



**Summary of Activities  
for the Child-centred  
Family Justice Fund  
2003-2005**

**Family, Children and Youth Section  
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Child-centred Family Justice Fund  
2003-2005**

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## **PREAMBLE**

The Child-centred Family Justice Strategy is a five-year initiative (2003-2008) of the Government of Canada that is composed of three pillars that aim to develop and maintain a more child-centred family justice system. The focus of this document is the family justice services pillar of the Strategy, which acts to develop, expand and maintain family justice services in Canada and is accomplished through the Child-centred Family Justice Fund, in partnership with provincial/territorial investment.

Through the Fund, family justice services receive federal contribution funding based on a set of objectives and “Primary Areas of Activity” that were developed in collaboration with the provinces and territories. The Fund consists of grants and contributions that are allocated to provinces, territories and non-governmental organizations and organized according to three components (Family Justice Initiatives, Pilot Projects and Public Legal Education and Information & Professional Training).

This document provides a brief history and context of the Strategy and Fund, including its principles and “Primary Areas of Activity”, followed by a summary of the activities that have been provided by the provincial, territorial and non-governmental organizational partners during the first two years of the Fund (2003-2005).



## INTRODUCTION

The Strategy was announced on December 10, 2002 by the former Minister of Justice and began in April of 2003. The purpose of the Strategy is to help parents focus on the needs of their children following separation and divorce and is composed of three pillars—support for family justice services (through the Child-centred Family Justice Fund), legislative reform and expansion of Unified Family Courts. These pillars, acting as independent components or as a whole, will help develop and maintain a child-centred family justice system where:

- the decisions made by separated and divorced parents and the courts will be tailored to the individual needs of children;
- the family justice system will facilitate the timely resolution of family law matters; and,
- there will be increased compliance with parenting arrangements and child support obligations.

While the Government of Canada does not provide family justice services to Canadians directly because this is a provincial/territorial responsibility, it is committed to assisting the provinces and territories to develop, implement and maintain these services. The Government of Canada committed \$68 million in contribution funding over the Strategy's five years (2003/4 to 2007/8) to the provinces, territories and non-governmental organizations for family justice services.

Historically, the federal, provincial and territorial jurisdictions have enjoyed a collaborative relationship in the area of family justice that began with the establishment of the Federal/Provincial/Territorial Family Law Committee in the late 1970's. This committee provided the federal, provincial and territorial governments a forum to discuss and act upon common policy and program issues and problems facing the family justice system.

This initial collaboration led to the development and implementation in the early 1980's of the provincial/territorial Maintenance Enforcement Programs (MEPs), along with federal enforcement legislation to assist the new MEPs in their efforts to enforce support obligations. In 1991/1992, to further assist the provinces and territories, Justice Canada participated in the federal interdepartmental "Brighter Futures Initiative", providing funding for the MEPs to allow them to continue to improve their operational, administrative and enforcement capacities. This proved to be a formative step in building broader family justice partnership strategies for the future, as it introduced the element of funding to assist the provinces and territories in providing an important service within the family justice system.

This was seen in the Child Support Initiative (1996 to 2001) which included legislative reforms and further funding to the provinces and territories for family justice services to implement the Federal Child Support Guidelines and the new and enhanced support enforcement measures, as well as other supported family justice services related to children.

The success of the FPT collaboration during the Child Support Initiative certainly contributed greatly to the establishment of larger, more encompassing Coordinating Committee of Senior Officials—Family Justice that replaced the Family Law Committee. It also contributed a great deal to the development and implementation of the current Child-centred Family Justice Strategy and the Child-centred Family Justice Fund which again is based on our strong partnership with the provincial and territorial jurisdictions in Canada.

## **CHILD-CENTRED FAMILY JUSTICE FUND**

As a key component of the Strategy, the Fund supports the development, implementation, delivery, monitoring and evaluation of family justice services. These services include mediation, parent education and a range of court-based information and community support services to assist parents making decisions about their children's care and to help them work out child-focused parenting arrangements.

### **Principles**

The selection of projects and services supported under the Fund are guided by the following principles, as identified by Justice Canada in consultation with provincial and territorial officials:

- The needs and well being of children are paramount;
- No one model of post-separation parenting will be ideal for all children;
- Programs and services must be sensitive to the fact that children and youth experience separation and divorce at different stages of development and must aim to protect them from violence, conflict, abuse and economic hardship;
- Programs and services must demonstrate that they have considered whether they will have a different impact on male and female clients;
- An integrated approach to the planning and delivery of child support, support enforcement and parenting arrangement programs and services is encouraged to respond to the long-term service needs of children and families;
- Opportunities for early non-adversarial dispute resolution mechanisms should be encouraged;
- Activities should address the need for evaluation, project monitoring and performance measurement;
- Research should have the goal of advancing the family law community's knowledge on priority issues, informing policy and program discussions, assisting in the development or refinement of policy or programs and aim to enhance legislative clarity;
- Participants in the family justice system (families, judiciary, Bar, court staff, enforcement staff, mediators, and others) should be well informed about family justice reforms;
- A coordinated national and / or international approach to innovative family justice services and information sharing should be promoted;
- Alternatives or modifications to the present court dispute resolution system are needed to reduce cost and delays for parents; and,
- Programs and services should be efficient and cost-effective for the justice system.

Based on these principles, the Fund supports programs and services in the following three areas:

*Family Justice Initiatives (FJI):* This stream, which accounts for over 90% of Fund resources under the Strategy, supports provincial and territorial family justice programs and services that assist parents dealing with parenting arrangements, child support, and support enforcement (e.g., parenting agreements and orders, contact orders, custody orders and access rights). The amount of money available to each jurisdiction has been determined by a distribution formula established in consultation with the Federal-Provincial-Territorial Coordinating Committee of Senior Officials- Family Justice (CCSO-Family Justice). The transfer of funds is accomplished through contribution agreements negotiated with each province and territory.

*Pilot Projects:* About one-half of the funds not assigned to Family Justice Initiatives are available for pilot projects proposed by provincial and territorial governments to develop, implement, deliver, monitor and evaluate innovative family justice services.

*Public Legal Education and Information (PLEI) and Professional Training:* The balance of the funds is made available to non-governmental organizations, by way of grants or contributions, to undertake projects that inform Canadians, including the legal community, about parenting arrangements, child support guidelines, and support enforcement measures. Proposals for funding of such projects must be supported by the appropriate provincial or territorial government.

Funding for the Family Justice Initiatives component was \$15.1 million in the first year of the Strategy and \$15 million in the second year. These amounts were allocated across the provinces and territories based on the funding formula agreed to by federal-provincial-territorial deputy ministers of justice. Funding for the Pilot Projects and the Public Legal Education and Information (PLEI) and Professional Training (PT) components was virtually eliminated in the first year of the Strategy due to the Government-wide Reallocation Exercise. However, the funding was reinstated in 2004/05 and the provinces and territories and various PLEI and PT organizations made successful applications to use all of the funding available (\$500,000 in each of the two components)

Each of the activities and projects proposed by the jurisdictions must fall within at least one of the seven Primary Areas of Activity (PAAs), which were developed in consultation with the provinces and territories. The PAAs are as follows:

PAA #1: Funding to support the **coordination** of family justice activities such as parenting arrangements, child support, and support enforcement.

PAA #2: Funding to support the development, delivery, enhancement and expansion of **innovative child-centred family justice activities and services**.

PAA #3: Funding to support the development, delivery and enhancement of dispute resolution mechanisms to determine, vary or recalculate the amount of child support.

PAA #4: Funding to support the development, enhancement, and delivery of **innovative support enforcement activities**.

PAA #5: Funding to support provincial/territorial efforts as they relate to the establishment, variation and recognition of **interjurisdictional support orders**.

PAA #6: Funding to support **research, analysis, monitoring and evaluation** activities in family justice.

PAA #7: Funding to support **public awareness** and understanding of the Child-centred Family Justice Strategy (new legislation and supporting services).

The seven PAAs are reflected in three broad family justice activities—*integration* (PAAs 1, 2, 3 and 7), *enforcement* (PAAs 4 and 5) and *research* (PAA 6).

This report outlines the activities of the first two years of the Fund. These activities have set a solid foundation that will continue to be enhanced in order to achieve the goals of the Strategy. Particularly, contribution funding is expected to lead to:

- an *expansion* of child-centred family justice services offered by P/T partners;
- an *increased use* of these services and awareness of the new approach to parenting arrangements by parents;
- an *enabling* of key deliverers of family justice services (lawyers, judges and social service providers), as a result of resources and training, to better apply the CCFJS reforms in their own areas of responsibility.

These direct outcomes will, in turn:

- Lead to an increased understanding by parents of the needs of their children, a child focused approach and their own parental responsibilities;
- Contribute to P/Ts providing family justice services that better meet the needs of parents and children using these services through the new child-focused approach.

Many of the services funded during the first two years of the Strategy (2003/2004 and 2004/2005) are outlined below, beginning with those in the Family Justice Initiatives, which comprise the highest proportion of funds. It is important to note that these services do not constitute a comprehensive list of the family justice services that exist in a province or jurisdiction, but lists examples of the types of services supported by the Fund.



