁹ Despite the fact that marriages continue to be more prevalent than common-law arrangements, the total number of separations (including divorce) was equal for both groups, suggesting that common-law relationships are less stable than marriages.¹⁰ Common-law relationships tend to be of shorter duration than marriages, lasting an average of 4.3 years as compared to 14.3 years for marriages.¹¹ The probability of separation for first relationships is about twice as high in common-law relationships as in marriages (approximately

⁸ Statistics Canada (2007). *Family Portrait: Continuity and change in Canadian families and households in 2006: National Portrait: Census families*. Retrieved September 13, 2007 from <http://www12.statcan.ca/english/census06/analysis/famhouse/cenfam1.cfm>

⁹ Statistics Canada (2007). *Navigating Family Transitions: Evidence from the General Social Survey (Cycle 20)*.

¹⁰ Ambert, AM (2005). *Divorce: Facts, Causes and Consequences*. Retrieved September 13, 2007 from http://www.vifamily.ca/library/cft/divorce_05.html

¹¹ Statistics Canada (2007). *Navigating Family Transitions: Evidence from the General Social Survey (Cycle 20)*.

62% as compared to 30%).¹² The average duration of marriages in Canada appear to be remaining relatively stable or even increasing slightly.¹³

There has been an increase in the number of never-married lone parents as well, which could be attributed to the increase in common-law relationships and subsequent breakdown and the increased acceptability of having children outside of marriage.¹⁴ Although the majority (80.1%) of lone-parent families in 2006 continued to be comprised of women and their children, families headed by men have been growing at a faster rate. Between 2001 and 2006, lone-father families rose 14.6% as compared to an increase of 6.3% for lone-mother families.

Recently, discussions revolving around the best interest of the child principle have increasingly included adoption cases and same-sex couples as parents, as well as the increasing number of custody decisions where judges award joint custody in terms of legal decision-making.¹⁵ The 2006 Census marked the first time that same-sex couples were counted in Canada. About 45,300 same-sex couples were included in the census, with some (less than one in ten) of these couples raising children in the home.¹⁶

A related trend is the increased involvement of fathers in the parenting of their children, which is resulting in an increase in co-parenting arrangements among separating/ divorcing couples, whereby the child care tasks and responsibilities are distributed between both parents.¹⁷ Fewer mothers are being granted sole custody following a divorce than in the past. In 2003, less than half (47.7%) of divorce cases involving custody of dependents awarded custody only or solely to the mother, down from over three-quarters (78.2%) 20 years ago. In contrast, there has been a

¹² Statistics Canada (2002). *Changing Conjugal Life in Canada (General Social Survey – Cycle 15)*.

¹³ Ambert, AM (2005). *Divorce: Facts, Causes and Consequences*. Retrieved December 3, 2007 from http://www.vifamily.ca/library/cft/divorce_05.html

¹⁴ Statistics Canada (2007). *Family Portrait: Continuity and change in Canadian families and households in 2006: National Portrait: Census families*. Retrieved September 13, 2007 from <http://www12.statcan.ca/english/census06/analysis/famhouse/cenfam3a.cfm>

¹⁵ See for example: Shalansky, Catriona et. al. Abused women and child custody: the ongoing exposure to abusive ex-partners. *Journal of Advanced Nursing*. 2004. Jaffe, Peter and Crooks, Claire. Partner Violence and Child Custody Cases. A Cross-National Comparison of Legal Reforms. *Violence Against Women*. 2004. Rhoades, Helen and Boyd, Susan. Reforming Custody Laws: A Comparative Study. *International Journal of Law, Policy and the Family*. 2004. Thompson, Rollie D.A. Movin' On: Parental Relocation in Canada. *Family Court Review*. 1998. Johnston, Janet and Girdner, Linda. Early Identification of Parents at Risk for Custody Violations and Prevention of Child Abduction. *Family Court Review*.

¹⁶ Statistics Canada (2007). *Family Portrait: Continuity and change in Canadian families and households in 2006: National Portrait: Census families*. Retrieved September 13, 2007 from <http://www12.statcan.ca/english/census06/analysis/famhouse/cenfam2.cfm>

¹⁷ Kruk, E. (2005). Shared Parental Responsibility: A harm reduction-based approach to divorce law reform. *Journal of Divorce & Remarriage*, 43 (3/4), 119-140.

continuing upward trend of joint custody arrangements, with joint custody of 43.8% of the dependents being awarded to both the father and mother in 2003.¹⁸ Note that joint custody refers specifically to guardianship rights and responsibilities to maintain, protect, educate and provide for the child and typically involve arrangements where both parents share in major decisions that affect the child, although the child may live with one parent for the majority of the time.

Clearly, organizations involved in the family justice system in Canada must continuously adjust activities, programs and supports available to adequately meet the changing needs of separating and divorcing families, particularly the children involved.

2.2. Family Law and Family Justice Activities in Canada

Family law in Canada is an area of shared jurisdiction between the federal and provincial/territorial governments. As a result, two parallel court systems exist, the federal superior courts in the provinces and territories and the provincial/territorial courts, with each court having jurisdiction over specific aspects of family law. Under the *Constitution Act (1867)*, Parliament has exclusive jurisdiction in the area of divorce law, which includes corollary matters such as support and custody, if they arise. The primary federal component of Canada's family law system is the *Divorce Act*. Provincial family law legislation covers all matters related to the separation of unmarried couples as well as support and custody in cases where no divorce is sought. The provinces/territories also have jurisdiction over matters such as enforcement of support and other obligations, adoption, child protection, change of name, and matters related to the administration of the courts. Each province/territory enacts its own family law legislation and executes its own version or combination of family justice services to address local needs.

Under this division of responsibilities, the federal government does not provide family justice services to Canadians directly; this is a provincial/territorial responsibility. However, the federal government is committed to assisting the provinces/territories in developing, implementing and maintaining these services. As a result, cooperation and coordination of activities between jurisdictions have been key throughout the history of family justice initiatives, including the CCFLS.

¹⁸ Statistics Canada (2007). *Family Portrait: Continuity and change in Canadian families and households in 2006: National Portrait: Census families*. Retrieved December 3, 2007 from <http://www12.statcan.ca/english/census06/analysis/famhouse/cenfam1.cfm>

The CCFLS should be understood as one of many strategies implemented to support and address family law in Canada. Over the past two decades several successive initiatives were launched by the Department of Justice to assist and work in collaboration with the provinces/territories in creating and enhancing family law policies and services. The CCFLS is the fifth consecutive federal initiative in the area of family law and was developed to support a child-centred family justice system. Programs/initiatives preceding the CCFLS were:

1. The first Enforcement Fund from 1985 to 1992 (\$1.1 million in total);
2. The second Enforcement Fund (part of the Government of Canada's Action Plan for Children-Brighter Futures) from 1992 to 1997 (\$5.1 million);
3. The Child Support Initiative including a PT funding component called "The Child Support Implementation and Enforcement Fund as part of the Child Support Initiative from 1996 to 2001 (\$63.6 million)"; and
4. Continuation of the Child Support Initiative including the Family Justice Bridging Fund from 2001 to 2003 (\$29.9 million).

The CCFLS represents the Department's ongoing effort in this area and builds on the experiences and successes of preceding programs and initiatives.

2.3. Description of the Child-centred Family Law Strategy

The broad policy objective of the Strategy is to help develop and maintain a child-centered family justice system that:

- minimizes the potentially negative impact of separation and divorce on children;
- provides parents with the tools they need to reach parenting arrangements that are in the child's best interests; and
- ensures that the legal process is less adversarial; only the most difficult cases will go to court.¹⁹

Separating/divorcing families, including parents, grandparents and members of the extended family are the intended direct beneficiaries of the CCFLS, particularly the children. The Strategy

¹⁹ Justice Canada (2004). *Results-based Management and Accountability Framework for the Unified Family Courts*.

also supports the individuals and organizations directly involved in family law and in delivering family justice services including family law professionals (e.g., members of the judiciary, members of the family bar), provincial/territorial family justice services and the individuals who provide them, and organizations involved in providing public legal education and information.

In order to support and achieve these objectives, the CCFLS encompasses a number of components and activities.

2.3.1. Pillars of the Strategy

At its inception, the CCFLS consisted of three independent pillars: legislative reform, funding for provincial/territorial family justice services and expansion of the Unified Family Court (UFC). Within the legislative reform pillar there were three planned amendments. These were included in Bill C-22 (December 12, 2002), which was tabled in 2003.

Bill C-22 (December 12, 2002) was to amend the *Divorce Act* to eliminate the terms “custody” and “access” from the Act for the purpose of determining parenting arrangements. It proposed terminology based on “parental responsibilities” - including decision-making responsibilities such as decisions related to the child’s health, education and religious upbringing, as well as parenting time – which would have been allocated by the court through a “parenting order.” Bill C-22 (December 12, 2002) would also have introduced a list of criteria that the courts would have been required to consider in determining the best interests of the child. The other legislative reforms proposed in Bill C-22 included amendments to the *Family Orders and Agreements Enforcement Assistance Act* (FOAEAA) and the *Garnishment, Attachment and Pension Diversion Act* (GAPDA), which were intended to provide more and better tools with regard to locating persons who failed to pay child support as well as an amendment to the *Judges Act* to expand the Unified Family Court, which was part of Bill C-51 tabled in 2005.

The grants and contributions funding component of the Strategy falls within the family justice services pillar of the Strategy. Funding for provincial/territorial family justice services/programs is distributed through the Child-centred Family Justice Fund (CCFJF). Five main types of family justice services are targeted by the Strategy, namely family law information centres, parenting education programs, mediation, support enforcement programs, and support recalculation services.

The third pillar of the CCFLS was to deal with the expansion of the UFC model. The federal government began funding UFCs as pilot projects in the 1980s as a means to streamline the

family justice system by uniting federal and provincial jurisdiction over all family law matters in one level of court to improve the quality of service. The UFC concept has been adopted by some provinces and is characterized by a number of service delivery characteristics, including:

- a single, comprehensive court with jurisdiction over all family-related legal matters and disputes (e.g., divorce, separation, property settlement, child support, child custody, etc.);
- specialized judges; and
- a range of family justice services to assist families to resolve issues outside of the court.

Bill C-22 (December 12, 2002) died on the Order Paper with the prorogation of Parliament in November 2003 and again in 2005. None of the proposed amendments progressed as planned and the legislative reform element of the CCFLS was never re-introduced.

In response to the legislative reforms not being passed and the acknowledgement that it was unlikely that the intended legislative reforms would be re-introduced during the Strategy, the FCY Section adjusted and expanded its activities in an effort to continue to support the achievement of the Strategy's objectives. The originally defined goals of the CCFLS remained intact, but the pathways to these goals and the expected immediate outcomes were revised accordingly. As a result, family justice services became the cornerstone of the CCFLS and the activities of the various units in place to deliver the Strategy were adjusted to support this revised focus. The changes to the focus and activities of the Strategy were also reflected in a revised RMAF and logic model.

2.3.2. CCFLS Governance, Structure and Activities

The CCFLS is delivered under the leadership of the Senior General Counsel, Family, Children and Youth Section (FCY) in the Department of Justice. As summarized in Table 2-1, there are five main areas of activity identified in the Logic Model: family law policy; support enforcement policy; contribution programs; law information and professional training; and research and evaluation.²⁰

²⁰ The UFC model is the subject of an independent summative evaluation underway at the time of the CCFLS study and, therefore, is not addressed in the present report.

Table 2-1: CCFLS Areas of Activity

CCFLS Area	Activities
Family Law	<ul style="list-style-type: none"> • develop legislative and regulatory amendments • supporting litigation • reviewing international conventions • Divorce act amendments
Support Enforcement	<ul style="list-style-type: none"> • FOAEAA and GAPDA amendments • federal support enforcement infrastructure • coordinating enforcement initiatives (nationally and internationally) • supporting litigation • negotiate a new international maintenance convention
Contribution Programs	<ul style="list-style-type: none"> • administering the CCFJF • develop and manage funding agreements for programs and projects • monitor performance/results of provinces/territories and non-government organizations (NGO) activities
Law Information and Professional Training	<ul style="list-style-type: none"> • provide law information and education materials and resources
Research and Evaluation	<ul style="list-style-type: none"> • conduct national surveys/special studies • advise on policy and program development • monitor and evaluate progress

Although the activities under each component are distinct, the integrated, “multidisciplinary” team approach adopted under previous initiatives was continued. Under this integrated approach, six units of the FCY Section work collaboratively with four other Department of Justice units and a unit within the Courts Statistics Program to support the CCFLS.²¹ The units of the FCY Section are:

- Management and Administration
- Family Law Policy
- Support Enforcement Policy and Implementation Unit
- Program Development
- Research
- Communications and Law Information
- Family Law Assistance Services (FLAS)

²¹ Department of Justice (March 2006). *Revised RMAF for the CCFLS*.

The activities (inputs) and outputs associated with each of the units listed above are delineated in the CCFLS logic model contained in Appendix A. The logic model delineates the links between the activities, outputs, outcomes and objectives of the CCSLS.

The other four units involved in the Strategy that are external to the FCY Section include the following:

- Judicial Affairs, Courts and Tribunal Policy – Department of Justice: responsible for legal and policy support with regard to legislative reforms to expand the UFCs;
- International Private Law – Department of Justice: responsible for Canada’s participation internationally at The Hague;
- Evaluation – Department of Justice: responsible for evaluation activities identified in the RMAF; and
- Canadian Centre for Justice Statistics – Statistics Canada: responsible for the development and establishment of a national family law information and surveys.

2.3.3. Provincial/Territorial Involvement

Due, in part, to the divided jurisdiction of family law, an important element of the Strategy has been the collaboration between the provinces/territories and the Department of Justice. The provinces/territories are involved in a wide range of activities related to the CCFLS, including family justice service/program design and delivery, implementing pilot projects, and developing/providing communications materials and educational activities. The provinces/territories also contribute to improving the family justice system through testing new or innovative approaches to family justice services and delivery mechanisms with funds provided under the CCFJF, and making recommendations for possible improvements to federal enforcement legislation to improve compliance with family support obligations. Since the implementation of the Strategy in 2003, applications were received for 12 pilot projects, with nine applications being accepted, two projects being deferred and one application rejected. A total of \$2.05 million was allocated to pilot projects over the course of the Strategy.

Many of the provincial/territorial family justice programs/services delivered are funded wholly or in part by funds allocated through the Child-centred Family Justice Fund (CCFJF). Over the course of the Strategy, \$80 million was allocated to the provinces/territories to support the five areas of activity of the family justice services and seven primary areas of funding activities.

Recipient provinces/territories are required to allocate at least 60% towards integration activities, at least 20% towards enforcement activities and about 5% to 7% to research. Funds are distributed on a per capita basis with some adjustments made to the allocation to the smaller provinces.²²

Reporting requirements associated with CCFJF have resulted in the provinces/territories having substantial involvement in the Strategy's performance measurement and evaluation strategy (PMES), with annual reporting responsibilities for each of seven primary areas of funding activity, as well as other research/evaluation activities. They are as follows:

1. Coordination of family justice activities such as parenting arrangements, child support, and support enforcement.
2. Development, delivery, enhancement and expansion of innovative child-centred family justice activities and services.
3. Development, delivery and enhancement of dispute resolution mechanisms to determine, vary or recalculate the amount of child support.
4. Development, enhancement, and delivery of innovative support enforcement activities.
5. Provincial/territorial efforts to establish variation and recognition of interjurisdictional support orders.
6. Research, analysis, monitoring and evaluation activities in family justice.
7. Funding to support public awareness and understanding of the Child-centred Family Justice Strategy (new legislation and supporting services).

Provincial/territorial officials are active on a number of committees and working groups in conjunction with the Department of Justice, such as the Coordinating Committee of Senior Officials – Family Justice (CCSO-FJ) and a number of related sub-committees which address issues pertaining to family law and its administration, and acts as a forum for discussion of common federal-provincial-territorial issues in this area. The committee reports to the FPT Deputy Ministers of Justice. Further the Maintenance Enforcement Program Directors Committee is composed primarily of provincial/territorial directors, with one federal representative. The committees and sub-groups are detailed in Appendix B.

²² Department of Justice (March 2006). *Revised RMAF for the CCFLS*.

The next section provides an overview of the methodology and research activities used in the evaluation, followed by a number of sections detailing the key findings of the evaluation.

3. EVALUATION METHODOLOGY

This section of the report summarizes the objectives, methodological approach and research activities undertaken to complete the *Summative Evaluation of the CCFLS*.

3.1. Evaluation Objectives

The summative evaluation is based on the revised CCFLS RMAF, logic model and evaluation framework developed by the FCY Section in 2006. The stated purpose of the summative evaluation is twofold. The primary goal of the evaluation is to assess the extent to which the Strategy was successful in achieving the intermediate and final outcomes identified in the RMAF in order to inform the direction of future departmental participation in the family law area. The secondary purpose of the evaluation is to examine how well the performance measurement mechanism worked to ensure that the required data were systematically collected, a recommendation resulting from the formative evaluation. The evaluation framework identifies four key issues to examine in the evaluation, namely: relevance, design and delivery, achievement of objectives and cost effectiveness. The evaluation framework is contained in Appendix C.

3.2. Research Design and Activities

As described in Section 2, the CCFLS consists of a number of different components that, in combination, are meant to achieve the main objectives of the Strategy. The evaluation used multiple lines of evidence to examine the outcomes associated with the various activities undertaken by the FCY Section in support of the Strategy and integrated these findings to assess their collective contribution to achieving Strategy objectives.

Two types of research activities were completed, often referred to as primary and secondary research. Primary research entails collecting data specifically for the study at hand (e.g., through surveys or interviews), whereas secondary research involves the review and analysis of

information/data collected for other purposes, such as Statistics Canada Census data or program-related administrative information. Both quantitative and qualitative methods were utilized.

In the present study, primary research activities included a client follow-up survey of 375 people who had used family justice services, 51 key informant interviews with a range of stakeholders, a service provider survey with 69 people involved in the delivery of family justice services, such as mediation, parent education and case management/referral, support recalculation, focus groups with mediators, and case studies of family justice initiatives delivered by the provinces/territories, as detailed in Table 3-1.

Table 3-1: Summary of Primary Research Activities

Primary Research Activities	Research Completed
Key Informant Interviews	
<i>DOJ officials</i>	8
<i>P/T officials</i>	13
<i>Members of the Judiciary</i>	4
<i>Lawyers</i>	8
<i>Subject Experts</i>	8
<i>Other</i>	10
Client Follow-up Survey	375
Service Provider Survey	69
Mediator Focus Groups	Winnipeg (11 participants) Victoria (5 participants) Vancouver (4 participants)
Case Studies	www.familieschange.ca (BC) Parenting from 2 Homes (PEI) MEP Frontline Units (PQ) Access Facilitation (SK) ISO/REMO Offices (ON)

Secondary research activities included reviewing a wide range of documents and databases to obtain contextual and background information on the CCFLS as well as information on its impact. In addition to documents detailing the Strategy itself, such as the RMAF, documentation associated with various activities (e.g., conferences and committee meetings) was provided by the various units as evidence of activities, outputs and outcomes. Research reports and literature were reviewed to identify issues facing separating/divorcing families, recent trends in Canadian families and approaches to family justice taken in other countries.

The following secondary data sources and reports were also accessed and reviewed for the evaluation:

- Treasury Board Submissions;
- Provincial/Territorial annual reports;
- Court File Review – 885 divorce case files (687 pre 2002 and 198 post 2002);
- Client Exit Survey – developed by the Research Unit and administered by the provinces;
- Survey on the Practice of Family Law in Canada, 2004 and 2006 – survey of selected family law professionals completed in 2004 (134) and 2006 (164);
- Child and Spousal Support: Maintenance Enforcement Survey Statistics (2005/2006);
- Survey of Family Courts – analysis of caseload/volume, case and litigant characteristics, and case processing patterns for cases opened in 1997 in selected Canadian Civil Courts;
- Survey of Family Justice Services – Inventory of provincial/territorial family justice services and initiatives/programs;
- General Social Survey Cycle 20 - Statistics Canada; and
- 2006 Census - Statistics Canada.

3.3. Methodological Challenges and Limitations

A key strength of the evaluation is the number of sources of information that were used and cross-referenced to assess outcomes of the Strategy and the large sample sizes for many of the data sources. However, a number of challenges and methodological limitations to the evaluation remained, as presented below.

3.3.1. Evaluation of a Strategy with Multiple Components

There are difficulties that are often inherent in the evaluation of strategies/initiatives with multiple components and/or program or service elements. As already noted, a key element of the evaluation was to examine the five family justice services supported through the Child-centred Family Justice funding mechanism and the activities/outputs of the units in implementing the Strategy. Each unit is responsible for a range of activities and each unit maintains multiple information sources. The evaluation framework included a large number of indicators, in an

attempt to capture the full range of activities of the Strategy. The challenge, therefore, was to identify the collective outcomes related to the multiple components of the CCFLS and to present a cohesive and integrated set of findings that adequately reflects the complexity and broad scope of the Strategy.

3.3.2. Attribution of Outcomes

A related challenge of the evaluation was the inability to delineate the extent to which the various federal activities and funding mechanisms contributed to outcomes in isolation from provincial/territorial and other partners' activities. Due to the division of responsibilities for family justice between and among the federal and provincial governments, both levels of government contribute to the support of the family justice system. Therefore, many of the outcomes associated with the CCFLS are the result of a culmination of activities of multiple players making it difficult to determine the extent to which the CCFLS alone contributed to outcomes. This was also an issue for the cost-effectiveness analysis, as many of the outcomes could not be attributed directly (or only) to the Strategy.

A further challenge to attributing outcomes directly to the Strategy was the fact that the CCFLS followed 18 years of initiatives designed to expand or support the family justice system. These initiatives provided a base upon which the Strategy was to build, making it difficult to isolate the effects of the CCFLS from the effects of its forerunners. Where possible, change over time was examined. In general results of the evaluation should be kept within the context of previous initiatives in family law.

3.3.3. Information Gaps and Data Limitations

As discussed later in the report (see Section 5.2), there are gaps in the performance measurement information due to issues related to the PMES and provincial/territorial reporting practices. As a result, there are many areas where only partial data were available. It should be noted that RMAFs and PMES were newly introduced to the public service at the time of the inception of the Strategy and experience in developing and using them was limited. Improvements have been realized in many areas since that time.

There are also some limitations associated with some of the data sources. For example, the court file review sample was not meant to be a representative sample and therefore has limits in terms of generalizing the results to all divorce cases. In addition, data for post-Strategy cases were only

available for two sites, meaning that any pre-post comparisons can only be interpreted in relation to those two court locations. However, due to the size of the total sample and the number of locations included in the pre-strategy review, those data can be used to support general findings generated through other lines of inquiry and evidence.

Similarly, the Survey on the Practice of Family Law that was used in the evaluation is based on a sample of attendees at the Federation of Law Societies of Canada's National Family Law Program and is therefore not representative of all Canadian legal professionals. However, in noting these limitations to a more generalized interpretability of available data, sources were used only in combination with other lines of evidence to provide support or substantiation.

4. RELEVANCE OF THE STRATEGY

Relevance was addressed through two questions in the evaluation framework:

- To what extent are the objectives and mandate of the CCFLS still relevant?
- Is there a legitimate and necessary role of the federal government in this Strategy?

This section presents the key findings with regard to the above two evaluation questions.

4.1. Relevance of Objectives

Family structure and dynamics have been changing, with families becoming increasingly fluid/less stable and blended families becoming more complex.

Family justice activities like the CCFLS and its predecessors need to be understood and analyzed in a context of an increasingly complex environment. As illustrated in Section 2.1, family structure has been changing throughout past decades. Families are increasingly less stable and more complicated structurally with more common-law relationships, multi-layered blended families and cultural considerations. These trends have resulted in increasing the complexity of issues in family law.

Many of the family law professionals interviewed commented on the increasing complexity of family structures. Blended families (step-families) are becoming more prevalent and more diverse as separation rates increase and conjugal histories become more complex, reflecting multiple past relationships/separations. Inherent to such an increased complexity of family arrangements with many layers of extended family is an increased complexity of custody and access issues. As noted by several key informants interviewed, Canada's cultural mosaic also contributes to the complexity of issues facing separating/divorcing families, particularly those with mixed cultural backgrounds. Mobility and relocation issues have become very complicated when the parents have lived in different countries and cultures.

It was noted by a member of the judiciary and several mediators and lawyers interviewed for the evaluation that there has been an increase in family cases where the parents had never lived together, making the resolution of custody and access issues in these situations more complicated. Further, separation or divorce often involves younger children many of whom may face a future of multiple breakups of their family as second and third relationships are more frequent.²³ The probability of women experiencing two separations is expected to increase, with 14.8% of women in their 40s and 13.2% of women in their 30s expected to experience at least two separations.²⁴ From 1995 to 2001, the number of step-families increased by 16.7% from 430,500 to 503,100.²⁵ Members of the judiciary and mediators noted that co-parenting arrangements can be more challenging to negotiate or resolve than arrangements where one parent is designated as the primary caregiver.

Key informants also felt that family law cases are further complicated by financial issues faced by separating/divorcing families, particularly in relation to the recent substantial rise of housing costs in urban centers. Members of the judiciary and mediators noted that families are experiencing increased financial hardships and are faced with a lack of legal aid available for family law cases, making it more difficult to afford legal assistance.

Members of the judiciary and family lawyers interviewed felt that there is an increase in the number of self-represented litigants entering the family justice system. Data from the court file review shows that, in close to half (46.9 %) of divorce cases, one or both parties were self-represented. Overall, in 7.9% of cases both parties were self-represented and in 39% of cases, one party was self-represented, with men more likely to be self-represented than women. (Note, however, that these cases would include those where a joint petition is filed or the parties have come to their own agreement; that is, cases where both parties do not necessarily need a lawyer.)

Overall, the objectives and mandate of the CCFLS continue to be relevant.

Members of the judiciary and mediators interviewed for the evaluation unanimously felt that the stated objectives of the CCFLS continue to be very relevant to today's separating/divorcing families, as increasing numbers of children experience family breakup and at younger ages.²⁶ Further evidence can be found in the results of the family justice service provider survey where respondents generally felt that the five family justice services supported through the CCFJF are

²³ Statistics Canada (2002). *Changing Conjugal Life in Canada (General Social Survey – Cycle 15)*.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

relevant/very relevant to CCFLS objectives, particularly mediation and parent education programs, as can be seen in Table 4-1.

Table 4-1: Relevance of the Five Funded Family Justice Services to Strategy Objectives (% relevant/very relevant)

Objective	Parenting Education	Mediation	FLIC	Recalculation	MEP
Minimizing the negative impact of separation/divorce on children	84.0%	88.4%	59.4%	65.2%	69.5%
Reaching parenting agreements in the child's best interest	85.5%	89.8%	68.1%	53.6%	55.1%
Making the process to resolve issues less adversarial	81.2%	81.2%	62.3%	63.7%	59.4%

Source: Service Provider Survey (Malatest & Associates); n=69

4.2. Role of the Federal Government

The federal government plays a leadership role in developing and maintaining a national perspective to family justice.

Provincial/territorial and federal officials, alike, stated that the federal government plays a leadership role in developing and maintaining a national perspective towards family justice. Key informants identified a number of ways in which the federal government plays an important role in Canada's family justice system, in addition to its constitutional responsibilities for marriage and divorce. Overall, it was felt that the federal government has a legitimate and necessary role as coordinator and funder within the family justice system.