## FAMILY JUSTICE INITIATIVES

This stream of funding supports provincial and territorial family justice programs and services that assist parents dealing with child support, support enforcement, and parenting arrangement issues (e.g., parenting agreements and orders, contact orders, custody orders and access rights). Though not all activities supported under the Fund are listed, extensive samples of activities that have been funded through this component are described below.

### Parent Education

A number of jurisdictions have used the Fund to support parent education/information programs. These programs are designed to bring awareness to parents who are separating or divorcing of the potential harm that can come to children if their needs are not sufficiently met. The adjustment period is often very stressful for the child, especially in high conflict cases, and these services bring to light actions and their consequences. By creating awareness among parents of the importance of focussing on their children and ways of resolving parenting issues, it is hoped that parents will be more responsive to their children's emotional and physical needs.

Evaluations have indicated positive outcomes associated with the program. For example, evaluations of the Saskatchewan, Prince Edward Island and New Brunswick programs found that outcomes include reduced parental conflict, improved relationships between former partners, easier adjustment to parenting from two homes as well as a significantly increased understanding of co-parenting issues, mediation and support services. Manitoba conducted evaluations of its parent information program which confirmed similar positive outcomes including increased satisfaction with child support, custody and access arrangements.

While Parent Education Programs are offered in every jurisdiction and are free of charge, some jurisdictions have gone a step further and made the program mandatory in some or all sites.

The ***Mandatory Information Program***, offered by the Ontario Ministry of the Attorney General at the Superior Court of Justice (SCJ) in Toronto, requires all litigants in contested family law proceedings in the SCJ in Toronto to attend a family law information session before continuing with their court proceeding. The Court of Queen's Bench in Alberta has made attendance mandatory before a contested divorce action will be heard, unless a valid reason exists for the parties to be excused. Nova Scotia's ***Parent Information Program*** is mandatory in all Family Division sites whereas in Family Court, attendance is voluntary. British Columbia's ***Parenting After Separation*** is now mandatory in ten locations in addition to the seven voluntary locations. Manitoba's Family Conciliation Branch has made attendance at its ***For the Sake of the Children*** program mandatory for clients accessing mediation services.

Saskatchewan Justice has successfully operated a province-wide voluntary parent education program for parents who are separating or divorcing. To reach more individuals, attendance at a parent education session became mandatory in Yorkton, Saskatoon, Regina, and Prince Albert. Saskatchewan Justice has also continued to expand the locations where voluntary parent education sessions are offered. A recent evaluation assessing the differences in outcomes for voluntary and mandatory clients found that several aspects of the evaluation results supported

mandatory attendance policies. This recommendation is due partially to the greater inclusiveness of the mandatory program in terms of the range of participants, the high ratings given by parents on exit questionnaires for both programs, and the finding that high conflict parents may experience the greatest change in parenting behaviours after attending the program. Considering the positive outcomes, it was found that it would be beneficial for most, if not all, parents going through a separation/divorce to attend such a program.

There have been other variations on the basic program. For example, British Columbia offers specialized programs in Cantonese, Mandarin, Punjabi and Hindi in the Greater Vancouver Area, and New Brunswick provides a program in French. Other jurisdictions have developed two-streams within their programs; one for low and another for high conflict parents. It is widely acknowledged that those parents who have relationships characterized by higher conflict require a more specialized course directed at those issues and are, moreover, a very important group to reach considering the impact of conflict on children. Dual-stream programs are currently available in Saskatchewan, Manitoba and New Brunswick.

## **Children's Education Programs**

While parent education programs shift parents' focus to the needs and experience of the children affected by separation and divorce, it has been increasingly recognized that children also benefit from more direct services. To that end, some agencies (government and community-based) have developed education-information programs for children. The material generally covers information about the legal process as well as the emotional experiences and changes in relationships that follow divorce or separation.

Two jurisdictions, Saskatchewan and PEI, have used the Fund to support the creation of similar programs for children. An evaluation conducted by PEI concluded that it is important to provide the program to children at an earlier stage in the parents' separation process as it may be more beneficial than at a later stage, while ninety percent of parents surveyed reported improvements in children's emotional health after attending the program. Results support the continuation and expansion of PEI's "Parenting From Two Homes: For Kids!" program. Manitoba also offers a children's education program through the Family Conciliation Branch called *Caught in the Middle*.

## **Family Law Information Centers (FLICs)**

These centers help people learn about the court process, alternative dispute resolution mechanisms, the Child Support Guidelines and assist those that are making court applications without the aid of a lawyer. Centers have been expanding due to an increase in demand and are now operating in five jurisdictions, including Nova Scotia, Newfoundland and Labrador, Ontario and Alberta. Alberta's FLICs, in particular, continue to see a consistent rise in inquiries each year.

Some FLICs offer specialized services that link clients with other community or court-connected services. In the Family court of the Superior Court of Justice (Ontario's "Unified Family Court"), contracted service providers have on-site an *Information and Referral Coordinator* (IRC) who

provides information about mediation services as an alternative to court, provides specific community information and referral support, and registers members of the public for free parent information sessions.

The lawyers in the Alberta FLICs continue to provide important support to the judiciary, including a *Dispute Resolution Officer* and a *Court Generated Orders and Child Support Resolution Officer*.

## **Mediation/Dispute Resolution/Conciliation**

Mediation, and other alternatives to formal litigation for resolving the issues that arise when parents separate and divorce, are important features of Canada's evolving family law system. All provincial and territorial governments have implemented or are planning to implement programs and procedures to ensure that parents can use the dispute resolution service that is most appropriate to their needs and circumstances.

Québec continues to offer and promote its extensive mediation program. An information session on the program is mandatory for most clients and is available as a group session or privately for separating or divorcing couples. This session is followed by up to five mediation sessions of over an hour, which are offered at no charge to clients. The mediation program was evaluated in 2001 and results indicated that the program was favourably viewed by all parties. Drawing from the volume of agreements signed by participating parties, it was determined that the program had a minimum success rate of 75%.

Nunavut's *Inuusirmut Aqqusiuqtiit* (IA) program is being designed to increase access to family justice services in the territory by providing community-based family law information and dispute resolution services to assist parties in settling family matters (such as custody, access and support) arising from relationship breakdown. The IA program is an innovative dispute resolution, counselling and information program that combines southern-based mediation techniques with traditional Inuit approaches to problem solving in order to deliver culturally relevant dispute resolution services to Inuit people. As part of this initiative, the Nunavut Department of Justice will focus on expanding services to additional communities and developing a Violence Screening Protocol, an element deemed key to the success of the IA program.

The *Comprehensive Co-Mediation Program* in Manitoba focuses on providing parents with a cost-effective alternative to going to court and assistance in reducing the levels of conflict between parents. Comprehensive Co-Mediation involves a consideration of all the issues that arise from separation/divorce: parenting issues (parental responsibilities/time sharing), child support, spousal support and division of marital property. A family law specialist/lawyer and a family relations specialist/social worker work together with the family to assist in resolving their issues. Ninety-two percent of the mediated cases reported reaching a full or partial agreement with the majority of these (73%) being full agreements.

A *Dispute Resolution Officer* (DRO) service is offered in the Superior Court of Justice in Toronto on a pilot program basis. The DRO service is provided by senior lawyers and involves the screening of family law variation cases with the goal of resolving cases without the need for

a judicial hearing. The **Mediation Roster** was developed as part of the *Mandatory Information Program* in the Superior Court of Justice in Toronto in order to provide clients attending the information sessions with a list of private mediators they could contact should they wish to pursue mediation.

In addition, voluntary family mediation services are available at all 17 Ontario Family Court (“Unified Family Court”) locations. Clients are encouraged to make use of these services as an alternative to the court process. These services included mediation of most issues arising due to family breakdown: custody, access, support and division of property. These services are available to all clients regardless of whether or not they have filed a court application. Off-site mediation services deals with complex issues and there is a user fee. On-site mediation services are available to deal with narrow issues for parties on that day’s court list and are free of charge.

The **Child Support Variation Service** (CSVS) is a pilot program operating in one judicial district in New Brunswick. It is a mandatory conciliation service for all matters in which motions to vary child support orders have been filed with the Court.

In Nova Scotia, the **Conciliator** acts as a high level intake person, serving to assist negotiation between the parties and is guided by the responsibility to make appropriate referrals to services. The conciliator also screens for violence and abuse issues that may affect the appropriateness of certain referrals and the risk of bringing the parties together to discuss issues. Prince Edward Island offers up to eight hours of mediation services without charge province-wide. As a final note, British Columbia and Newfoundland include mediation services as part of their large multi-service programs, the Family Justice Registry Program (**Rule 5**) and **Family Justice Services Western**, respectively.

## **Maintenance Enforcement**

The services of the Maintenance Enforcement Programs (MEPs), available in all jurisdictions, aim to ensure compliance with family support obligations (child and spousal/common-law partner support orders) are complied with and more money flows to those who need it. Through the Fund, some provinces and territories have embarked on initiatives to continue, expand and improve their MEP. Others have used funding to assist with issues relating to interjurisdictional support establishment, variation and enforcement efforts. Activities in this area generally focus on the enhancement or extension of MEP services in the jurisdictions. These activities take on a variety of structures including specialized units in existing MEPs and participation at annual MEP Directors’ meetings.