The majority of federal and provincial/territorial officials interviewed for the evaluation felt that the federal government acts as leader in terms of setting policy direction and coordinator in terms of supporting the creation of a national perspective. Collaboration between the federal government and the provinces/territories was viewed as a key element in ensuring a "national" approach in family justice. The Department of Justice also provides direction in setting family justice priorities and objectives, and supporting selected provincial/ territorial activities. Several key informants from various groups noted that, without the federal government's involvement and funding support, many provincial programs and services would not be available in their current format, or at all. In general, supporting the provinces/territories in delivering family justice services is considered a critical element in developing a national perspective for family justice and maintaining a minimum level of service across the jurisdictions.

4.3. Observations and Conclusions

Based on the results reported in this section, the following observations and conclusions have been drawn:

- #1: At a broad level, the objectives of the Strategy are still relevant.
- #2: The federal government plays a leadership role in support of the activities of the provinces and territories. Federal-provincial/territorial collaboration is an absolute necessity to support and inspire a “national” family justice system.
- #3: The increasing instability of families reinforces the need for a family justice system that continues to provide the appropriate supports for separating/ divorcing couples and their children.
- #4: Increasingly complex family arrangements in blended and multicultural families complicate custody and access issues, further emphasizing the need for an integrated and comprehensive approach to family law.
- #5: Although many issues are being/have been addressed by the Strategy, emerging trends in family dynamics require better understanding to address needs/issues and develop adjustments to policy and practices in the family justice system.

5. IMPLEMENTATION

Four evaluation questions in the evaluation framework address the implementation of the Strategy. The key areas under this issue included Strategy design and delivery, and follow-up on the performance measurement issues identified in the 2005 formative evaluation. The evaluation questions specific to the implementation issue are as follows:

- To what extent has the CCFLS been implemented as intended? Has there been a need to adjust the objectives and delivery processes of the Strategy?
- To what extent has the performance measurement strategy been implemented? To what extent did provincial/territorial and non-governmental partners provide performance information to the Department of Justice?
- To what extent did the activities of the CCFLS, other federal departments, the jurisdictions and other partners complement and supplement one another? Was there any duplication?
- Were adequate financial resources allocated to carry out the Strategy?

5.1. Design and Delivery

Although some elements of the Strategy could not be implemented as intended, the activities were re-focused, while the broad objectives remained the same.

As noted in Section 2, the Strategy was originally to consist of three independent pillars, one of which was the legislative component. However, as it became apparent that the proposed legislation would not go forward during the course of the CCFLS, the FCY Section identified non-legislative ways to address the objectives of the Strategy and subsequently adjusted the activities of the units involved in the delivery of the Strategy. The FCY Section also revised the CCFLS logic model and RMAF to accurately reflect the non-legislative activities that continued under the Strategy. The current summative evaluation is based on the revised logic model and RMAF.

Partnerships and collaborative working relationships have been a key element in the implementation of the Strategy.

The integrated team approach adopted in earlier strategies to deliver/support the CCFLS was noted by a few Department of Justice officials as a key element facilitating effective coordination of the CCFLS activities by the FCY Section. The collaborative approach is supported, in part, through a number of information-sharing/collaborative processes and structures.

Overall, Department of Justice and provincial/territorial officials interviewed felt that the CCSO-FJ and its sub-committees and working groups help support the achievement of the objectives of the CCFLS by acting as the forum where discussions can take place and issues can be resolved. The annual reporting requirements of the provinces/territories on outcomes and the seven funding activities also support the partnerships in terms of information/data sharing, under the FJI component of the Strategy. In addition, the Department of Justice works in close collaboration with the Canada Revenue Agency (CRA) with regard to support enforcement activities such as using CRA databases to trace persons in default of family maintenance obligations as well as the diversion of tax returns payable to the defaulter. Other, less formal relationships noted by Department of Justice officials included the good working relationship with the Canadian Bar Association and with the judiciary.

A number of partnerships established under previous initiatives have continued and new ones have been developed between the FCY Section, other federal departments, provincial/territorial governments and NGOs. Specific examples of partnerships and collaboration include the following:

- partnerships with community organizations to deliver family law information sessions and programs such as the partnership with Law Courts Education Society of British Columbia to develop a CD-ROM version of parent education programs;
- consultation with the Family Law Branch of the CBA about legislative changes;
- consultation between provinces/territories about specific issues, such as custody and access;
- creation of a consultation committee (advisory working group on family law issues) consisting of judges, lawyers and mediators, who are leading members of their respective professions; and
- creation of five new interdepartmental committees to improve federal support enforcement legislation.

An important outcome of these relationships noted by some of provincial/territorial officials interviewed is the information sharing that occurs between the provinces/ territories outside of the various committees. For example, the British Columbia website for children and teens (www.familieschange.ca) was designed by the province, in partnership with the Law Courts Education Society of British Columbia, to contain generic information about provincial family law so that the site would be applicable Canada-wide. Other means of sharing experiences occurs through various pilot projects. These projects are subject to evaluations and the reports are generally made public and/or shared between jurisdictions. During interviews with various family justice service providers and family law professionals, many of the key informants expressed an interest in what is being done in other provinces.

The partnerships and collaborative efforts between the FCY Section and other federal departments are particularly important for enforcement activities.

Department of Justice officials felt that the activities undertaken as part of the CCFLS complemented or supplemented those of a number of other federal departments. This was particularly the case with respect to enforcement activities. Some of the tangible benefits in the area of enforcement that resulted from the communications/liasons activities with other federal departments noted by Department officials included:

- developing a protocol on how to handle passport applications for children/minors requiring consent of both parents;
- working with the Canada Revenue Agency to maintain the integrity and accuracy of the child-support formula;
- working with Department of Foreign Affairs and International Trade (DFAIT) on international child abductions;
- working with Citizenship and Immigration Canada (CIC) on preventing Canadians in default of child-support from sponsoring an immigrant;
- working with Human Resources and Social Development Canada (HRSDC) to trace support payors in default of family support obligations who become employed; and
- developing an agreement with Canadian Border Services Agency (CBSA) to seize travel documents in cases of persistent default of family support obligations.

Like the collaboration between the Department of Justice and other federal departments, Quebec has in place a collaborative approach in the province's support-payment collection program,

Fonds des pensions alimentaires. This program was launched in 1995 following the adoption of the *Act to Facilitate the Payment of Support*, which applies to all judgments rendered on or after December 1, 1995. The Act led to the creation of the *Fonds des pensions alimentaires*, which is administered by Revenu Québec in collaboration with the Ministère de la Justice. Revenu Québec was brought in to provide its expertise in debt collection, and thereby, to facilitate the payment of support. The Ministère de la Justice is responsible for informing Revenu Québec of all judgments rendered in which support is granted since the adoption of the Act, regardless of the need for enforcement. The program's procedures for handling the file and emphasizing early communication with the clients are felt to be innovative features, as well as its "hands on" approach of direct involvement of employers to assist with collection of regular support payments and arrears.

There do not appear to be any areas of significant duplication or overlap between the federal and provincial/territorial activities.

In general, Department of Justice and provincial/territorial officials felt that activities between the two levels of government do not overlap. All provincial/territorial and federal officials interviewed felt that the federally funded activities undertaken as part of the CCFLS complemented or supplemented their own family justice related activities, those of other partners and those of other federal departments.

5.2. Performance Measurement

Although there have been improvements to the performance measurement activities and reporting on the part of the provinces, there remain challenges.

The development and implementation of RMAFs and performance measurement and evaluation strategies (PMES) for public programs was relatively new when the CCFLS was first established in 2003. In 2004, a needs assessment project was conducted to determine what assistance, if any, the provinces/territories would need to help them meet the performance measurement and reporting requirements of the CCFLS under the funding agreements.

A number of recommendations resulted from the consultation, including that a reference tool be developed to guide the provinces/territories in data collection and reporting. In response, the Program Development Unit produced the Performance Measurement Handbook to assist the provinces/territories to better report on performance indicators. In addition to the Handbook, staff from the Research and Program Development Units are available to help the

provinces/territories develop or refine their performance measurement and evaluation plans, and to assist in developing the data collection tools/approach.

All Department of Justice officials who commented agreed that there has been an improvement in the quality of the information provided by funding recipients over the past two years. Examples of improvements given by officials included providing more detail and building evaluation activities into projects/programs. This observation is partially supported by a comparison of provincial/territorial data submissions from 2003-2004 FY, 2004-2005 FY and 2005-2006 FY, which revealed that more measures have been implemented in all reporting provinces and measurement activities have moved from the development stage to the implementation stage.

Despite the progress made, Department of Justice officials felt that there is still room for improvement in the PMES activities of the provinces/territories. A review of the project files and provincial/territorial annual reports confirmed that the PMES reports are, to a large extent, incomplete and do not allow for a comprehensive analysis of the status of performance measurement in the provinces/territories. In accommodating provincial/ territorial differences with regard to programs and administration, reports vary substantially and/or are too incomplete to be able to draw consistent conclusions on performance measurement activities.

The PMES is complex, requiring tracking and reporting on a large number of indicators.

Generic logic models and PMES were developed for the five major types of initiatives funded under the CCFJF. These were used by the provinces/territories to identify which performance indicators to measure and report. Overall, due to the complexity and broad scope of the strategy, the number of measures that provinces/ territories have to report on annually is large. The issue of performance measurement is further complicated by the fact that each province/territory implements their own version of PMES, has a unique combination of family justice services as well as their own methods of information management and data reporting.

A key lesson learned in the area of performance measurement is that, to obtain adequate information from the provinces/territories, the reporting process needs to be simple, clear and as standardized as possible. Department of Justice officials suggested that a future initiative should develop an RMAF that has fewer, more inter-related, and clearer indicators. This would allow for streamlining the process and cutting back on the information that is required. Efforts are currently underway to create a database that will support comprehensive analysis for on-going performance measurement and evaluation activities in the future.

Pilot Project Agreements require that an evaluation be completed at the end of the pilot with results reported by the funding recipients. Funding for the evaluation component of the pilot project is provided to help meet this obligation. Overall, the quality of the evaluation research varies; however, many report only usage numbers and satisfaction levels. Few apply a design that permits rigorous net impact estimation, as it can be difficult or complicated to apply an experimental or quasi-experimental design. A few Department of Justice officials indicated that, in general, too much process data is being collected instead of data on long-term impact of the services. However, as noted in reviews of Canadian and international family justice services evaluation and research, this situation is not atypical, as few evaluations implement rigorous methodological designs to measure net impacts.²⁷

Non-government organizations that receive Public Legal Education and Information and Professional Training (PLEI/PT) funding, on the other hand, are required to submit descriptive or narrative reports on the application of the funds at the conclusion of the project. Department of Justice officials noted that non-government organizations that received funding for PLEI/PT projects tend to provide detailed quality information in these reports.

Capacity issues limit the ability of the provinces/territories to meet the current reporting requirements.

Provincial/territorial officials identified a number of challenges that they face in collecting and providing data and other information (e.g., evaluation/research reports) to the Department of Justice. These included insufficient time to conduct the work, the costs associated with collecting and reporting the information, the lack of available consultants or experts to assist, and potential privacy issues. Several respondents mentioned that, in jurisdictions where there are third party family justice service providers, it is the contracted organizations that collect the information, limiting the amount of control provinces/territories have over the collection of information. It was also noted that some jurisdictions do not have staff assigned specifically to data collection and reporting activities.

Some of the challenges faced by the Program Development Unit in obtaining information from the jurisdictions included the lack of uniformity in programs and services offered across the country, and the perception or reactions of the provinces/territories to the reporting requirements. Although the Performance Measurement Handbook was developed to simplify the information

²⁷ Department of Justice (March 2007). *International Family Justice Literature Review*.

collection and reporting process, the PMES requirements were not well received by all provinces/territories.

Another challenge was that, although the provinces/territories often provide a lot of information, it is not necessarily the information needed to track/evaluate performance. Capacity limitations and resistance to change may be keeping some jurisdictions from being able to adapt to the process and to keep up with the federal performance measurement needs. However, it was felt that, while not everyone appeared to see the benefits in collecting this information, attitudes were starting to change.

5.3. Financial Resources

Annual budget information indicates that sufficient funds were allocated to carry out the Strategy in terms of its operational, management and salary requirements.

At the outset of the CCFLS in 2003, the funding allocation was to be \$163 million over the five years. Of the planned budget 28% was to go toward the expansion of UFCs. However, the expansion of UFCs did not occur, therefore, the funding allocation was reduced by \$46,863,010. These adjustments resulted in an overall decrease to the funding allocation to the Strategy from the anticipated \$163M to just over \$128M.²⁸

Summarized in Table 5-1 are the planned and actual financial resources allocated to the operation and management of the CCFLS for each year of the Strategy. Note that surplus funds were allocated to the P/Ts for supplementary projects identified under the FJI component.

Table 5-1: Budget Submissions and Expenditures (2003/04 FY to 2007/08 FY)

Fiscal Year	Initial Allocation	Revised Budget	Actual Expenditure	Actual Expenditure as % of Revised Budget	Variance
2003/2004⁽¹⁾					
<i>O&M</i>	4,973,998	4,451,114	2,594,817	58.3%	1,856,298
<i>Salaries</i>	4,220,755	--	3,857,196	91.4%	363,559
Total 2003/2004	9,194,753	8,671,870	6,452,013	74.4%	2,219,857
2004/2005⁽¹⁾					
<i>O&M</i>	4,408,676	3,901,576	2,610,055	66.9%	1,291,521
<i>Salaries</i>	4,536,384	4,380,692	4,238,888	96.8%	141,804

²⁸ Department of Justice (2006). *Revised RMAF for the CCFLS*.