Examples of particular MEP enhancements that are federally supported through the Fund include the **Section 7 Enforcement Officer** in PEI. The PEI Maintenance Enforcement Program has been receiving many orders and agreements that contain clauses that are ambiguous and/or unenforceable. These clauses generally pertain to section 7 expenses (i.e., ordering that one party pay 40% of the section 7 expenses but not specifying what constitutes a section 7 expense). This results in either one of the parties or the MEP having to take the matter back before the Court for direction. Often, orders and agreements also do not indicate when the obligation to pay a section 7 expense terminates. An Enforcement Officer has been hired to deal specifically with these cases. Nova Scotia’s **Field Officer** carries out investigations focused on payors who have

never paid child support as ordered, are delinquent with payments and/or for whom MEP cannot find employment information.

Another example is the enhanced *Trace and Locate Unit*, which was formed within Ontario's Family Responsibility Office (FRO) to conduct intensive trace and locate actions on returned mail. On average, FRO receives 2,500 pieces of returned mail per month. In the past, this mail would accumulate and no action would be taken. This new unit has been extremely successful and has exceeded its targets by tracing and locating not only from current mail being returned but also from mail that was returned in the past. As of June 2005, almost 20,000 pieces of returned mail were traced and located as a result of this work, almost 53% of all returned mail now has an up to date address in FRO's system. This gives enforcement officers the opportunity to take enforcement action on these cases.

The *Compliance Unit* was established in Winnipeg's Maintenance Enforcement Program in 2002/2003 to establish consistent, aggressive enforcement practices for problem cases. MEP consolidated the handling of preparation for all cases involving court default hearings. As a result, the Unit has gained fuller compliance with some of the most difficult files.

Several jurisdictions have used the Fund to improve their technological capacity in their MEPs to make the client's experience easier and the system more efficient. These technological improvements include automated bank services; individual Personal Identification Numbers (PINs) for account information; Automated Voice Infolines and information management systems.

## **Interjurisdictional Support Orders**

The provinces and territories have been implementing new Interjurisdictional Support Order (ISO) legislation (chart attached as appendix II). While each province and territory has enacted substantially similar legislation, there are some differences to meet the unique needs of each jurisdiction. This new ISO model replaced the former reciprocal enforcement of maintenance/support orders (REMO/RESO) two-stage provisional/confirmation procedure with a more streamlined application process to establish or vary a support order. As part of the application process, a series of situation-specific forms are completed and sent to the jurisdiction where the respondent resides. The court in the respondent's jurisdiction will then conduct a hearing and make the order. ISO legislation also provides for the recognition and enforcement of support obligations from jurisdictions with which a province/territory has reciprocal arrangements. It is anticipated that these changes will improve the timeliness in obtaining and varying family support, and recognizing support orders, leading to quicker flow of support payments and enforcement, as necessary. As part of the implementation process of these laws across Canada, each province or territory has established a designated authority for the purposes of transmitting and receiving ISO applications. The Fund helps support legislative and policy development in the jurisdictions around ISO legislative enactments and subsequent implementation.

## **Support Variation/Administrative Recalculation of Child Support**

The child support amounts set out in agreements and orders can be varied as the personal and financial circumstances of separated and divorced parents and their children change. Usually, the procedures followed to vary an order parallel those to determine the original arrangements—an application must be filed with the court and a judge makes a new order varying the current order.

Several jurisdictions have attempted to simplify the process for all concerned through revised procedures, special pilot projects or both. Saskatchewan and the Northwest Territories offer programs to assist parents who are asking the court to vary a child support order.

Other jurisdictions have developed or are developing administrative recalculation services that will recalculate child support payments on a regular basis, based on the parents' updated income information. Section 25.1 of the *Divorce Act* allows the federal Minister of Justice to enter into an agreement with a province or territory that authorizes a designated child support service “to recalculate, at regular intervals, in accordance with the applicable guidelines, the amount of the child support order on the basis of updated income information” in the case of orders under the *Divorce Act*. The recalculated child support amount comes into effect 31 days after the parties are notified of their recalculation amount, unless one of the parents makes an application to have the matter reviewed by the court in the interim. Comparable provisions in provincial/territorial legislation allow recalculation of orders under those acts.

Administrative recalculation services are now available or under development in the Northwest Territories, Nova Scotia, Newfoundland and Labrador, British Columbia and Prince Edward Island. Manitoba is currently piloting a recalculation program under the Pilot Projects' component of the Fund. The outcomes of these services will be of interest to other provinces and territories.

## **Service Combinations**

*Family Justice Services Western* (FJSWestern), which operates out of Corner Brook, Newfoundland, gives separating parents an alternative to the court system for the first time ever in the western region of Newfoundland and Labrador. Services included under the FJSWestern are information sessions for adults on family law and parenting issues; mediation on custody, access, child support and spousal support; counselling for adults and children on separation issues; workshops on communication skills and conflict resolution; support groups for children dealing with separation/divorce; and automatic recalculation of child support. The services are provided by two social workers, two mediator/lawyers, an assessment worker/counsellor and a recalculation clerk. Services operate out of a community mental health clinic and can therefore offer short-term crisis counselling, making this program particularly innovative. Participation is voluntary, unless ordered by the Court, and the services are free to the public and available in the western region of the province.

The Family Justice Registry Program (*Rule 5 Project*) requires all parties to a family court application in three locations in British Columbia to attend a “triage” session with a “triage” Family Justice Counsellor prior to a first appearance in family court. The range of services that constitute the program include the triage assessment, *Parenting After Separation* courses, family

mediation services, limited legal advice, services of a Child Support Officer, enforcement outreach, family case conferences, trial preparation and hearing and judicial adjudication.

## **Family Law Information and Awareness**

Most jurisdictions provide information to the public on family justice services and family law via brochures, family law guides, self-help kits, advertisements, handbooks and websites. One of the most innovative activities is British Columbia's *website for children and (pre) teenagers* ([www.familieschange.ca](http://www.familieschange.ca)), which has received international recognition. The website provides children and youth with practical, emotional and legal information on separation and divorce to better enable them to prepare for and cope with the conflict and changes their families are experiencing.

Manitoba's *Family Law in Manitoba* public information booklet has proven to be an invaluable resource to litigants. The booklet contains an overview of family law and the legal system in Manitoba and is intended to give a basic understanding of family law with an extensive list of family justice contacts.

[www.gov.mb.ca/justice/family/englishbooklet/index.html](http://www.gov.mb.ca/justice/family/englishbooklet/index.html) (English)

[www.gov.mb.ca/justice/family/law/index.fr.html](http://www.gov.mb.ca/justice/family/law/index.fr.html) (French)

In addition to the Family Law Information Centre services provided by several jurisdictions, toll-free lines are offered for enquiries regarding child support guidelines and basic information about a wider range of family justice topics and available services by New Brunswick, Ontario, Saskatchewan, Manitoba, British Columbia and Yukon.

## **Other Activities of Interest**

To continue to offer and enhance the information and public support services, the *Intake Assistant* (IA) position in Nova Scotia was initiated to deal with the implementation and promotion of the Child Support Guidelines and custody and access services. Intake Assistants provide information to the public on child support, custody and access issues and are essentially the entry point to the Family Division. The IAs coordinate a triage type of service delivery by making appropriate referrals to the Parent Information Program, conciliation or mediation, by screening for potential violence and by identifying assistive services such as legal aid, income assistance and transition houses. The IAs help determine client issues and frame court applications, outline disclosure requirements and open court and computer files.

The Ontario *Family Law Rules* are specialized rules of procedure for family law cases. Since 1999, they have applied to family law cases in the Family Court of the Superior Court of Justice and the Ontario Court of Justice. Effective July 1, 2004, the application of the *Rules* was expanded to the Superior Court of Justice, resulting in a single set of court rules for all family trial courts.

The *Rules* incorporate a system of case management, a key feature of which includes a duty to manage cases expeditiously and fairly. The *Rules* emphasize the early resolution of cases, achieved in part through the use of conferences, including a mandatory case conference in every

contested case. Cases with divorce or property claims, and all cases in the Superior Court of Justice (non-Family Court branch), are assigned to a standard track, under which cases do not come to court until one of the parties seeks a motion or a case conference. All other non-child protection cases are assigned to a fast track, under which cases are assigned a first court date when the application is filed. In these cases, on or before the first court date, court staff confirm that all necessary document have been served and filed, and refer parties to sources of information about the court process, alternatives to court, and community resources. Standard and fast track cases must be listed for trial within 200 days or parties must arrange a case conference with a judge to plan the next steps of the case. Child protection cases follow a more detailed timeline for each step in the case with a goal of 120 days to hearing.

The ***Brief Consultation Service Pilot Project*** in Manitoba has been operating since October 2001. As part of the Court of Queen’s Bench Family Division Case Management process, the Brief Consultation Service provides families and their lawyers, as well as the court, with brief, timely consultation services regarding children’s developmental issues; post-separation parenting; post-separation communication options; counselling needs; information sharing with children related to separation/divorce; scheduling issues and access options; and information/screening regarding other relevant services. The service also provides consultation and assessment of wishes and concerns of older children ages 11 to 16.

New Brunswick has a program that provides financial assistance to qualified individuals who have been ordered by the court to have a ***custody assessment***. It is called the ***Court-Ordered Evaluations Support Program*** (C-OESP). Parties may apply individually to the Court Services Division to have help with the costs of their court-ordered evaluation. Eligible parties are responsible for finding their own evaluator. They are issued a letter of acceptance detailing their coverage, and provided with instructions to ensure that the evaluator of their choice will know how the costs are to be paid and how to distribute the billing accordingly. The level of assistance is determined through the use of a sliding scale based on incomes, and caps are set on evaluators’ hourly rates and the number of hours. Costs in excess of the coverage are the responsibility of each individual party. C-OESP optimizes the use of available funding to assist the maximum number of parents at the lowest possible administrative expense.

Manitoba’s ***Automated Family Court Order Project***, or the “Auto Order” computer process, aims to eliminate traditional delays by enabling family court orders to be produced immediately after a court hearing. To date, the project has implemented standard wording for family court orders and trained court and Family Law Branch staff to enable an auto order courtroom to operate for the Court of Queen’s Bench Master’s Maintenance Enforcement Court. The Family Law Branch creates a Draft Order using the Auto Order computer system and electronically submits it into the Court Registry System. In the courtroom the clerk edits the Draft Order (reviewed by counsel) to reflect the Master’s ruling, electronically files it in the Court Registry System and distributes it to all parties—all prior to anyone leaving the courtroom.

## **Research and Evaluation**

This group of activities is undertaken by provinces and territories to plan and carry out evaluation, data collection and research activities. The objectives of this funding are to:

- improve the understanding of the short- and long-term impacts on families and the family justice system of the various family justice services;
- develop and support research capacity building within jurisdictions that can inform policy and program development;
- advance the knowledge of the state of Canadian families when parents separate; and,
- support the federal/provincial/territorial need for performance information.

Jurisdictions are obliged to spend a minimum amount of their allocation on research and evaluation activities but have discretion in what and how research and evaluation projects are carried out. The average amount over the life of the strategy is considered, rather than what is spent in each year. Major research undertakings seeking to take a longitudinal perspective can therefore be spread across a number of years or a jurisdiction can choose to concentrate on smaller “one-off” projects every year, or have several in one year. Collaborating with other provinces/territories and/or the federal Research Unit on research and evaluation activities is strongly encouraged and has led to several productive partnerships. This collaboration is facilitated by the federal/provincial/territorial Research Sub-committee of CCSO-FJ and their monthly discussions which share project planning and research results.

In addition to the previously referenced research and evaluation activities, activities undertaken by the provinces and territories include:

*Evaluations:* Several provinces and territories have undertaken evaluation activities for programs or services that they offer to the public. A number of jurisdictions, including Nova Scotia and Yukon have undertaken evaluation projects of their ***Maintenance Enforcement Programs*** and the recent implementation of *Interjurisdictional Support Order* legislation. These evaluations seek to assess the degree of success that the MEPs are achieving in terms of getting money to those who need it quickly and without regard to their location. A ***Child Support Variation Service*** evaluation has been undertaken by New Brunswick to determine the effectiveness of the pilot program and what, if any, modifications should be made. Manitoba undertook to evaluate the Court of Queen’s Bench ***Family Division Case Management Program*** in Winnipeg to determine the level of success in expanding from 20% to 100% case management of eligible new family law matters and the effectiveness of court processes and procedures. PEI has completed evaluations of its parent education program, *Positive Parenting From Two Homes*, as well as the children’s program, *Positive Parenting From Two Homes: “For Kids!,”* to determine the effectiveness of the programs and what, if any, modifications should be made.

*Feasibility studies:* These studies are conducted by jurisdictions to assess the potential usefulness of a variety of things that range from full programs to changes in established processes. PEI conducted feasibility studies on a case tracking computer system for the Administrative Recalculation Office and an automated bank reconciliation system for the Maintenance Enforcement Program. Yukon is exploring the feasibility of providing a ***supervised access service for children*** of separating or divorcing parents. Nunavut completed a study on the feasibility of a ***voice-automated telephone system*** that would allow clients to access information

from a toll-free number anytime they wanted, rather than have to wait for business hours and an available customer service representative.

*Client Surveys:* This type of research method provides the service provider with a sense of how the services offered are being received and perceived by those groups being served. For example, British Columbia has conducted surveys of both payors and recipients enrolled in the Family Maintenance Enforcement Program. Saskatchewan recently conducted a survey of those who have used the facilitated Support Variation Service, and those who used the information and resource centre, at various points post-service. The survey collected information about client satisfaction, whether the client's knowledge of the family court system had improved and whether the client has been able to keep current with his/her maintenance obligations. Ontario uses client surveys to obtain feedback on the court-connected mediation and information services that are at Family Court ("Unified Family Court") locations.

*Building knowledge:* The *Survey of Selected Family Courts* is a national research endeavour that amasses information on divorce and separation cases, as well as details regarding support and access agreements. Information from jurisdictions is imperative in building research capacity to monitor case characteristics, system processing and the impacts on parents and children. This is another activity that is often funded by the CCFJF through the Strategy.

The Court File Review is a multi-site study which exhaustively reviews file contents to determine how parents and families move through the family justice system. To be repeated again later in the Strategy, this study will enable analysis of the impacts of the Strategy in the experiences of clients in the system. Participating jurisdictions are the Northwest Territories, Yukon, Alberta, Manitoba, New Brunswick and Nova Scotia.

The Courts Statistics Program, Canadian Centre for Justice Statistics, Statistics Canada, is building a national family law information resource by developing an ongoing database of all family law cases in civil courts through a new Civil Courts Survey (CCS). The Courts Program is also continuing to collect data for the Maintenance Enforcement survey (MES) on enforcement activities in Canada, while at the same time implementing an improved survey entitled the Survey of Maintenance Enforcement Programs. At the national level, data on family court cases and outcomes will improve knowledge of custody and access arrangements, child support awards, and family court processes and outcomes including implications for children involved. Data on national maintenance enforcement programs will provide information on the extent to which families benefit from these programs as well as compliance with support orders.

In 2003/2004, Saskatchewan began researching the *family law services required by Aboriginal communities* and whether existing family law and related programs and services meet those needs. The research will consist of consultations and analysis of existing reports from other jurisdictions. The consultations will allow for the collection and analysis of information on barriers to access, including any potential culturally inappropriate content of programming. It is anticipated that consultations will be held in northern communities as well as urban centres.

The Ministry of Attorney General in British Columbia has started conducting a longitudinal study on the *medium-term impacts of dispute resolution services*. A literature review and research design has been completed. The research design calls for a series of three in-depth

interviews with clients after they have received dispute resolution services, to be conducted at one year intervals. The research goes beyond the focus on process and administrative elements of service delivery, and sets the stage for longer-term research projects aimed at measuring program and service outcomes.

*Results-based Management and Accountability Framework (RMAF) and performance reporting:* An important component of the Strategy is the RMAF, which sets out the Strategy's goals, objectives, as well as the performance indicators, that will be used to measure the federal government's success in meeting them. This cannot be done without the cooperation of our jurisdictional partners. As a result, all jurisdictions have developed frameworks that are tailored to their case, programs, services and clients. ***Logic Models*** and ***Performance Measurement and Evaluation Strategies*** are the tools used by jurisdictions to measure their success based on performance indicators. This information is then provided to the Department of Justice Canada to better enable us to measure the outcomes and effectiveness of the Strategy as a whole and ensure that we are achieving results for Canadians.



## PILOT PROJECTS

Pilot Projects undertaken by the jurisdictions promote the development, implementation, and evaluation of innovative pilot projects serving families undergoing separation and/or divorce. These Projects are based on the same twelve principles developed for the Family Initiatives Component. Examples of Pilot Projects include:

NEWFOUNDLAND and LABRADOR: Family Justice Services Central is in Phase 2 of a pilot project and is focused on providing an integrated approach to providing family law legal aid services through the use of *Alternative Dispute Resolution* techniques such as negotiation and mediation, legal advice, general family law information, parent education programs, counselling and referral to other social services agencies as required. Phase 2 will build on lessons learned in Phase 1 and will test project enhancements identified and recommended in the Phase 1 project review. The Fund is partnering with the Department of Justice Canada's Legal Aid Pilot Project Initiative to fund Phase 2.

The Province of Newfoundland and Labrador is also developing and implementing a pilot of a *Web Application* for the Support Enforcement Division in Corner Brook. This web application directly links to the new Support Enforcement Application (SEA) that was implemented in February 2004. The website allows both recipients and payors of child support to access their files to obtain enforcement and payment information, leave secure messages and print statements. The site also contains useful educational information on how the program works, enforcement actions, payor/recipient responsibilities, forms, as well as links to the Federal Child Support Guidelines and other applicable legislation. Employers are also able to access it to leave information and calculate garnishments. Other jurisdictions will also be given access to get updates on what is happening with a file.

PRINCE EDWARD ISLAND: The Office of the Attorney General in PEI has developed an interactive Maintenance Enforcement Program (MEP) website to increase information sharing between the MEP and its clients and between the MEP and other MEPs across Canada. In addition, a new intake enforcement officer position has been created in the MEP. The introduction of an intake enforcement officer has significantly streamlined calls through the office, reduced the time to respond to client calls, and increased the number of clients accessing an enforcement officer for the purpose of enforcement.