Fiscal Year	Initial Allocation	Revised Budget	Actual Expenditure	Actual Expenditure as % of Revised Budget	Variance
Total 2004/2005	8,945,060	8,282,268	6,848,943	82.7%	1,433,325
2005/2006⁽²⁾					
<i>O&M</i>	3,527,097	3,092,097	3,067,262	99.2%	24,835
<i>Salaries</i>	4,507,198	4,368,199	4,472,503	102.4%	(104,304)
Total 2005/2006	\$8,034,295	\$7,460,296	\$7,539,765	101.1%	(\$79,469)
2006/2007⁽³⁾					
<i>O&M</i>	2,434,375	2,050,375	2,302,017	112%	(251,642)
<i>Salaries</i>	4,653,813	4,064,851	3,936,140	96.8%	118,145
Total 2006/2007	7,088,188	6,115,226	6,238,157	102%	(133,497)
2007/2008⁽³⁾					
<i>O&M</i>	2,524,726	2,086,716	2,011,918	96.4%	74,798
<i>Salaries</i>	4,653,813	4,064,851	3,983,250	97.9%	81,601
Total 2006/2007	7,178,539	6,151,567	5,995,168	97.4%	156,399

⁽¹⁾ Source: Department of Justice. Progress Report to Treasury Board on Year One and Two of the Child-centred Family Law Strategy; 2003-2004 and 2004-2005

⁽²⁾ Source: Progress Report to Treasury Board on Year Three of the Child-centred Family Law Strategy; 2005-2006

⁽³⁾ Source: Department of Justice IFMS and SMS data

Approximately two-thirds of the total Strategy budget went to the provinces/territories to operate, expand or enhance their family justice services.

FJI funds distributed to the jurisdictions through the CCFJF are based on an allocation model developed by the CCSO-FJ and approved by the FPT Deputy Ministers. The grants and contributions made under the FJI for each year of the Strategy are summarized in Table 5-2.

Table 5-2: Grants & Contributions Allocation By Fiscal Year

Fiscal Year	Grants and Contributions Expenditures	CCFLS Expenditures	Grants and Contributions as Percentage of Total CCFLS Expenditures
2003/2004	15,159,000	25,385,447	63.7%
2004/2005	16,079,500	25,012,113	64.3%
2005/2006	16,244,855	24,218,359	67.1%
2006/2007	16,050,027	23,627,967	67.9%
2007/2008	16,050,027	23,128,246	69.4%

Source: Department of Justice IFMS and SMS data

A total of \$2.05 million was distributed for Pilot projects and a further \$2.6 was allocated to non-government organizations for PLEI/PT projects. The funds available for PLEI/PT projects were fully utilized, as all resources requested by eligible non-government organizations for the funds were approved and distributed. It should be noted that, in addition to the professional training funds distributed for special projects, the provinces/ territories also allocated funds received from the CCFJF towards training activities for family justice staff and professionals initiated in their own jurisdictions.

5.4. Observations and Conclusions

Based on the results reported in this section, the following observations and conclusions have been drawn:

- #6: Not all elements of the Strategy were implemented as intended. However, the FCY Section was able to refocus its activities and revise the RMAF to support the original objectives through other means.
- #7: There is a need for a streamlined approach to performance measurement that will yield standardized, meaningful data, which can be easily supported by the provinces/territories as well as the Department.
- #8: The provinces/territories require continued assistance from the FCY Section to support their data collection and reporting efforts.
- #9: Annual budget information indicates that resources were fully utilized in carrying out the revised Strategy and supporting the provinces/territories in the operation, expansion and enhancement of family justice services across Canada.

6. ACHIEVEMENT OF OBJECTIVES

The primary focus of the summative evaluation is on CCFLS outcomes, therefore, a number of evaluation questions included in the evaluation framework addressed the success of the Strategy in achieving its objectives. Unintended outcomes and areas that worked well or did not work well (i.e., lessons learned) were also explored. Due to the large number of evaluation questions developed to assess achievement of objectives associated with the five main components of the Strategy, the findings are organized into theme areas and the relevant questions for each theme are presented at the beginning of each subsection. Observations and conclusions are presented by theme area as well.

6.1. Needs and Best Interests of the Children

Four evaluation questions address outcomes specifically related to minimizing the potentially negative impact of separation and divorce on children and providing parents with the tools they need to reach parenting arrangements that are in the child's best interest. The four questions are:

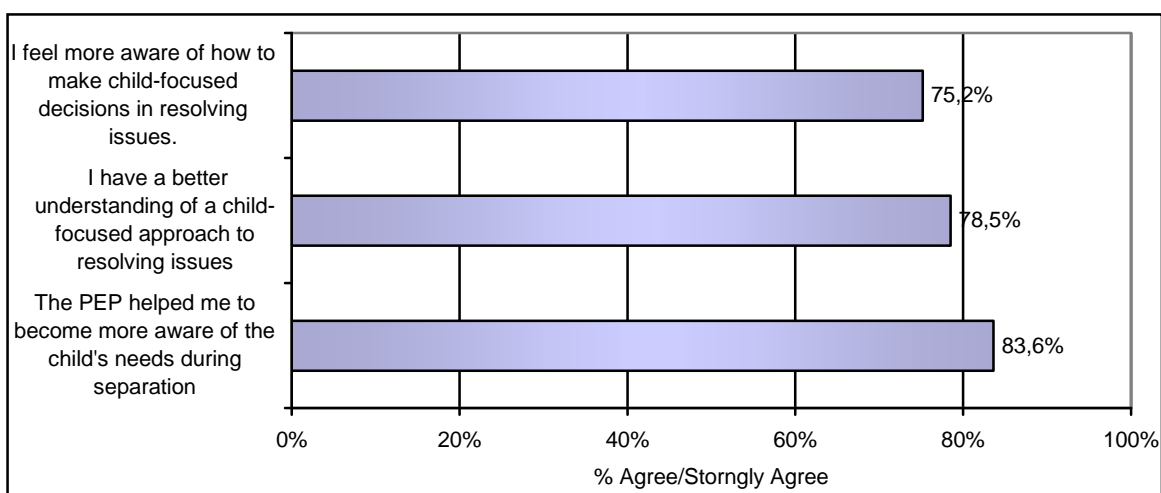
- To what extent are decisions tailored to the individual needs of children?
- To what extent is the "best interest of the child" principle better understood and used in determinations by the legal community since December 2002 when a bill was tabled proposing a list of criteria?
- How has the level of understanding by families of the needs of the children, child focused approach and parental responsibilities changed after using family justice services in CCFJF funded projects?
- To what extent have parents applied the knowledge and skills obtained in Parenting Education Programs?

The key findings associated with these evaluation questions follow.

Parenting education programs increase the parents’ awareness and understanding of children’s needs/issues during and after separation/divorce.

As highlighted in Chart 6-1, results of the client follow-up survey completed as part of the summative evaluation indicate that parents who participated in parent education programs were more aware of their children’s needs during separation/divorce (83.6%), had a better understanding of a child-focused approach to resolving issues (78.5%) and improved their awareness of how to make child-focused decisions (75.2%).

Chart 6-1: Parent Awareness and Understanding of Children’s Needs and a Child-focused Approach

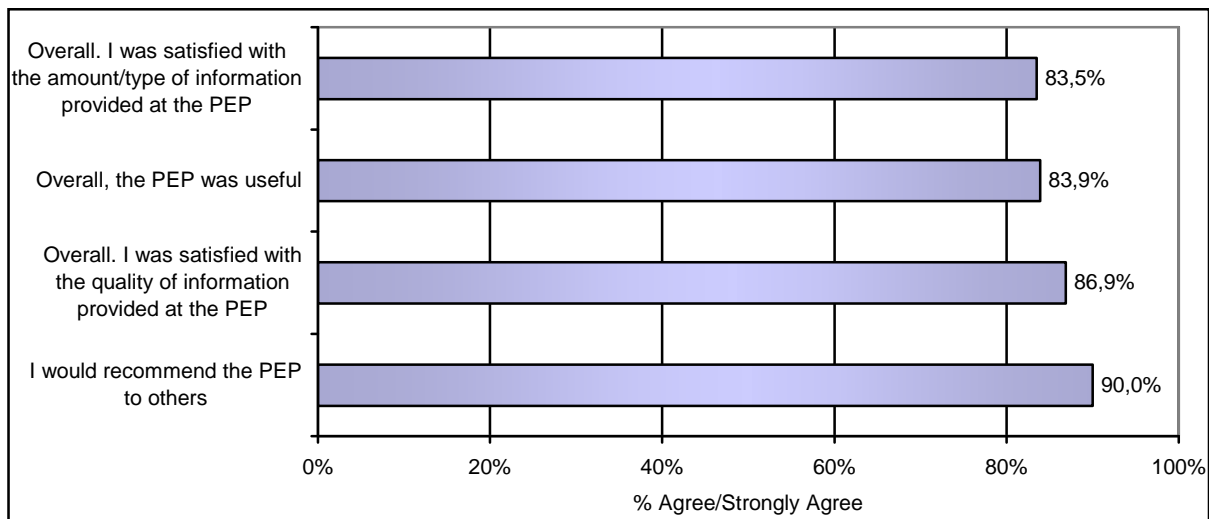


Source: Client Follow-up Survey; n=298 (includes only respondents who participated in a parenting education program)

Furthermore, participants were satisfied with the parenting education programs they attended, found them to be useful and would recommend them to others. Satisfaction and usefulness ratings by participants are highlighted in Chart 6-2. These results are consistent with many other studies/surveys that have examined participant satisfaction with parenting education programs and information materials.²⁹

²⁹ The Review of Canada’s “Family Justice Service” Evaluations (Petrosino, 2005) revealed positive results in client satisfaction with parenting education programs, as do many studies completed by the provinces/territories.

Chart 6-2: Client Ratings of Parenting Education Programs



Source: Client Follow-up Survey; n=298 (includes only those respondents who participated in a Parenting Education Program)

It should be noted that, parenting education programs vary across the provinces/ territories, even across regions within a province/territory in terms of type of services available and method delivery (frequency and provider). Given the high percentage of respondents who reported positively on the parenting education they received, it appears that satisfaction levels are high across the different jurisdictions.

Some parenting education reaches out to the children as well as the parents. For example, the Prince Edward Island Department of Community Services launched a pilot project, “*Positive Parenting From Two Homes*”, aimed at providing information sessions to parents who are separating, divorcing, and/or currently parenting from two homes. The project includes a program for parents as well as one specifically for children of separating or divorcing families. The evaluation of the pilot project revealed that the program has achieved its objectives.³⁰ There was a high level of parental satisfaction with the program and its facilitators and a better appreciation of the importance of parents being sensitive to children’s needs. There was also improved awareness of support services and positive co-parenting practices, decreased negative parenting practices and conflict between parents, and increased parental willingness to use

³⁰ For a more comprehensive look at the program’s evaluation, the reader is encouraged to review the report, *Three-Year Evaluation of Positive Parenting from Two Homes - Final Report*, Brenda Bradford, Equinox Consulting Inc., December 2003.

mediation rather than court. Study results found that the program had a positive influence on participants and their children and was seen as a valuable educational tool.

Parenting plans can be a useful tool for keeping parents focused on the children throughout the issue resolution process and afterwards.

A critical element of resolving issues around parental custody and access to their children is the parenting plan. The parenting plan reflects a shift in focus away from a more adversarial approach to issue resolution usually associated with the term “custody and access order”.

Results of the family justice service provider survey completed as part of the evaluation revealed that 78.3% of the responding service providers offer assistance to parents in the development of parenting plans. These respondents indicated that in 43.6% of all cases parents develop parenting plans and that in 63.4% of cases where a parenting plan is developed, it is implemented. These results align with those of the client exit survey completed by the Research Unit where 44.3% of surveyed clients reported that they had developed a parenting plan as part of the family law services they received.

Client exit survey respondents who had developed a parenting plan generally felt that it helped them to stay focused on their children’s needs/interests, particularly with regards to:

- the benefit to the child of meaningful relationships with both parents (53%);
- the ability of each person to care for and meet the needs of the child (50%);
- the individual needs of the child (50%); and
- the nature, strength and stability of the relationship between the child and each sibling (49%).

The majority (84%) of family justice service providers surveyed agreed or strongly agreed that, as a result of accessing family justice services, parents are more aware of how to make child-focused decisions around parenting arrangements.

There is evidence that the best interests of the child criteria are being used by the courts and by parents.

The best interests of the child (BIC) principle has been a core principle in family law in Canada for some time. It evolved out of considerations regarding the welfare of and benefit to the child first explicitly expressed in the late 19th century. The actual adoption of the best interests principle was gradual, first introduced in Ontario in 1978 with the *Family Law Reform Act*. The

Divorce Act explicitly adopted the principle in 1986 to be applied in custody and access cases.³¹ Prior to 2002, the principle remained undefined, leaving it up to the individual judge to decide what would be in the best interests of the child in a custody case. In 2002, a list of criteria was proposed that included several elements to be considered in determining a child's best interests, including:

- the child's physical, emotional and psychological needs, including the child's need for stability, taking into account the child's age and stage of development;
- the benefit to the child of developing and maintaining meaningful relationships with both spouses and each spouse's willingness to support the development and maintenance of the child's relationship with the other spouse;
- the history of care for the child;
- any family violence, including its impact on:
 - the safety of the child and other family members,
 - the child's general well-being,
 - the ability of the person who engaged in the family violence to care for and meet the needs of the child, and
 - the appropriateness of making an order that would require the spouses to cooperate on issues affecting the child;
- the child's cultural, linguistic, religious and spiritual upbringing and heritage, including aboriginal upbringing or heritage;
- the child's views and preferences to the extent that those can be reasonably ascertained;
- any plans proposed for the child's care and upbringing;
- the nature, strength and stability of the relationship between the child and each spouse;
- the nature, strength and stability of the relationship between the child and each sibling, grandparent and any other significant person in the child's life;

³¹ 2000. Bala, Nicholas. *The Best Interests of the Child in the Post-Modern Era: A Central but Paradoxical Concept*. Revised version of a paper presented at Law Society of Upper Canada Special Lectures: Family Law (Best Interests of the Child). Retrieved on July 4, 2007 from <http://law.queensu.ca/facultyAndStaff/facultyProfiles/bala/balaRecentPapers/balaBestInterests2000.pdf>

- the ability of each person in respect of whom the order would apply to care for and meet the needs of the child;
- the ability of each person in respect of whom the order would apply to communicate and cooperate on issues affecting the child; and
- any court order or criminal conviction that is relevant to the safety or well-being of the child.³²

Data from the court file review indicates that 83% of divorce cases reviewed included a reference to the BIC criteria in the context of federal and/or provincial law, as presented in Table 6-1.

Table 6-1: Cases Referencing BIC Criteria

Case Characteristics	Number of Cases	% of Total Cases
Cases that involved parenting plans or separation agreements	881	99.9%
Cases that included BIC criteria in the framework of provincial law	729	82.7%
Cases that included BIC criteria in the framework of federal law	730	82.8%

Source: Court case file review; n=886

The most frequently used BIC criteria noted in the file review were:

- the child’s emotional and psychological needs,
- benefit of relationships with both parents, and
- family violence and impact on the child.

There is some evidence to suggest that awareness/use of BIC criteria in divorce cases has increased since they were introduced as a proposed amendment, despite the fact that they were never legislated. Prior to 2002, BIC criteria were mentioned in 92% of divorce cases sampled in the court file review as compared to 99% after 2002.³³ However, it is important to note that BIC issues were already widely used in the courts prior to their explicit proposal in Bill C-22. Evidence of increased awareness of the criteria was also found in the results of the Survey on the Practice of Family Law in Canada conducted in 2004 and 2006.³⁴ As can be seen in Chart 6-3, the largest

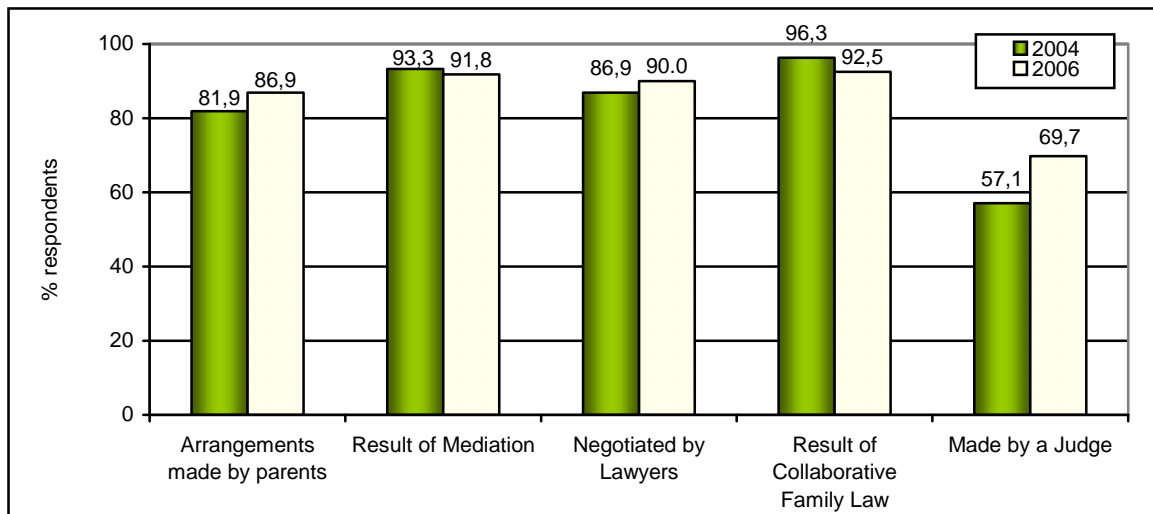
³² See the “Parenting after Divorce” publication on the Department of Justice website at <http://www.justice.gc.ca/en/ps/pad/about/index.html> retrieved in July 4, 2007.

³³ Note that these results should not be generalized beyond the two locations for which there were pre and post data.

³⁴ Paetsch, J., Bertrand, L., & Bala, N. (2006). *The Child-centred Family Law Strategy: Survey on the Practice of Family Law in Canada, 2005-2006*.

increase in utilizing the BIC criteria was reported to be in comments or decisions made by the judiciary (+12.6%) and in arrangements made by the parents themselves (+5.0%).

Chart 6-3: Consistency of Parenting Arrangements with the Best Interests of the Child by Type of Resolution Process



Source: *Survey on the Practice of Family Law in Canada, 2006 and 2004.*

Although Bill C-22 (December 12, 2002) did not pass, the introduction of the proposed BIC criteria as proposed legislation appears to have increased discussion on issues related to the principle. The CanLII Database lists a total of 3,650 cases related to the best interests of the child principle, more than half of which (1,939 cases or 53%) were filed since December of 2002.

6.1.1. Observations and Conclusions

Based on the evidence presented in the previous paragraphs, the following observations and conclusions can be made:

- #10: Despite the fact that the BIC criteria were not legislated, there appears to be a move toward addressing the issues included in the criteria by the parents.
- #11: Parenting plans and parent education programs are tools that can be used to advance the BIC criteria.
- #12: Parenting education programs are successful in helping parents understand the needs of children.

6.2. Direct Outcomes of the Strategy

A number of outcomes were identified in the CCFLS Logic Model. Six evaluation questions were developed to assess the extent to which outcomes were achieved under the Strategy, as follows:

- Since the initiation of CCFLS has there been an observed expansion in the child-centred family justice services provided by provinces/territories?
- During the life of the Strategy has there been an increase in the use of family justice services by parents and children?
- Has there been an increased awareness of various child-focused approaches to determining parenting arrangements by parents?
- To what extent are parents satisfied with programs and services available to them and their children?
- To what extent have family justice services been successful in resolving and/or clarifying family law issues outside the traditional court system?
- To what extent can the outcomes achieved through family justice services be attributed to CCFLS activities?

There has been an expansion of family justice services offered by the provinces/territories over the course of the CCFLS.

Provincial/territorial reports indicate that, from 2003/04 to 2006/07, provincial/territorial family justice services 71 family justice services were expanded, 32 new ones were introduced and 176 were maintained, as summarized in Table 6-4. Data for 2007/2008 was not complete at the time of the evaluation.

Table 6-4: Status of Family Justice Services in the Provinces/Territories

Status of FJS	2003/2004	2004/2005	2005/2006	2006/2007	Total
Expanded	19	15	15	22	71
Maintained	30	48	51	47	176
New	17	3	6	6	32
Total	66	66	72	75	279

Source: Provincial/territorial annual reports

Judges and provincial/territorial officials interviewed for the evaluation noted that the development of family justice services available in their location has expanded, in part, as a result of federal funding; that, without federal funds, fewer family justice services would be available. Further, federal funds were also noted as having a leveraging effect through increasing provincial/territorial support for expansion of family justice services in some jurisdictions.

Data on the utilization of services by clients in the provincial/territorial is incomplete. Efforts to improve the quality of usage data are currently underway at the Department of Justice and it is expected that a comprehensive analysis of utilization data will be possible in the near future. Currently, only data available for maintenance enforcement programs and mediation allows for a comparison of utilization (number of clients) and for only some provinces/territories (from 2003/04 to 2005/06). The following patterns were identified in the available data:³⁵

- an increase in utilization of mediation services in Alberta, British Columbia, New Brunswick, Prince Edward Island, Newfoundland; a decrease in utilization in Nova Scotia; and
- no significant change in utilization of maintenance enforcement services in Alberta, British Columbia, New Brunswick, Prince Edward Island, Nova Scotia, or Saskatchewan.

Data collected through the Maintenance Enforcement Program (MEP) Survey 2005/2006, provides a slightly different picture of enforcement. The results of this study show that MEP caseloads increased from the previous year by between 1% and 4% in four of the seven reporting provinces: Prince Edward Island, Quebec, Ontario and the Yukon.³⁶ Note that not all provinces provided caseload statistics in the survey.

Family justice services are successful in helping parties resolve many of their issues without going to court.

Family justice services are effective in helping families resolve and narrow issues, and clients tend to be satisfied with the assistance they receive. Overall, it was noted that services like mediation and parent education are useful and important tools in assisting parents to recognize the needs of their children and minimize the negative impact of separation and divorce on the children. Mediation services can often lead to resolution without having to go before the court. For example, in Manitoba, of the 309 closed cases that proceeded through the Comprehensive Mediation

³⁵ Source: Annual provincial/territorial reports.

³⁶ Source: Canadian Centre for Justice Statistics. Child and Spousal Support: Maintenance Enforcement Survey Statistics, 2005/2006.

Program since 2001 (as at June 30, 2007), 66.3% reached full agreement and 20.4% reached partial agreement. In only 13.3% of cases was there no agreement reached.³⁷ Parenting education programs lead to parties being more child-focused and better informed about issues.

A benefit linked to the availability of family justice services noted by members of the judiciary was that parents coming before the court appear to have a more sophisticated understanding of the legal system and child-centred approaches to issue resolution than in the past. However, it was added that often this knowledge tends to be limited to familiarity with terminology rather than actual changes in behaviour. Regardless, it was felt that the improved knowledge/familiarity of the parties was related to the expanded family justice services available in many locations as well as to the increased availability of information, and that these services and information helped families navigate their way through the issue resolution process, regardless of the route taken.

An example of a unique approach to assisting families resolve issues or reduce conflict without going to court is *Access Facilitation Program* piloted by the Saskatchewan Department of Justice. This program was designed to assist low-income families with issues or conflict related to parental access. All components of the program are designed to provide parents with guidelines for communication, techniques for reducing/resolving conflict, and assistance with resolution of access issues to assist with developing a plan that meets the specific needs and circumstances for each family that participates³⁸. The outcomes/impacts of the pilot program have been positive. From the time the program became operational in June 2006 until February 28, 2007, a total of 45 people contacted the Dispute Resolution Office about the program (40 parents, 5 non-parents). Of these, one-half participated in the program from June 1, 2006 to February 28, 2007 with a successful completion rate (resolution of access issues) of 50%.

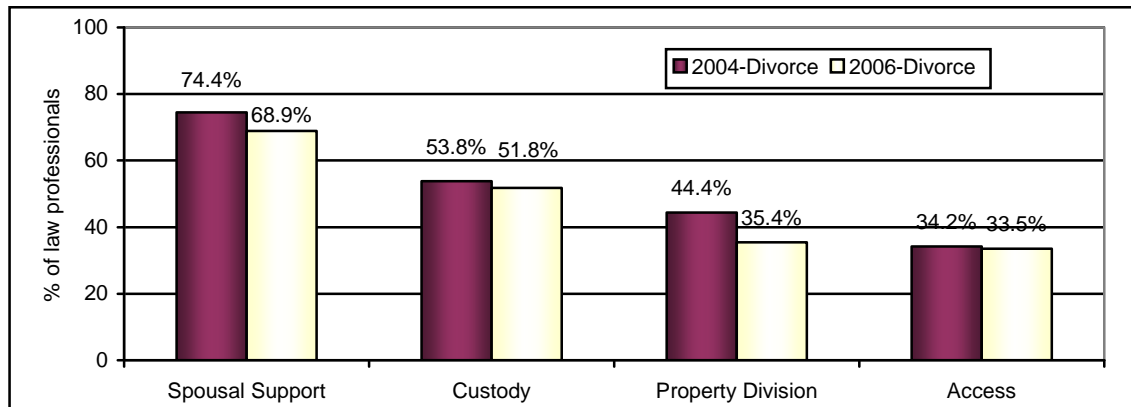
Certain issues go through the courts for resolution more frequently than others.

Family law professionals reported an overall decline in some issues in divorce cases heard by the courts from 2004 to 2006. As seen in Chart 6-5, property division declined by 9.0% and spousal support issues declined by 5.5%. Despite the decline in spousal support cases, this issue, along with custody, were identified by family law professionals as most likely to require a judicial decision in divorce cases.

³⁷ Statistics provided by Manitoba Justice.

³⁸ Source: Saskatchewan Justice Interim Report 2006-07 – pg 2

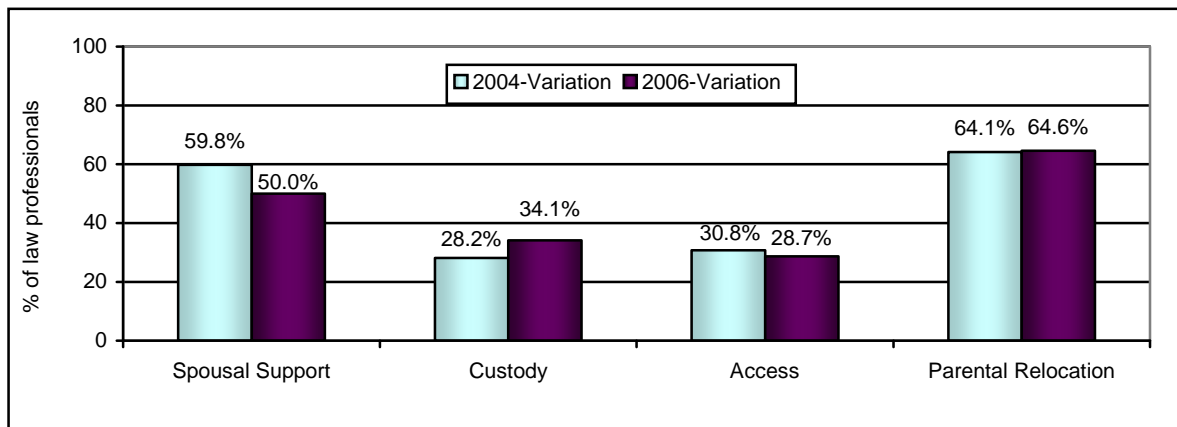
Chart 6-5: Issues Most Likely to Require a Trial/Judicial Decision in Divorce Cases



Source: Survey on the Practice of Family Law in Canada, 2006 (n=164) and 2004 (n=134)

The types of issues that return to court appear to vary somewhat from those heard initially. Summarized in Chart 6-6 is the reported frequency with which issues are heard in variation cases. Family law professionals most often cite parental relocation as a complex issue that is typically resolved through judicial decision.