NOVA SCOTIA: The Family Division of the Supreme Court of Nova Scotia identified that families undergoing separation and/or divorce are experiencing an increasing delay in accessing court time when all opportunities for early non-adversarial dispute resolution mechanism have been exhausted. In its commitment to find alternate and expanded usage of pre-trial conferences, Nova Scotia has developed the concept of a *File Readiness Court Officer* as a form of assisted dispute resolution. The Officer will review, with the parties, issues such as witness lists, service requirements, requisite amount of court time and any number of other additional issues. Parties would, therefore, be more inclined to seriously consider settlement and would not proceed to court until they were properly prepared. This method of service delivery would ensure that court time is used as

effectively as possible and is cost effective for the justice system. This project is still in development and planned implementation is for 2005/2006.

MANITOBA: In July 2005, the Manitoba Department of Justice commenced operation of a ***Child Support Recalculation Service*** pilot project. The service initially supports recalculations of child support orders. The demand for recalculations will be assessed during the initial implementation phase and, if resources permit, the program will assist the court with original child support applications and variations. The pilot project provides a fast and inexpensive way for parents to have their child support orders updated regularly (recalculating) or varied in cases where the parties agree.

SASKATCHEWAN: Saskatchewan Justice will offer a ***comprehensive and integrated service plan for couples in high conflict situations***. As part of Saskatchewan's family law strategy, the province offers supervised access and supervised exchange services for separating/divorcing couples in high conflict situations. In 2003/2004, the province began offering a new high conflict parent education session. This pilot project builds on these initiatives and provides a comprehensive and integrated service plan for couples in high conflict situations. Parents who use the supervised access services may be asked to attend the six-hour conflict session as part of their case plan. It also envisages that the dual approach of the therapeutic supervised access program and the high conflict parenting program will provide families an opportunity to learn positive coping methods.

Despite Saskatchewan Justice's successful province-wide voluntary parent education program (see description under Family Justice Initiatives section), access to the program is still an issue for many residents in rural or northern locations. Saskatchewan Justice will produce its parent education program on CD which will be made available in northern communities, and other communities where parent education sessions are not offered. Specific attention will be paid to whether existing program content is culturally appropriate for Aboriginal peoples.

BRITISH COLUMBIA: The Ministry of Attorney General of British Columbia will be establishing a project to administratively recalculate child support orders on an annual basis, based on updated income information, in accordance with the child support guidelines. The office will serve selected locations in the province on a pilot basis. More information on this service and similar services is available in the Family Justice Initiatives section of this document.

## **PUBLIC LEGAL EDUCATION AND INFORMATION/PROFESSIONAL TRAINING**

Another component of the Fund, entitled the Public Legal Education and Information and Professional Training (PLEI and PT) component, supports education, information and professional training projects in order to ensure that participants in the family justice system (families, judiciary, Bar, court staff, enforcement staff, mediators, and others) are well informed about family justice reforms. This component of the Fund is available only to non-governmental, public legal education and information organizations and the specific objective of the PLEI and PT component is to enhance the knowledge of Canadians, including the legal community, about family law issues concerning parenting arrangements, child support guidelines, and support enforcement measures. Here are some examples of projects within this component of the Fund:

NOVA SCOTIA: The Legal Information Society of Nova Scotia (LISNS) will be making the *Divorce Kit accessible by web* in order to enhance the knowledge of Canadian and will develop online access to information and other resources centred on family law issues. These are of interest to many callers who seek help from LISNS's information line. The project will involve a number of phases covering different aspects of family law.

The *Family Law Symposium* is another PLEI and PT activity that was carried out by LISNS and was designed to support continuing education efforts for professionals on parenting arrangements, child support and maintenance enforcement measures. LISNS held a one-day symposium that supported public legal information and assisted professionals, intermediaries and service providers to keep abreast of current family law issues including:

- Family Division Expansion and Enhancement;
- Enhanced Conciliation and Intake Triage;
- Domestic Violence Intervention Act;
- Family Division Programming / Parent Information, Summary Advice Counsel, Supervised Access and Mediation;
- Maintenance Enforcement Program;
- Proposed Amendment to the Divorce Act;
- Children and Family Services Act; and
- Public Information.

PRINCE EDWARD ISLAND: To support continuing education efforts for professionals on parenting arrangements, child support and maintenance enforcement measures, the Community Legal Information Association of Prince Edward Island, Inc. is developing a “*Going to Family Court*” program that will contain information sessions and other material delivery alternatives. This project is targeted to anyone thinking of going to court to resolve their family disputes but will be particularly useful for unrepresented litigants and those who do not understand the court process. It is designed to build on work previously done in Prince Edward Island in an effort to improve access for all Islanders to their legal system.

NEWFOUNDLAND and LABRADOR: To enhance the knowledge of Canadians, including the legal community, about family law reforms concerning parenting arrangements, child support guidelines, and support enforcement measures, the Public Legal Information Association of Newfoundland will conduct an *education campaign* on these issues through the development and execution of information sessions to be held throughout the province.

NEW BRUNSWICK: The Public Legal Education and Information Service of New Brunswick (PLEIS-NB) are producing an *informative guide* to address family law concerns and related law information questions from *unmarried teen parents/young parents*. The purpose of the Guide is to consolidate information that must be sought by individuals from numerous different sources. The Guide presents the information in a clear, concise manner, using vignettes and examples to explain possible outcomes. It also dispels common myths about the rights and responsibilities of parents, promotes responsible parenting by emphasizing the entitlements of the child, and the obligations and responsibilities of the parents.

There is also an urgent need for PLEIS-NB to update and revise their family law guides, particularly those dealing with divorce and child support. They will update and revise the guides and develop new family law materials to ensure that accurate legal information is available and that it is clearer and more understandable for individuals attempting to use family law legal processes. To complement their existing materials, PLEIS-NB will also produce two new bilingual family law related products to assist separating and divorcing parents, namely ISO forms and guides, which were developed in consultation with the federal Department of Justice and provinces and territories, and a guide for applying for custody and access in the Court of Queens Bench.

MANITOBA: The Community Legal Education Association (CLEA) of Manitoba producing a workbook of five to six *case studies*, geared to children aged 8 to 12, based on research and interviews with young people, supplemented by observations by parents, social workers and after school care staff. As there is very little in the way of legal information written for children, CLEA intends to address this gap by developing new materials and approaches to educate youth.

ALBERTA: The Legal Education Society of Alberta will develop, deliver and evaluate a three-day training program to educate legal professionals around the adequate and effective *legal representation of children*, combining legal, non-legal and community interest into one deliverable model. The guiding principle of the project is to ensure that the voices of children are effectively heard in legal proceedings affecting them.



## **CONCLUSION**

The family justice services pillar of the Strategy, implemented through the Child-centred Family Justice Fund, has enjoyed a successful progression over the past two years and continues to be the cornerstone of the Strategy. The activities of our provincial, territorial and non-governmental organizational partners described above constitute new and expanded services or the continuation of important existing services over the first two years of the Strategy. These services continue to be funded and developed according to the objectives and seven “Primary Areas of Activity” that were developed in collaboration with the provinces and territories. This progress will continue over the final three years of the Strategy, helping to make the family justice system more child-centred.



## **APPENDIX I: JURISDICTIONAL BREAKDOWN OF ACTIVITIES**

The following breakdown by jurisdiction highlights many of the major activities undertaken by our provincial and territorial partners through the Child-centred Family Justice Fund. While not all services offered by the jurisdictions benefit directly from funding under the Fund, as a result of receiving federal funds to contribute to certain activities and services, provincial resources are freed up to proceed with other innovative actions and activities. While this is the case for certain activities described below, all of these activities form an important part of the overall Strategy. As noted above, the services described do not constitute a comprehensive list of the family justice services that exist in a province or jurisdiction, but describe services supported by the Fund.

### **Newfoundland and Labrador**

- ***Family Justice Services Western*** (FJSWestern) gives separating parents an alternative to the court system for the first time ever in the western region of Newfoundland and Labrador. Services include information sessions for adults on family law and parenting issues; mediation on custody, access, child support and spousal support; counselling for adults and children on separation issues; workshops on communication skills and conflict resolution; support group for children dealing with separation/divorce; automatic recalculation of child support.
- The ***Support Enforcement Division*** is currently working on developing an electronic interface with the Canadian Centre for Justice Statistics as well as with provincial applications such as the Judgement Enforcement Registry (JER) and *Family Orders and Agreement Enforcement Assistance Act*.
- A new component was added to the ***Administrative Recalculation*** service to allow for automatic and mandatory recalculation of all child support orders as of July 1, 2001 in accordance with section 25.1 of the *Divorce Act*.

### **Nova Scotia**

- The ***Parent Information Program*** assists parents in identifying the effect of separation and divorce on children and to identify and practice ways to keep children from getting caught in the middle. The province continues to collect client feedback information in relation to its Parent Information Program.
- As part of their duties, the ***Conciliator*** acts as a high level intake person, and serves to assist negotiation between the parties and is guided by the responsibility to make appropriate referrals to services. The Conciliator also screens for violence and abuse issues that may affect the appropriateness of certain referrals and the risk of bringing the parties together to discuss issues.