Chart 6-6: Issues Most Likely to Require a Trial/Judicial Decision in Variation Cases



Source: Survey on the Practice of Family Law in Canada, 2006 (n=164) and 2004 (n=134)

Not only has there been a narrowing of issues (i.e., fewer, better focused) heard in court, there is evidence to suggest that the time needed to resolve divorce cases has declined. Prior to the implementation of the strategy, the average length of time between the petition for divorce and the day the divorce was granted for all cases was 384 days. In a comparison of cases prior to and

after implementation of the strategy in the two locations, the average time required decreased by 18.6%, from 345 days prior to 2002 to 281 days after 2002.

Family law professionals interviewed stressed that in high-conflict situations court intervention is still needed and should be initiated as soon as possible in order to minimize negative impact on children.

6.2.1. Observations and Conclusions

Based on the preceding evidence, the following observations and conclusions are made:

- #13: Family justice services are effective in helping families resolve and narrow issues, and clients tend to be satisfied with assistance they receive.
- #14: Federal funding is important for maintaining existing provincial/territorial family justice services, leveraging additional provincial/territorial funds and for enhancing the family justice system, overall.
- #15: It is difficult to attribute case specific outcomes directly to the CCFLS, however, there are indications that the federal activities have contributed to a number of outcomes such as accessibility of family justice services and less adversarial resolution.

6.3. Child Support and Support Enforcement

The following evaluation questions were designed to address the area of support and support enforcement:

- How do the amended Federal Child Support Guidelines (FCSG) continue to facilitate determinations of support obligations?
- To what extent was the support enforcement component of the CCFLS successful in improving compliance with support obligations? Have federal support enforcement activities been improved as a result of the CCFLS? What has been the result of federal assistance in moving toward a national system of support enforcement?
- To what extent does federal support legislation complement or duplicate efforts of other federal departments and provinces/territories? Were there barriers/factors which prevented the CCFLS from being successful?

The Federal Child Support Guidelines continue to be a success in creating a fair, accessible and transparent system of determination of child support amounts,

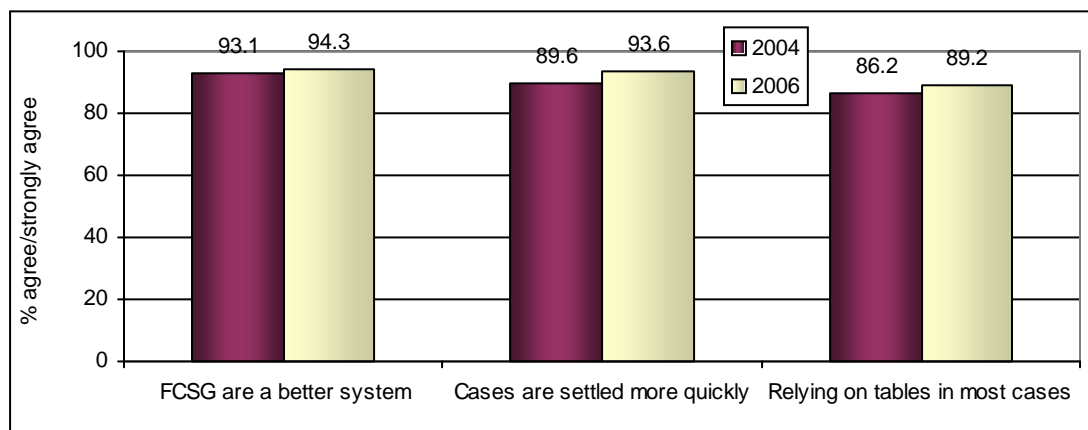
The Federal Child Support Guidelines (FCSG) have been seen as a key success in the area of family law since their original implementation in 1997. Key informants from federal and provincial/territorial governments as well as family law professionals across Canada reported that the FCSG have created a fair and accessible system of child support calculation, thereby contributing to reduced conflict among parents on this issue.

Child support disputes no longer rank among the issues most likely to require a trial, indicating that the FCSG, as well as numerous materials related to the guidelines including a *Step-by-Step Booklet* and information brochures or online material, access to the tables as well as an online calculator have served as tools to improve the understanding of child support by the Canadian public. The guidelines were reported to have created more consistency in determinations of child support, removing or significantly reducing the “guesswork” in establishing the amount of support to be paid, which subsequently helped reduce conflict. In doing so, the guidelines have benefited an array of people, including litigants, the Bar, and the judiciary, as well as families in general (especially children).

The majority of judges, lawyers and law professionals surveyed in 2004 and 2006 viewed the Guidelines as successful and an improvement over the pre-1997 system of determining child support. More than 8 in 10 lawyers/judges surveyed reported positive effects/outcomes associated with the FCSG.³⁹

³⁹ Paetsch, J., Bertrand, L., & Bala, N. (2006). *The Child-centred Family Law Strategy: Survey on the Practice of Family Law in Canada, 2005-2006*.

Chart 6-7: Judges, Lawyers and other Law Professionals Perceptions Regarding the Federal Child Support Guidelines



Source: Survey on the Practice of Family Law in Canada, 2005-2006; n=117 (2004) and n=164 (2006).

Provinces/territories rely on the federal government for direction and assistance implementing their own support enforcement activities.

The primary purpose of Maintenance Enforcement Programs (MEPs) is to help support/maintenance recipients collect their payments, particularly those who experience difficulty in securing (regular) payment. MEPs are in place in all provinces/territories, however, they are not uniform due to differing local needs, provincial/territorial laws and policies. These differences include client profile, enforcement powers in legislation, enforcement practices, the enrolment process, how payments are handled and registered, the responsibilities of clients, and how cases are closed.⁴⁰ As an example, with regard to enrolling cases with a MEP, about half of the provinces/territories enroll cases automatically when a maintenance order is made. In all other provinces/territories (British Columbia, Saskatchewan, Alberta, Yukon and PEI) enrollment is optional unless the recipient is entitled to social assistance. Under the CCFJS, funding is provided to the provinces/territories to enhance their own enforcement activities.

The federal government provides assistance to the MEPs enforcement efforts through the coordination activities of the Support Enforcement Policy and Implementation Unit, two federal laws, the FOAEAA and the GAPDA, and the operations of the Family Law Assistance Services (FLAS) Unit. FLAS maintains a database for tracing individuals in default of a family provision, allows for the interception of federal funds (such as income tax refunds, etc.) and the

⁴⁰ Canadian Centre for Justice Statistics. *Child and Spousal Support: Maintenance Enforcement Survey Statistics, 2005/2006.*

denial/suspension of federally administered licenses, including passports. Federal employee salaries and pensions are subject to garnishment as a result of GAPDA.⁴¹

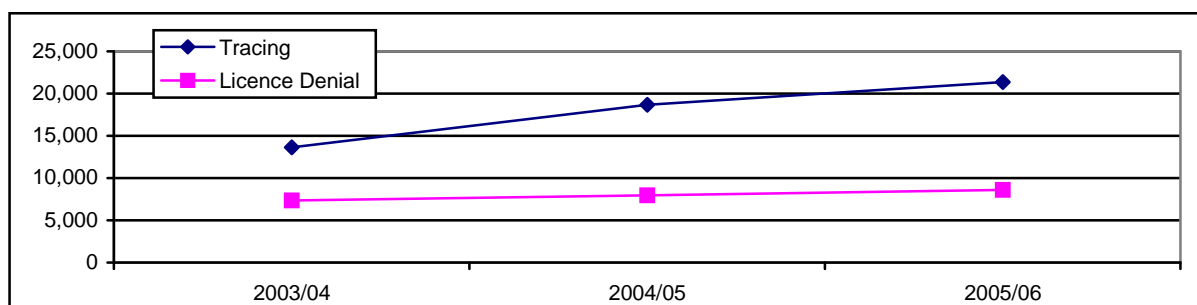
Provincial and federal representatives described the activities undertaken by the federal government in supporting provincial/territorial support enforcement efforts as to help coordinate activities through review of legislation, establishment of new laws or amendments to existing ones (e.g., *FOAEAA and GAPDA*) and to take the lead on international issues. Key informants noted that the role of the federal government in support enforcement matters does not need to be changed but should be expanded to include acting as a centre for information sharing on support enforcement activities, and as the Canadian Secretariat for the Hague Maintenance Convention – Central Authority.

For cases where the payor and recipient reside in different jurisdictions, the provinces and territories have established similar inter-jurisdictional support order laws that allow them to establish, vary, recognize and enforce orders from another province or territory or other countries where a reciprocity agreement has been established. In addition to such collaboration, some jurisdictions have developed their own Interjurisdictional Support Order (ISO) programs such as the *Family Responsibility Office ISO Unit* launched by the Ontario Ministry of Community and Social Services. A key objective of this project is to streamline the reciprocity process for claimants/applicants nationally and internationally in order to make the process of obtaining support orders, changing existing ones or enforcing orders faster and less demanding of court resources. The Ontario ISO Unit helps lessen court resource usage by eliminating one of the hearings from the support reciprocity process. Also, being that Ontario is a jurisdiction where the majority of its support order hearings under the *ISO Act* are written (as opposed to being heard in person), the process can be less adversarial as both parties involved with the support order present their cases in writing and the representation of information is the same for both parties.

Enforcement activities have been increasing over the course of the Strategy.

Statistics provided by the FLAS Unit indicate increased utilization of services by the provinces/territories in support enforcement. As illustrated in Chart 6-7, the number of tracing applications reported by FLAS has increased by 56.6% since 2003 and the number of license denial applications has increased by 16.8%. In addition, the number of active summons for intercepting federal funds has increased by 8.5% from 155,160 in 2003/2004 to 168,385 in 2005/2006. Data for more recent years were not available at the time of the evaluation.

⁴¹ *Canadian Centre for Justice Statistics. Child and Spousal Support: Maintenance Enforcement Survey Statistics, 2005/2006.*

Chart 6-8: Completed Applications for Tracing and Licence Denial Applications

Source: Department of Justice. Progress Report to Treasure Board on Year Three of the CCFLS: 2005-2006.

While there is insufficient information available at the provincial/territorial level to link the increase in maintenance enforcement activities/services to an increase in monies collected,⁴² the increased utilization of federal support enforcement services suggests that federal services and assistance in the area of enforcement are important for the provinces/ territories.

The federal government has an important role in terms of developing enforcement policy.

Federal support enforcement activities and programs/services (nationally and internationally) are seen by the majority of provincial/territorial and federal officials interviewed as complementing, facilitating and/or coordinating efforts of the provinces/ territories, other federal departments and international partners. Enforcement activities are supported through the provision of funding to the provinces/territories under the CCFLS, and through the operational funds allocated to the Department of Justice to undertake various activities related to improving the system of support enforcement in Canada and internationally. The federal government also supports provincial/territorial efforts through coordination activities, consultations and legislation (e.g., CRA and licencing departments).

Key informants from the Enforcement Unit reported that the federal support enforcement activities and programs/services complement the efforts of the provinces/territories as much of the federal government work originates at the request of the jurisdictions. As such, it was felt that there was no duplication or overlap of activities. Key informants also noted that the provinces/territories were increasingly looking to the federal government for supporting these types of activities and for removing barriers or creating efficiencies in federal legislation that

⁴² Canadian Centre for Justice Statistics. *Child and Spousal Support: Maintenance Enforcement Survey Statistics, 2005/2006*. – only 7 provinces and territories provided data on amounts received and amounts due.

would help them carry out their mandate. In other words, the provinces/territories have come to expect a leadership role on the part of the federal government in the area of enforcement.

A few barriers were identified by provincial/territorial officials with regard to implementing federal support enforcement activities in the provinces/territories. First is the issue of technological difficulties, which affect the compatibility of computer systems used federally and provincially. Provincial/territorial representatives also noted the lack of support from other federal departments (e.g., CRA and DND) in maintenance enforcement efforts, deadlines for input from the provinces/territories that are often too tight for bigger jurisdictions to solicit the required feedback internally and the lack of available resources overall. Provincial/territorial informants have expressed a need for additional federal support in these areas.

6.3.1. Observations and Conclusions

The following observations can be made, based on the evidence presented above:

#16: The Federal Child Support Guidelines continue to be successful in facilitating consistency in determinations of support.

#17: The federal government plays a leadership role in the area of support enforcement.

6.4. International Activities

International activities undertaken as part of the family policy component of the Strategy were addressed in the evaluation framework by two questions:

- Is there evidence that the Canadian position has been used in the review of Hague international conventions related to custody and access, and maintenance enforcement?
- As a result of this Strategy, has there been an observed increase in the knowledge of the Canadian support enforcement system among international communities?

Canada has played a leadership role, internationally, at Hague meetings in areas regarding the 1980 and 1996 Hague Conventions on Child Abduction and the Protection of Children.

Canada is a signatory of the 1980 Hague Convention on Civil Aspects of International Child Abduction and is analyzing the implications of becoming a party to the 1996 Hague Convention

on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in Respect of Parental Responsibility and Measures for the Protection of Children. Department of Justice officials have also been active in a Special Commission review and other international meetings related to these two conventions. In review meetings, the Canadian delegation has been perceived as a leader with regard to supporting the conventions and furthering cross-national communications to the benefit of the children and the conventions.

As one of the key players in the latest review of the 1980 and 1996 Conventions in the fall of 2006, several of Canada's positions regarding the practicability and implementation of the conventions were reflected in the report on the review of both conventions. Canadian positions included the development of "country profiles" to facilitate communication and cooperation between the Central Authorities⁴³ in the individual member states – a concept originally developed by the Canadian delegation involved in the negotiations on a new Hague convention on family maintenance enforcement – as well as several other aspects ranging from a clearer definition of the role of the Central Authorities to regulations with regard to issuing a passport to a child/minor. Overall, Canadian positions are represented throughout the report.