- The ***Maintenance Enforcement Program*** (MEP) is extending many efforts to keep the Nova Scotia public informed about the MEP and its mandate. Pamphlets on the MEP services are available and are widely distributed. A Field Officer carries out investigations focused on payors who have never paid child support as ordered, are delinquent with payments and/or for whom MEP cannot find employment information. The goals of the project are to increase the enforcement rate, improve recipient satisfaction, increase confidence in the program and reduce costs to other governmental departments. The province also commissioned an examination of the performance of its MEP. The researchers analyzed existing performance measures and evaluated alternative models to the current administrative system of maintenance enforcement in Nova Scotia.
- ***Intake Assistants*** (IAs) provide information to the public on child support, custody and access issues. The IAs coordinate a triage type of service delivery by making appropriate referrals to the Parent Information Program, conciliation or mediation, screening for potential violence and identifying assistive services such as legal aid, income assistance and transition houses.
- The Nova Scotia Department of Justice has developed an ***Administrative Recalculation Program*** to be piloted in areas of the province serviced by the Supreme Court. The Recalculation Program provides for the annual recalculation of child support/maintenance orders and court registered agreements involving the basic table amount of child maintenance in sole, joint (not shared) or split custody cases.

## **Prince Edward Island**

- Prince Edward Island has been funding its ***Positive Parenting from Two Homes*** program since March of 1999. The program is extensively promoted through a variety of media advertisements and community agencies and participation includes a copy of a Parent's Manual. A three-year evaluation considered implementation as well as impact and outcomes assessments. The evaluation indicated that participants reported a significant increase in the level of understanding of co-parenting issues, mediation and support services. Results also indicate that the program has helped with parents' adjustment to parenting from two homes and that there was a significant decrease in conflict after attending the program.
- One of the most promising activities under the Family Justice Initiatives component of the Fund, Prince Edward Island's ***Positive Parenting From Two Homes: For Kids!*** child education program builds on the parent education program developed by the same province. Objectives include educating children about separation, divorce, and having parents in two homes; providing children with age-appropriate activities through which to process their thoughts and feelings; and providing a supportive, neutral environment for children to explore their feelings. Evaluation conclusions support the continuation and expansion of the "For Kids!" program. Ninety percent of parents surveyed reported improvements in children's emotional health after attending the program.

- **Mediators** deal with family law issues of custody, access and child support. Participation in the mediation service is voluntary. One part-time mediator is available in Charlottetown. She also travels to sites outside of Charlottetown as required. There are also two family court counsellors who mediate cases where there is a conflict of interest and overflow. In 2003-2004, a total of 89 clients contacted the office requesting mediation services, of which 56 were screened in.
- The province has worked with the **Community Legal Information Association (CLIA)** to develop, organize, implement and evaluate a pilot family law information program. Existing PEI educational resources and opportunities were reviewed, key stakeholders were consulted, and the content and format of a short informational/educational family law information program for self-represented litigants in family law was developed. An evaluation tool for collecting feedback from presenters and participants at the pilot family law information program was developed. Presenters and participants were identified and contacted to participate in the pilot family law information program. An evaluation report was written, including recommendations for future delivery.
- The **Administrative Recalculation** of Child Support Regulations came into force in September 2003. For more information on this service, please see page 10.

## **New Brunswick**

- **For the Sake of the Children** is a parent education program designed to assist separating parents in reducing parental conflict and the negative effects it has on their children. It is offered to the public at no charge.
- The **Child Support Variation Service (CSVS)** is a pilot project for all cases where motions to vary child support orders are filed, both the applicant and the respondent must appear before a Conciliation Officer who meets with both parties, reviews the evidence provided, ensures necessary documentation is present and calculates a new child support amount. As part of an evaluation of the CSVS program, a legal research firm was retained to prepare and deliver an evaluation design report with survey questionnaires. The evaluation for the CSVS program will be conducted in 2004-2005 and completed by fall 2005.
- The **Court-Ordered Evaluations Support Program (C-OESP)** is a mechanism that provides financial assistance for the costs of court-ordered evaluations to qualified parties (those for whom the costs of such evaluations could cause financial hardship). C-OESP optimizes the use of available funding to assist the maximum number of parents at the lowest possible administrative expense. Eligibility for assistance is determined by using a financial means test (sliding scale).
- **Family Support Order Services (FSOS)** enforces support orders for beneficiaries to ensure the financial contribution of payors. A comprehensive project to renew the FSOS encompasses a number of interrelated initiatives, including stabilization of the business application used by FSOS and its eventual replacement with a comprehensive case management system; a legislative reform package; revitalization of the Programs organizational structure, including staffing and policy and procedure revisions.

- The toll-free **Family Law Information Line** is staffed by a trained individual who provides callers with general family law information, such as child support guidelines information. Participants for the Parent Education Program register for classes through this toll-free line.

## Québec

- Justice Quebec is pursuing an action plan with the intent to improve their operational activities and evaluate the legislative reforms to ensure that the objectives targeted by the legislation are met. Justice Quebec will continue to offer ongoing projects such as the group information sessions on family mediation, promoting the mediation program (17,000 mediation cases per year) and the **Règlement sur la fixation des pensions alimentaires pour enfants** (respecting Québec’s model for the determination of child support) through advertisements and brochures distributed to practitioners and at various courthouses throughout the province. More information about these services is available on the Justice Québec website.
- Revenue Quebec’s **Maintenance Enforcement Program** is promoted through an awareness campaign addressed at judicial officials, payors and recipients. They also provide additional training to the interveners involved in the Program and undertaking a feasibility study on the withdrawal of professional licenses for non-payment of child support. Revenue Quebec will also continue to make technical changes to their computer system to improve their accounting services, increase staff productivity and improve client services.

## Ontario

### Ministry of the Attorney General (MAG)

- The **Family Law Rules** are specialized rules of procedure for family law cases. Since 1999, they have applied to family law cases in the Family Court of the Superior Court of Justice (“Unified Family Court”) and the Ontario Court of Justice. Effective July 1, 2004, the application of the *Rules* was expanded to the Superior Court of justice, resulting in a single set of court rules for all family trial courts. The *Rules* emphasize the early resolution of cases and incorporate a system of case management, a key feature of which includes a duty to manage cases expeditiously and fairly.
- **Family Law Information Centres** (FLICs) have now been established at all court locations across Ontario. FLICs provide valuable family law information to members of the public, whether or not they have started a court case.
- The **Mandatory Information Program** at the Superior Court of Justice in Toronto is required by all litigants in contested family law proceedings before continuing with their court proceeding. Litigants are presented with information about the process of separation and divorce, options for dispute resolution, legal procedures and support available in the community.

- All family litigants in the Ontario Court of Justice in Toronto have access to information sessions as a result of the ***Donner Pilot Project***. Evening information sessions are provided to clients and cover a wide range of issues related to family law, the court process and the impact of divorce and separation on children.
- To facilitate public awareness and understanding of the Child Support Guidelines, a ***public inquiry line*** continued to be funded and information kits on the Child Support Guidelines and other family law materials continue to be distributed to the public, court staff, client services associates at FRO and Family Support Workers at the Ministry of Community and Social Services.
- At the 17 Family Court (“Unified Family Court”) sites, the Ministry contracts with service providers through a competitive procurement process to deliver voluntary mediation and parent information sessions. These services include mediation of most issues arising due to family breakdown: custody, access, support and division of property. Off-site mediation services deals with complex issues and there is a user fee. On-site mediation services are available to deal with narrow issues for parties on that day’s court list, and are free of charge. An Information and Referral coordinator provides information about mediation services, community resources and makes appropriate community referrals.

#### Ministry of Community and Social Services, Family Responsibility Office (FRO)

- In November 2001, FRO entered into a partnership with four private sector collection agencies and established the ***Enhanced Collection Agencies Project*** (ECAP), which was concluded in November 2004. A value for dollar audit concluded that ECAP met its mandate by helping FRO identify difficult to enforce cases so that resources could focus on their arrears and by assisting FRO in the collection of arrears in these difficult to enforce cases.
- An enhanced ***Trace and Locate Unit*** was formed within FRO in 2003/2004 to conduct intensive trace and locate actions on returned mail. In the past this mail would accumulate and no action would be taken. This new unit has been extremely successful and has exceeded its targets by tracing and locating not only current mail being returned but mail that has been returned in the past.
- In 2003/2004, FRO launched its new ***Registration Calls Unit***. This is a dedicated unit that endeavours to contact approximately 400 new FRO clients per week, within 48 hours of their case being registered. During this phone call, FRO welcomes them to the program and explains to them their rights and responsibilities and updates any incomplete or missing information on the file.