This theme was echoed by international officials and representatives of other jurisdictions who stressed that the Canadian delegation was a key player in achieving a position of compromise and consensus on matters discussed at the review meeting, which was noted to have been a key development in maintaining the integrity of the 1980 Convention.

Canada has a leadership position internationally in the development of a new Hague Convention on the International Recovery of Child Support and other forms of Family Maintenance (the Maintenance Convention).

Since 2003, negotiations on a new Hague Convention dealing with Support/Maintenance Enforcement matters have been ongoing at an international and national level. The new convention is drafted as a response to outdated existing maintenance enforcement conventions. Canada has been involved in these negotiations since 2003. Numerous activities, nationally in consultations with the provinces and territories, as well as internationally at The Hague and in meetings and discussions among several Hague member States, have been initiated by the Canadian delegation over the past four years.

⁴³ Contracting States have to designate a Central Authority to discharge the duties that are imposed by the Convention upon such authorities. Federal states such as Canada can designate a Central Authority for each intra-national unit as well as an additional federal Central Authority.

Interview respondents noted that, in drafting the Convention, Canada's experience as a bi-jural jurisdiction and a member of Canada's Hague delegation was considered. Members of Canada's delegation were assigned significant roles in the successive Special Commissions developing the new Hague Maintenance Convention including membership on the drafting committee for the new Hague Maintenance Convention. Canada's role has included "holding the pen" on much of the drafting and negotiations of the template for a Country Profile, which is expected to play an important role in the administration of the new Convention. In fact, the Country Profile template has since been identified as a best practice tool and is now being adopted in other Hague Conventions.

However, it has to be noted that Canadian positions may not always align with others on an international level due to the differences in justice systems. Another key informant from Europe noted that, while enforcement mechanisms such as denying the issuance of a new driver's license are interesting and innovative ideas, differing justice systems particularly in EU-linked countries present barriers to giving these ideas more substance in the development of the new Maintenance Convention.

Canada has established significant relationships with other jurisdictions through communicating Canadian positions and practices in support enforcement.

The international negotiations at The Hague for the new Maintenance Convention have led to new/improved bilateral relationships between Canada, the US and several Commonwealth states such as Australia, New Zealand and the United Kingdom. International negotiations were intended to lead to new bilateral relationships with regard to reciprocity arrangements between Canadian provinces and other states. Recent negotiations with the US federal government, Hungary, and Caribbean countries have been reported; other negotiations may currently be underway. In interviews, some provincial/territorial representatives mentioned that the numerous activities nationally and internationally have enhanced options for the provinces/territories to form new bilateral relationships.

According to officials from the Enforcement Unit, the Canadian position regarding support enforcement was very well received internationally. Canada's work on support enforcement internationally has been recognized in a number of ways. Some examples include:

- the appointment of the Enforcement Unit's Senior Counsel as International Commissioner for the U.S. based National Child Support Enforcement Association (NCSEA),

- ongoing requests to share developments on Canada's support enforcement activities at meetings of the Eastern Regional Interstate Child Support Association (ERICSA), at the NCSEA and the European Union (EU); and
- collaborative work with the United States federal government on specific issues (e.g., currency conversion issues, use of forms).

6.4.1. Observations and Conclusions

#18: The Canadian delegation and representatives are recognized internationally for their efforts to further cross-national communication and sharing Canadian policies, positions and experiences with other jurisdictions.

6.5. Information, Communication and Research

Three evaluation questions were addressed to explore issues and outcomes related to public and legal training, communications and research activities undertaken as part of the Strategy. The questions are as follows:

- Based on the training and knowledge provided to the legal community, has there been a reported increase in the capacity (knowledge, skills and abilities) to apply CCFLS objectives by lawyers, judges, and service providers?
- To what extent was the CCFLS successful in informing Canadians about parenting arrangements, child support guidelines, and support enforcement measures?
- To what extent has research and performance information been used by CCFLS partners in their work? To what extent has research built capacity to examine family law issues?

Education, training and knowledge building activities/tools are the result of activities of multiple units involved in delivering the CCFLS.

There are various education, training and knowledge building activities/tools that are supported in all of the components of the CCFLS and are implemented through the different units. Department officials from the Family Law Policy Unit felt that there was sufficient effort and support put forth under the Strategy to inform and train family justice professionals. Tools and activities identified included reference materials/information such as: a collection of articles for lawyers, the Federal Child Support Guidelines *Step-by-Step Booklet* and various consultative

exchanges with family justice professionals. The FCY Section also provides a full inventory of family justice services in each province on its website, based on data/information collected by the Family Law Policy Unit as well as detailed information on national and international enforcement activities including the new Hague Maintenance Convention provided through a new website, newsletters, annual updates and forms and guides launched by the Enforcement Unit.

Communications activities, such as meetings, e-mails and a newsletter for family law professionals are also carried out as knowledge-building tools. One member of the judiciary specifically noted the newsletter distributed to members of the judiciary as being informative. The Communications Unit and the Family Law Policy Unit recently developed a children's booklet, which has been receiving positive attention from educators and other professionals in Canada and the United States. It should be noted that awareness of the booklet among family justice service providers and family law professionals was limited; however, only a short period of time had passed since its release in May of 2007 and the completion of the evaluation. So far, the feedback about the book has been positive from teachers and family law professionals who have seen it. In addition, many individuals who participated in the evaluation were interested in learning more about the booklet and how to access it and it has generated interest internationally.

The Research Unit also makes knowledge-building information available, such as the result of special studies completed by the unit and assistance provided to the provinces/territories in completing their own research. Additional activities include the development of standardized client exit surveys to be delivered to clients at Family Law Information Centres, at the completion of mediation and after participating in parent education programs, as well as the development of consent forms to obtain client permission to be contacted for participation in a client follow-up survey.

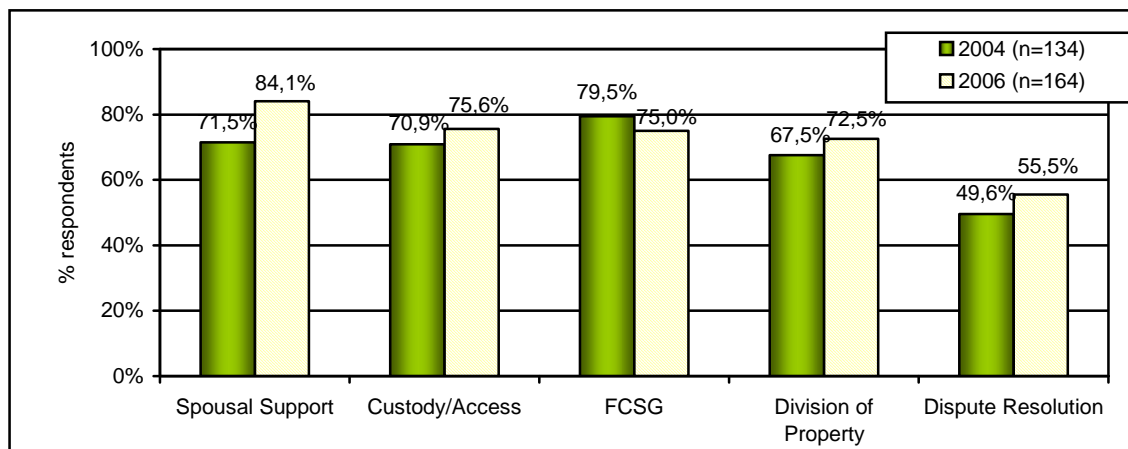
Education and training were also supported through the PLEI/PT funding component, with the distribution of funds to eligible applicants, typically non-government organizations. There was a total of seven PLEI/PT applications for funding to professional training, with five approved, one rejected and one withdrawn. A total of \$319,476 of PLEI/PT funds was allocated to these projects over the life of the Strategy. In addition, \$295,685 was allocated to the National Judicial Institute to conduct the *High Conflict Custody and Access Seminar* (two years) and for *Curriculum Development in Area of Child Protection* (one year). These funds were mainly for the coordination of education/training activities.

Individuals involved in providing services/assistance in the areas of family justice utilize education/training.

Approximately half (51%) of family justice service providers surveyed reported that they had been involved in developing or delivering information, services or training for family justice professionals at some point in the past five years. More than half (55%) of family justice service providers indicated that they had participated in a training program for family justice professionals over the previous five years. Out of these, 84% found the training they received useful or very useful.

Legal professionals surveyed at the 2006 National Family Law Program reported increased utilization of training for lawyers, judges and other family law professionals on family law issues related to the Strategy. As can be seen in Chart 6-8, approximately 7 in 10 family law professionals reported having taken some form of continuing education/training in 2006, up from 2004. However, the providers of this education/training cannot be established.

Table 6-8: Continuing Education and Training of Family Law Professionals in Previous 5 Years



Source: Survey on the Practice of Family Law in Canada, 2005-2006

Several members of the judiciary felt that additional training of a more inter-disciplinary nature (e.g., psychology, health, etc.) would be useful, particularly for those specializing in family law, as the “trial judge” role is being replaced to some extent by a case management role, depending on the family justice model.

Canadians make use of a variety of available resources for information and education on family law issues; however, there are areas that could be improved.

Family justice web sites are one of the most frequently accessed of all Department of Justice websites. From January to June 2007, 23 of the top 50 Department of Justice sites or pages visited were family justice related. This translates into 40% (1,195,751 visits) of the almost 3 million visits to the top 50 Department of Justice sites.

In the 2006 Survey of Family Law Professionals, respondents reported that 88% of clients are somewhat or very well informed about available services at the outset of their case. As noted previously, family law professionals have noticed that parties use the appropriate language more now than in the past. However, the level of information for Canadians about available family justice services varies by service with the level of information being highest for child support issues and services. In general, clients are better informed about support and support enforcement issues and least informed about parenting plans, parent education services and variation.

Several lawyers were interviewed over the course of the evaluation and had limited awareness of the objectives and services related to the CCFLS, particularly of available training for the legal community in the context of the Strategy. It was also noted that available communication materials such as booklets and guides are not always helpful for the clients due to the general nature of the materials and complexity of many matters in family law. Several lawyers noted that, as a result, many clients are misinformed about issues relevant in their individual case and situation.

The information materials and tools developed to support the implementation of the Federal Child Support Guidelines are utilized the most.

A number of materials were developed by the FCY Section, the Communications Unit and the Research Unit to help Canadians apply the Federal Child Support Guidelines, including information materials and booklets for parents and children, simplified tables and child support calculators, as well as worksheets, research reports, case law summaries and other related material. All these materials are available on-line at the Department of Justice website.

Website statistics reveal that information materials are the most accessed links/sites on the website. Visitor counts for the year 2006 identified the Federal Child Support Tables (PDF) 2006 as the most accessed site with 97,082 visits, followed by Child Support with 68,991 visits. The

Federal Child Support Guidelines: Step-by-Step was accessed 43,082 times.⁴⁴ Over the same time period, the "Child Support" website received an average of 4,596 visits per day and the "Parenting After Divorce" website, 2,661 visits per day.

Department of Justice officials interviewed felt that the child support materials/resources have advanced the objectives of the CCFLS by providing child support advice and greater guidance to lawyers and were widely available through major continuing legal education programs. Family law professionals (judiciary, mediators and lawyers) generally found the materials pertaining to the Federal Child Support Guidelines, particularly the *Step-by-Step Booklet*, to be of substantial use to them in determinations of child support and for resolving child support related issues.

Research efforts have been relevant to family issues facing the provinces/territories; however, there are existing and emerging issues that require further research.

Representatives from the provincial/territorial governments felt that the Strategy’s research priorities aligned well with family justice issues in their province or territory. Specific areas mentioned by the officials included the CCSO-FJ ensured cohesion in the research activities and that the federal research unit was the “driving force” behind the provincial/territorial evaluation strategy.

Department of Justice officials identified several projects (either federal, provincial or territorial) that they felt were particularly noteworthy in each of the key areas of the Strategy. The areas of studies are provided in Table 6-9.

Table 6-9: Noteworthy Studies by Key Areas of the Strategy

Area	Particularly Useful Study ⁴⁵
Policy development at the federal level	<ul style="list-style-type: none"> • Impact on children study • Needs assessment of material for children • Needs assessment of immigrants • Survey on PT need for the SIN • NETP study • CIC Pilot (pilot between CIC and ON) • Statistics from the FLAS system • Study that looked at case law and best interests • Study on family violence
Deciding on priorities for federal financial assistance	<ul style="list-style-type: none"> • Impact of divorce on children

⁴⁴ Visitor count numbers provided by the Department of Justice.

⁴⁵ Note that this table is based on the responses provided in the key informants interviews.

	<ul style="list-style-type: none"> • NCSEA conference • Montreal Conference • P/T evaluation of parent education and family services
Assessing effectiveness of projects and services to which the federal government contributed	<ul style="list-style-type: none"> • Evaluation of FLAS programs • Dispute Resolution Longitudinal Study. Phase 2 (BC Ministry of Attorney General 2007) • Review of evaluation research in family justice • P/T evaluation of parent education and family services • A collective P/T study on MEP
Operational or administrative process	<ul style="list-style-type: none"> • Effectiveness of tracing • CRDP form change to collect better information on custody

A particularly noteworthy study that was conducted by the provinces/territories, according to officials in the Research and Program Development Units, is the longitudinal study on mediation undertaken by British Columbia. It is the first longitudinal study undertaken by a jurisdiction in Canada.⁴⁶ Findings from this study will include both short- and long-term outcomes, which will help assess the effectiveness of projects and services funded by the CCFJF.

Other provincial/territorial studies that were noted in the interviews included the evaluation of the recalculation services in Manitoba and a collective provincial/territorial study on the maintenance enforcement program. The first study looked at a number of objectives (including outcomes) and was the first evaluation of the recalculation services in Canada. The second study, consisted in a survey of clients, both debtors and creditors, which allowed for the development of demographic profiles that can be used for programming decisions.