- A new system for *referrals to credit bureaus* was developed and implemented by FRO. The system warns the defaulting payor before they are reported to the credit bureau and gives the defaulting payor an opportunity to contact FRO to set up a payment schedule in order to avoid being reported to the credit bureau. If the defaulting payor does not respond to FRO's warning letter then the payor is reported to the credit bureau and the system creates an electronic report of defaulting payors to be reported to the credit bureau. Results from this initiative have been extremely positive in that payors tend to make contact with FRO to avoid being reported to the credit bureau.
- As part of the project to enhance *reciprocal enforcement* with other jurisdictions, FRO's legal counsel worked on the development of reciprocating agreements with three other jurisdictions: the Czech Republic, the Slovak Republic and Switzerland. FRO is also currently in the process of negotiation with Hungary and has reported that those negotiations are proceeding extremely well.
- FRO has placed considerable emphasis on *awareness building activities* and has developed a structured and strategic outreach initiative that provides more materials to high-traffic government offices and proceeds with ongoing client and stakeholder outreach and website improvements. FRO has also developed *Outreach Sessions* for legal professionals, police, judiciary, the bar and family support workers.
- In 2003/2004, FRO launched the pilot project phase of the *PIN project*. FRO has moved to stage two and three of the PIN project and is now issuing PINs to all newly registered FRO clients and to clients who phone the Call Centre.
- FRO has also undertaken *research activities* including the implementation of the national Maintenance Enforcement Survey in Ontario. The Maintenance Enforcement Survey has been in place since 1999/2000. The purpose of the project is to collect data and deliver tables for inclusion in a national survey of provincial and territorial child and spousal support data.
- In 2003/2004, FRO started preliminary work on a *Client Satisfaction Survey*. It is critical for FRO to gain more information about the clients (payors and recipients) it serves and about the quality of client service that FRO provides to these clients.

## Manitoba

- Manitoba's Family Conciliation, Department of Family Services and Housing Manitoba offers free of charge a parent information program called *For the Sake of the Children*, which is delivered as a six-hour program divided into two seminars. The first seminar is generic with all participants attending. With assistance from program specialists and by completing a "self screening questionnaire" participants enrol in one of two programs provided in the second seminar. One seminar is designed for parents with lower conflict relationships where higher contact is possible. The other is designed for parents in higher conflict relationships where lower contact is preferable. To address remote service delivery and the needs of the northern communities, Manitoba launched a CD-ROM package in November 2003 containing information from the first seminar that includes a copy of the *Legal Considerations* video. Development is underway to produce the second seminar on

CD-ROM format. Parents located in northern communities can obtain a copy of the CD-ROM package through a number of service providers such as their local library, women's resource centres, court offices and legal aid offices to name a few. A portion of Manitoba's funding is used to offset administrative and operational program costs.

- The ***Comprehensive Co-Mediation Program*** became a service integrated with Family Conciliation, Department of Manitoba Family Services and Housing, after the Comprehensive Co-Mediation and Mediation Internship Pilot Project ended in September 2000. The Comprehensive Co-Mediation Program provides parents with a cost-effective alternative to litigation while helping to reduce the levels of conflict between parents. Comprehensive Co-Mediation involves a consideration of all the issues that arise from separation/divorce: parenting issues (parental responsibilities/time sharing), child support, spousal support and division of marital property. A family law specialist/lawyer and a family relations specialist/social worker work together with the family to assist in resolving their issues. After completing the co-mediation process, a written agreement is drafted, reflecting those issues that are successfully resolved through co-mediation. This agreement is then forwarded to the participants' lawyers for review and possibly made into a legal separation agreement or a consent order. Ninety-two percent of the mediated cases reported reaching a full or partial agreement with the majority of these (73%) being full agreements. The demand for this program has risen considerably resulting in a waiting list of two to three months on average.
- For the past ten years, the Manitoba Court of Queen's Bench Family Division has been operating a ***Case Management Program*** in Winnipeg. The case management process is intended to promote a non-contentious resolution of family law matters, reduce unnecessary delays and minimize costs to litigants. A critical component of case management is the case conference, an informal meeting between the judge, the parties and their lawyers. The goal of the case conference is to encourage parties to work together to reach a satisfactory solution to their cases. Only if the case cannot be resolved in this non-contentious manner (or if the matter is deemed urgent) will the judge schedule a contested hearing. During the initial phase 10-20% of new cases were randomly selected for case management, and in November 2002 case management was implemented 100% in Winnipeg. An evaluation was conducted in 2003/2004 to measure the level of success in the expanded program and the effectiveness of the court process and procedures. The ***Case Management of Family Matters brochure*** is available on the internet at: <http://www.gov.mb.ca/justice/family/law/casemanagement.html> (English) and <http://www.gov.mb.ca/justice/family/law/casemanagement.fr.html> (French).
- As part of the Family Division Case Management process, the ***Brief Consultation Service*** provides families and their lawyers, as well as the court, with brief, timely consultation services regarding children's developmental issues; post-separation parenting; post-separation communication options; counselling needs; information sharing with children related to separation/divorce; scheduling issues and access options; and information/screening regarding other relevant services. A brief focused assessment is conducted by a Family Conciliation counsellor who meets with the parents and if necessary with the child(ren) and prepares a report for the court within five weeks of the court referral.

- The ***Automated Family Court Order Project***, or the “Auto Order” computer process, eliminates traditional delays by enabling family court orders to be produced immediately after a court hearing. The Family Law Branch staff creates a Draft Order using the Auto Order computer system and electronically submits it into the Court Registry System. In the courtroom the clerk edits from the Draft Order (prepared by counsel) and electronically submits into the Court Registry System and distributes it to all parties—all prior to anyone leaving the courtroom. Plans to expand the Auto Order computer technology to Manitoba law firms and the public are underway. The Auto Order Standard Clauses are available on the Internet at: <http://www.manitobacourts.mb.ca/english/family/autoorder/autoorder.html> (English) <http://www.manitobacourts.mb.ca/english/family/autoorder/autoorder.html> (French)
- As of July 2005, Manitoba Justice began operating a ***Child Support Recalculation Service***. Part of a two-year pilot project, the service recalculates certain child support orders at regular intervals, based on updated income information. To be eligible for recalculation:
  - The order must contain an amount for child support based on the Child Support Guidelines tables.
  - The child support order must, in most cases, be based on the actual income of the parent paying the child support.
  - Both parents must live in Manitoba.
  - One of the parents must get a court order authorizing the recalculation.
- Manitoba’s ***A Guide to Changing a Child Support Order in Manitoba*** is intended to help a parent apply to Court in Manitoba to change a child support order. This comprehensive guide contains information on the requirements and procedures of the courts for child support variations, a resource section as well as a glossary of terms to assist a parent in understanding the procedural and legal terminology used in the variation process. The Guide is available on the Internet at: <http://www.gov.mb.ca/justice/family/law/changembsupportorder.html> (English) <http://www.gov.mb.ca/justice/family/law/changembsupportorder.fr.html> (French)
- First published in 1994, the ***Family Law in Manitoba*** public information booklet has been revised several times over the past ten years to reflect changes in provincial and federal legislation. The booklet is designed to provide separating and divorcing parents with an overview of family law and the legal system and the services and resources available to assist them. The ***Family Law in Manitoba, 2005*** booklet is available on the Internet at: <http://www.gov.mb.ca/justice/family/englishbooklet/index.html> (English) <http://www.gov.mb.ca/justice/family/frenchbooklet/index.fr.html> (French)
- Since Manitoba’s new ***Common-law Partners’ Property and Related Amendments Act*** came into force on June 30, 2004, common-law partners have been able to register their relationship with Vital Statistics. New property laws that took effect the same day give common-law partners (who have lived together for a certain period of time or registered their relationship with Vital Statistics) the same rights that married couples have to family property on separation or death of a partner. A public information pamphlet describing how the Act can affect common-law partners and a section on frequently asked questions was developed with the support of the CCFJF.

- A ***Compliance Unit*** was established in Winnipeg's Maintenance Enforcement Program in 2002-2003 to establish consistent, aggressive enforcement practices with default hearings. MEP consolidated all default hearings using both levels of court available into a single caseload and prepared evidence for these processes. As a result, the Unit continues to secure fuller compliance for some of the most difficult files.

## **Saskatchewan**

- The ***Parent Education Sessions*** include options for resolving disputes; the Child Support Guidelines; stages of separation and divorce; the impact of separation and divorce on children and parents; and the importance of ongoing positive parenting. To address parents with high conflict needs, Saskatchewan has developed a high conflict module.
- A curriculum and series of videos was developed for ***children experiencing separation or divorce***. Children learn to understand what they are experiencing, how to communicate with their parents and that they are not alone in dealing with these issues.
- The ***Support Variation Project*** provides an out-of-court alternative available to lower-income parents who can agree on varying their child support order or agreement. As part of its information and resource component, the Support Variation Project also responds to requests for assistance with self-help kits for court applications to vary child support.
- Saskatchewan Justice continues to operate the provincial ***toll-free information lines***, one for the north and another for the southern part of the province.
- Specialized self-help kits for the use of self-represented litigants seeking to vary court orders are being developed.
- The ***Maintenance Enforcement Office*** helps collect maintenance or support payments ordered by the court or agreed to by two parties.
- This jurisdiction began researching what ***family law services are required by Aboriginal communities*** and whether existing family law and related programs and services meet those needs through consultations and analysis of existing reports from other jurisdictions. It is anticipated that consultations will be held in northern communities as well as urban centres.

## **Alberta**

- The ***Parenting After Separation*** seminars are now being provided in twenty one locations across the province by the Court Services Division of Alberta Justice.
- ***Mediation*** clients are referred by way of the two Family Law Information Centres (FLICs), the Parenting After Separation seminars, Family Court Counselors, the judiciary and the family law bar. The Alberta Department of Justice now provides for the mediation of provincial family court disputes as well as divorce matters throughout the province.

- The Court Services Division of Alberta Justice has operated two *FLICs* since 1997. These offices provide information and materials on child support; making or opposing family law applications, including custody and access; access enforcement; spousal support; reduction or cancellation of arrears and stay of enforcements; and *ex parte* restraining orders, protection orders on notice and emergency protection orders.

## British Columbia

- The Family Justice Registry Program (*Rule 5 Project*) requires all parties to a family court application to attend a “triage” session with a Family Justice Counsellor (FJC) prior to a first appearance in family court. During the triage session, the FJC will discuss methods of dispute resolution, assess the particulars of the parties’ case and make appropriate referrals. The *Comprehensive Child Support Service* (CCSS) operates at the Family Justice Registry sites and consists of services provided by a Child Support Officer (CSO), an advice lawyer and a Family Maintenance Enforcement Project (FMEP) Outreach Officer.
- In 2003/2004, the mandatory requirement to attend a *Parenting After Separation* (PAS) session prior to an appearance in court is in effect at ten court locations in the province. In addition, voluntary programs operate in seven other communities throughout BC and “specialised” PAS is offered in Chinese and Punjabi operate in the Greater Vancouver Area.
- British Columbia’s *website for children* and (pre) teenagers ([www.familieschange.ca](http://www.familieschange.ca)) has received international recognition from the American National Child Support Enforcement Association and the International Heads of Agencies. The website provides children and youth with practical, emotional and legal information on separation and divorce to better enable them to prepare for and cope with the conflict and changes their families are experiencing.
- The toll-free *public enquiry line* continues to provide basic information about a wider range of family justice topics and provide a comprehensive list of services available for further assistance. The enquiry line received an average of 575 calls per month in 2003/04.
- British Columbia worked to improve their *enforcement* measures. To increase the effectiveness of family search efforts, changes to the computer system were made and a business process review was undertaken. Enhancements to the Family Maintenance Enforcement Program website included a Notice of Attachment calculator to assist employers in determining the amount to submit when a payor’s wages have been attached.
- BC continues to be active in the area of *research and evaluation*, including the ongoing participation in the federal Department of Justice’s Survey of Selected Family Courts project. Some examples of work in addition to this are an evaluation of the Family Justice Registry (Rule 5) and CCSS pilot projects and the preliminary work completed to support a longitudinal study of the impacts of dispute resolution services.

## Yukon

- The Yukon parent education curriculum has been modelled on Manitoba's *For the Sake of the Children* program which is a natural fit with the existing counselling and parent education programming. The post-separation workshops are currently voluntary for parents, although some parents have been directed by the court to attend.
- **Collaborative law** enables parties to sit down with their lawyers in a series of four-way meetings to deal with some or all of the matters arising from their separation. An essential component of collaborative law is a commitment by the spouses and their lawyers that they will not go to court during the time they are in the collaborative law process. Should the process fail, the collaborative lawyers cannot act for their client in court proceedings. While Yukon Justice does not directly fund collaborative law, they do provide funding for training in collaborative law while informing people about and encouraging collaborative law. However, non-government lawyers deliver this service in the territory.
- A **major information campaign** initiative was launched by the Government of Yukon to reach First Nations and rural Yukoners who could benefit from the programs and services offered but who may not have done so in the past. This campaign includes a series of innovative radio ads on child support and parent education aimed at a First Nations and rural audience.
- One of the best-received projects of the Government of Yukon was the publication of French and English versions of a **Yukon Guide to Family Law**. It is a user-friendly, Yukon-relevant, "one-stop shopping" booklet that explains child support procedures and available local resources.
- The first seven booklets in a series of Family Law Court Procedure Booklets to assist self-represented parents to deal with family law issues in the courts were produced in 2005. These booklets address issues related to child support.
- The mandate of the Yukon Maintenance Enforcement Program (MEP) is to assist parents registered with the program to collect or pay their child support and spousal support. The MEP revised, updated and distributed program materials such as forms, information sheets and related registration documents. The territory undertook a feasibility analysis for an **Interactive Voice Response (IVR)** system specifically designed to interface with the current MEP computer system. The study indicated that an IVR system would have an overall positive impact on the MEP office as it could provide access to claimants, respondents and other jurisdictions for inquiries when the MEP office is closed and could reduce the number of routine phone calls that staff must handle.
- Over the past few years, the Yukon MEP has also investigated the possibility of setting up a direct deposit service that would allow the program to deposit support payments directly into client accounts. The recent completion of the new MEP computer system and advances in computer banking technology may now make a direct deposit service for Yukon MEP clients more feasible. An initial design document has been completed and the MEP is planning to move forward to the installation/implementation stage in 2004.

## Northwest Territories

- The ***Parent Education Program*** has been gradually expanding to serve the communities outside of the central capital. Attendance is voluntary and extended family and community support workers are welcome. In addition to the workshops, the staff have been offering the community social service professionals a professional development workshop to encourage referrals and promote public awareness of the program.
- The ***Maintenance Enforcement Program*** has made improvements to the Child Support Management system enabling the program to improve client services, reporting and auditing functions. This also allowed for further staff time to be dedicated to client services including the toll-free information line.
- NWT will continue to promote ***public awareness and understanding*** in relation to child support guidelines in a number of ways including distributing information materials on both the federal and territorial guidelines and other general information. Such information is also made available through offering and promoting programs such as the Parenting After Separation and/or Divorce Sessions.
- Northwest Territories continues to be an ongoing participant in the federal Department of Justice's Survey of Selected Family Courts project.

## Nunavut

- The Nunavut Department of Justice's ***Inuusirmut Aqqusiuqtiit*** (IA) program is being designed to increase access to family justice services in the territory by providing community-based family law information and dispute resolution services to assist parties in settling family matters (such as custody, access and support) arising from relationship breakdown. The program will be an innovative dispute resolution, counselling and information program that combines southern-based mediation techniques with traditional Inuit approaches to problem solving in order to deliver culturally relevant dispute resolution services to Inuit people.
- The Family Support Office has commenced development of a Nunavut-based **Parent Education Program**. To ensure community participation in the program's development, the Nunavut Department of Justice has established a working group to review parent education programs in other jurisdictions and to make recommendations for the creation of a Nunavut parenting program.

## **APPENDIX II: INTERJURISDICTIONAL SUPPORT ORDER (ISO) ACT CHART**

This chart has been prepared as an information tool by the FPT *ISO Act* Implementation Sub-committee (a sub-group of the FPT IS Sub-committee) to assist them in their work. The chart is updated regularly based on information received from provincial and territorial government representatives.

<b>Province/Territory</b>	<b>Tabling Date</b>	<b>ISO Bill (Status)</b>	<b>Proclamation Date</b>
Alberta	Feb. 27, 2002	Royal Assent May 14, 2002	Jan. 31, 2003
British Columbia	Apr. 17, 2002	Royal Assent May 2, 2002	Jan. 31, 2003
Manitoba	June 6, 2001	Royal Assent July 6, 2001	Jan. 31, 2003
New Brunswick	June 4, 2002	Royal Assent June 7, 2002	Feb. 1, 2004
Newfoundland and Labrador	Nov. 19, 2002	Royal Assent Dec. 19, 2002	Mar. 31, 2003
Nova Scotia	Apr. 3, 2002	Royal Assent May 30, 2002	Mar. 31, 2003
Northwest Territories	June 13, 2002	Assent Oct. 30, 2002	Aug. 15, 2004
Nunavut	Nov. 20, 2002	Assent Dec. 3, 2002	June 12, 2003
Ontario	Nov. 8, 2001	Royal Assent Nov. 19, 2002	Mar. 31, 2003
Prince Edward Island	Nov. 26, 2002	Royal Assent Dec. 18, 2002	May 10, 2003
Quebec	June 13, 2003	Assent June 10, 2005	
Saskatchewan	Apr. 17, 2002	Royal Assent May 13, 2002	Jan. 31, 2003
Yukon	Oct. 22, 2001	Assent Dec. 3, 2001	

Updated: June 14, 2005



**APPENDIX III:  
FUNDING ALLOCATION MODEL  
FAMILY JUSTICE INITIATIVES COMPONENT: 2003-04 AND 2004-05**

<b>Province/Territory</b>	<b>2003-04</b>	<b>2004-05</b>
	<b>Allocation</b>	<b>Allocation</b>
Newfoundland/Labrador	\$366,436	\$361,514
Prince Edward Island	\$216,214	\$214,916
Nova Scotia	\$530,116	\$521,404
New Brunswick	\$456,017	\$449,017
Quebec	\$3,427,735	\$3,427,735
Ontario	\$5,144,287	\$5,144,287
Manitoba	\$618,064	\$607,321
Saskatchewan	\$559,547	\$550,153
Alberta	\$1,391,044	\$1,362,500
British Columbia	\$1,779,985	\$1,742,489
Yukon Territory	\$207,951	\$207,676
Northwest Territories	\$200,921	\$200,562
Nunavut	\$210,685	\$210,428
<b>Total</b>	<b>\$15,109,000</b>	<b>\$15,000,000</b>