Despite the numerous studies completed throughout the CCFLS, respondents felt that additional research is required in certain areas. Many of the suggested areas for further research correspond to the emerging trends and issues noted in Section 2 and Section 4, such as blended families, co-parenting and custody and access issues. Additional research suggestions are summarized in Table 6-10.

Table 6-10: Additional Research Required by Area

Area	Research Study or Subject of Interest
Guidelines	<ul style="list-style-type: none"> • Child support over time • Monitoring/assessment of some of the assumptions that support the guidelines • Second/blended families
Support enforcement	<ul style="list-style-type: none"> • Impact of federal enforcement legislation on individuals • Use of incarceration for support default as an enforcement tool in Canada and

⁴⁶ BC Ministry of Attorney General 2007. Dispute Resolution Longitudinal Study. Phase 2 Final Report.

	<p>internationally</p> <ul style="list-style-type: none"> • How GAPDA is being used to identify if there are means to improve efficiency • Effectiveness of the FLAS • Socio-demographic research on recipients (e.g., why some pay and others don't)
Social context	<ul style="list-style-type: none"> • Co-parenting, custody and access issues, services and needs • Multiculturalism
Custody and access	<ul style="list-style-type: none"> • Impact of shared-parenting arrangements • Access enforcement and facilitation • High conflict • Voice of the children/children's needs
Other	<ul style="list-style-type: none"> • Family violence • Long-term outcomes of services • How spousal support is determined and perceived • Administration of the recalculation service • Baseline data on access enforcement across the jurisdictions • Public awareness

Provincial/territorial officials felt that with additional federal support they could contribute more to the national research effort.

The FJI funding model sets forth that 5% to 7% of the funds provided to the provinces/ territories are allocated to evaluation and research activities. The jurisdictions are encouraged to undertake research and evaluation activities by the CCSO-FJ Research sub-committee and through other forums. However, Department of Justice officials feel there have been mixed results in this area. For example, while large jurisdictions have not had any problems, medium and smaller sized provinces/territories have had difficulties implementing research activities. The problems are generally associated with these jurisdictions having fewer funds and limited capacity to undertake large or expensive research. Further, the provinces/territories give research and evaluation activities lower priority than delivery of family justice services and programs.

A few provincial/territorial officials suggested that another funding pot for larger research projects would be beneficial, indicating that there was insufficient time or resources available to their jurisdiction to conduct research within the existing FJI funding allocations. It was also suggested that more support was needed by the provinces/territories in conducting research, such as assistance in developing requests for proposals.

Provincial/territorial officials offered a number of suggestions as to how the federal government could better collaborate on research related activities:

- Facilitate multi-jurisdictional research and evaluation activities (three respondents);
- Resolve funding issues (i.e. increase funding, provide sustained funding) (two respondents);
- Do more consultations and collaborate more (three respondents);
- Assist with the identification of experts or consultants capable of conducting the research (one respondent);
- Provide more time and make more resources available (one respondent);
- Streamline the reporting process (one respondent); and
- Make research findings more accessible, for example through a web portal (one respondent).

6.5.1. Observations and Conclusions

#19: Information materials provided or supported by the federal government are well used by family law professionals and the general public.

#20: Communication/knowledge-building efforts have been successful in some areas, but there are some areas that require additional communications efforts.

#21: Research activities have been relevant but there are emerging topics that require further exploration.

6.6. Lessons Learned

The evaluation questions that explored unintended impact, strengths and weaknesses of the Strategy are as follows:

- Were there any unintended impacts either positive or negative or broader outcomes that have resulted from the Strategy?
- What were the lessons learned?
- What were the strengths and weaknesses of the Strategy?
- Should this Strategy continue past 2007-2008?
- What would be the impacts if any, on the family justice system of the sunseting of the CCFLS after 2007/2008?

Key informants identified strengths of the Strategy that may lead to activities being continued without support after the sunseting of the Strategy in 2008.

Provincial/territorial officials as well as family lawyers and members of the judiciary noted a number of key strengths of the Strategy, particularly the enhanced collaboration and communication between the federal government and provincial/territorial and non-governmental partners as well as enhanced communication among the provinces/ territories. It was noted that informational structures that were put in place or expanded and enhanced during the Strategy are legacies that will be maintained after the sunseting of the CCFLS. Similarly, it was noted that performance measures and accountability structures would likely be maintained in many jurisdictions.

In addition to maintaining communication and accountability structures, it was noted that while federal funding is crucial for many provinces/territories to be able to provide family justice services, the services developed and provided under the CCFLS are in demand and cover public needs in the family justice system. Several officials noted that they would attempt to maintain some of the services. However, it was stated that particularly economically disadvantaged provinces/territories would not be able to cover costs for most of the services alone and would have to either abandon or limit the availability of existing services.

In general, informants from various groups interviewed for the current evaluation felt that a key legacy of the CCFLS has been to support and further the move towards less adversarial, collaborative law in family law.

There were both positive and negative unintended outcomes associated with the Strategy.

Informants identified several unintended outcomes associated with the Strategy, which included the following:

- the development of good working relationships with partners such as the Department of Foreign Affairs and International Trade and the Canadian Judiciary Council;
- exchange of information and enhanced communication between the provinces/territories;
- adapting or adopting elements of other province's/territory's systems/services; and
- creation of a certain level of expectation on the part of the provinces/territories regarding the leadership and coordinating role of the federal government.

There are specific aspects related to the delivery/implementation of Strategy that could be improved.

As noted throughout this report, the approach to delivery of the Strategy by the FCY Section is for multiple units to act as an integrated team. While this approach is generally successful, it has resulted in a few drawbacks in terms of the coordination of some activities across the units. There appears to be an overlap across the different units in information collection and dissemination activities. There is a substantial amount of information collected at the federal level to support the family justice system. As well, there is no single “tracking” system of the information available from the different units and activities undertaken, making it a challenge to easily access data or information sources between the units and track processed or resources that require updating.

7. COST EFFECTIVENESS

As part of the evaluation, two questions related to the cost-effectiveness of the strategy were addressed:

- To what extent are the Strategy’s resource levels appropriate? Is there a need to reallocate funds among the activities within the Strategy or to other uses?
- Is the CCFLS the most appropriate means of achieving the intended objectives? Are there more cost-effective ways of delivering the existing Strategy?

It should be cautioned that the cost-effectiveness component of the evaluation is descriptive in nature and not an assessment of the cost associated with achieving net impacts, as the information available did not allow for this type of analysis.

Approximately 5% of the resources available for the Strategy are spent on administration.

As summarized in Table 7-1, approximately 5% of the resources available for the strategy are dedicated to the administration of the Strategy, overall, and 5% of the grants and contributions expenditure to deliver the programs component.

Table 7-1: Administrative Costs Relative to the Overall CCFLS Budget

Strategy Component	2003-04	2004-05	2005-06	2006-07	2007-08
Grants & Contributions Expenditure	16,159,000	16,079,500	16,244,855	16,050,027	16,050,027
<i>Program Delivery Administration</i>	603,056	858,464	868,463	858,464	861,464
% of Grants and Contributions	4%	5%	5%	5%	5%
Total CCFLS Budget	25,385,447	25,012,113	24,218,359	23,627,967	23,128,246
<i>Administration</i>	1,061,480	871,480	832,480	793,480	686,480
<i>Corporate</i>	592,216	536,827	482,776	467,254	441,904
% of CCFLS Budget	6%	5%	5%	5%	4.6%

Source: Department of Justice IFMS data

A review of initiatives in the United States did not reveal a federal approach comparable to the CCFLS. In fact, federal initiatives appear to focus on promoting “healthy marriages” to avoid separation and divorce, and deal with issues facing children and youth separately. Grants are distributed to applicants on a case-by-case basis. Mediation and alternative resolution options are available in some states. Due to a lack of cost information about these initiatives and the fundamental difference in the approach taken between Canada and the United States, it was not possible to determine whether costs to administer the CCFLS are similar, lower or higher than for comparable strategies and programs.

8. KEY FINDINGS, RECOMMENDATIONS AND MANAGEMENT RESPONSE

The following presents the key highlights of the results of the Summative Evaluation of the CCFLS.

The three broad objectives of the CCFLS continue to be relevant.

Trends in Canadian families towards more instability in relationships and marriages as well as increasing complexity due to multi-layered blended and often multi-cultural families indicate that family life and negotiating separation and divorce is more complex today than in the past. Families need services to assist them in addressing the more complicated process of separation and divorce in order to minimize the negative impact on their children. There are key areas that require attention, such as custody and access, relocation/mobility and support.

Recommendation 1: It is recommended that the FCY Section, in collaboration with the Evaluation Division, conduct further research/evaluation on the emergent topics identified in the Summative Evaluation Report. A further family law initiative should include activities and research to assist and support the provinces and territories in order to implement federally funded programs and services in their jurisdictions.

Agreed. The FCY Section has already begun to address issues and gaps identified in the Summative Evaluation. It is undertaking studies to search for data/information related to changes and trends in family structure and composition.

The federal government has a legitimate and necessary role as a leader and coordinator in developing and maintaining a national perspective towards family justice.

Family law, like other areas of law, is divided between the federal and provincial/ territorial jurisdictions. Therefore, an important element of the Strategy has been the collaboration between the provinces/territories and the federal Department of Justice in a number of different areas. The

provinces/territories rely on the federal government as a coordinator and leader in family justice activities in order to develop a national perspective on family law and ensure that a certain level of services is available to all Canadians.

Recommendation 2: It is recommended that the FCY Section continue to collaborate with the provinces and territories to identify services and relevant needs in order to support national family justice activities.

Agreed. It is important for FCY to work closely with the provinces and territories due to the shared jurisdiction in family justice area. With the PTs responsible for the administration of justice and the delivery of many family justice activities, it is necessary for FCY to collaborate with the provinces and territories in order for federal priorities to be addressed and in support of a national approach.

A flexible approach was taken to adjust Strategy activities when the legislative component was no longer viable.

The CCFLS originally entailed three components: a legislative reform component, a family justice services component and the expansion of the Unified Family Court model. When the legislative component could not be advanced during the lifespan of the current Strategy, activities and objectives were adjusted. Family justice services became the cornerstone of the CCFLS.

A key element of the Strategy was the continuation, development and expansion of a number of collaborative partnerships.

A key strength of the Strategy was the development and expansion of collaborative partnerships between and among the federal government, the provinces/territories, non-governmental partners as well as international partners. Enhanced and expanded communication structures, and new or expanded partnerships were identified as legacies that would continue after the sunset of the Strategy in 2008.

The Performance Measurement and Evaluation Strategy continues to be problematic in terms of provincial/territorial reporting.

Despite improvements in performance measurement and reporting activities by the provinces/territories, gaps in available information indicate that there continues to be room for

improvements. Data collection and reporting activities need to be simplified and streamlined in order to allow for the collection of complete and meaningful data.

Recommendation 3: It is recommended that the FCY Section continue to collaborate with the provinces and territories to simply and streamline data collection and reporting activities. This approach will ensure that complete and meaningful cross-jurisdictional performance measurement information is collected.

Recommendation 4: It is recommended that the FCY Section explore feasible options for organizing information/data collected across units to ensure that it is easily retrievable and accessible.

Agreed. The CCFLS was the first time the FCY Section and provinces and territories were required to collect and report on performance measures under an RMAF. It was a learning experience for all involved and improvements were made over the course of the Strategy.

A data collection instrument and database was created in the last year of the CCFLS to collect performance measurement data from the provinces and territories in a standardized fashion and make it easily retrievable.

Furthermore, the Programs Unit of FCY developed and provided to the provinces and territories a Handbook on Performance Measurement within the CCFLS context to assist them to collect and report on their performance measures.

The FCY Section will continue to consult and collaborate with the provinces and territories on the collection and reporting of performance measures, as these provide important evidence of the success and progress of CCFLS activities.

The budget allocated to CCFLS operations and management was adequate.

Budget information available for the evaluation indicates that sufficient resources were available for the operation, management and implementation of the Strategy. This was echoed by provincial/territorial officials, who felt that while additional funding would allow for additional services, the current resources are sufficient to run and administer the Strategy.

Parent education and parenting plans are useful tools to help parents understand and focus on the children's needs, and to promote the use of the Best Interests of the Child criteria.

In general, parents utilize and are satisfied with parenting plans and other services and tools provided through the CCFLS, including parent education services and other services designed to assist parents in navigating the complicated process of separation and divorce while minimizing the negative impact on their children. Lawyers and members of the judiciary as well as secondary sources indicate that parents and children benefit from the developed services and tools.

Although not legislated, there is evidence that issues reflected in the proposed BIC criteria are increasingly considered in family justice services as well as in court decisions. Court file data indicates that in 83% of cases, one or more of the issues reflected in the proposed BIC criteria were relevant during the hearings.

Family justice services are effective in helping families resolve issues without going to court, although some issues tend to go through the courts (e.g., relocation).

In general, the CCFLS has been successful in supporting a move towards collaborative and less adversarial family law processes. Family justice services increase awareness among Canadian families of alternative dispute resolution. However, due to the increased complexity of family arrangements specific issues such as parental relocation tend to require resolution through judicial decision.

The Federal Child Support Guidelines continue to help create consistency in child support arrangements and need to be reviewed regularly.

The Federal Child Support Guidelines have been identified by informants as one of the most important tools in eliminating subjectivity in decisions surrounding child support. The Guidelines as well as numerous education and information materials associated with them have helped Canadian families and family law professionals in determining appropriate levels of child support in a consistent and accepted manner.

The federal government has an important leadership role in the area of support enforcement, both nationally and internationally.

In terms of support enforcement activities, the federal government has been a leader nationally in assisting the provinces/territories in developing and expanding their own support enforcement systems, as well as internationally in the development of a new Hague Convention on family maintenance matters and the establishment of new bilateral partnerships with other states.