



**Federal Funding of Provincial and Territorial Child Support,  
Support Enforcement and Child Custody and Access Projects  
1997-2001**

Program Development Unit  
Family, Children and Youth Section  
Department of Justice Canada

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(Minister of Justice and Attorney General of Canada)

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## **INTRODUCTION**

The Department of Justice Canada established the Child Support Initiative in 1996 to help implement the Federal Child Support Guidelines and new and enhanced support enforcement measures. A key element of these efforts was the Child Support Implementation and Enforcement Fund. In effect from April 1996 to March 2000, the Fund provided financial assistance to provincial and territorial governments to cover part of the costs they incurred to implement child support guidelines and new enforcement measures. In April 2000, the Fund was replaced by the Child-centred Family Justice Fund, which enlarged the focus of federal funding from implementing child support reforms to developing and improving family law programs and services that deal with child custody and access, child support, and support enforcement in a more integrated manner.

This report provides an overview of provincial and territorial projects supported through the two funds from the 1997-1998 fiscal year to 2000-2001. The information comes from the provincial and territorial funding proposals and progress reports submitted to the Department of Justice Canada. As it identifies only federally funded activities, the report does not provide a complete picture of the work any one province or territory has done to implement child support guidelines, enhance enforcement programs, or to improve family law services.

The report is intended to account for federal funding activities, provide interested readers with some insight into the services available to divorcing and separating parents and facilitate information sharing among provincial and territorial officials. Because of the number of projects and activities covered, descriptions of funded projects, programs and services are concise. Readers wanting more detailed information are invited to seek additional information from the complete list of programs, by province, in the appendices, evaluation reports, and other reference documents cited throughout the text or by contacting the federal, provincial or territorial offices responsible for the development of family law services.

### **CHILD SUPPORT IMPLEMENTATION AND ENFORCEMENT FUND (APRIL 1996 TO MARCH 2000)**

The Child Support Implementation and Enforcement Fund made up to \$50 million available for activities associated with implementation of the child support guidelines and designated \$13.6 million for maintenance enforcement projects. The implementation component was intended to allow the provinces and territories to collaborate with the federal government on innovative, cost-effective programs and procedures to help parents obtain original child support orders and variations to existing orders. The enforcement component supported innovative, cost-effective enforcement measures and processes, including national and international reciprocal enforcement of support orders. The Department of Justice Canada and the provincial and territorial governments established an annual allocation target for each province and territory, based on their population in these two broad areas.

Federal, provincial and territorial officials established primary areas of activity for each component of the funding program to ensure that funded activities support federal objectives, while offering the provinces and territories the benefit of predictability in their year-to-year

planning. The following were the primary areas of activity for the implementation component of the Fund:

- *Coordination*: coordinating activities to implement the federal child support guidelines;
- *Enhancing Existing Services*: developing or improving existing client and court services to meet workload increases;
- *Provincial and Territorial Guidelines*: adopting provincial guidelines that parallel the Federal Child Support Guidelines;
- *Public Information*: supporting public awareness and understanding of the Federal Child Support Guidelines;
- *Innovative Approaches*: developing, testing, implementing, monitoring and evaluating innovative ways to meet the demand for variations to existing support agreements and orders, and for new agreements and orders; and
- *Monitoring*: monitoring the effects of the legislative changes.

The following were project areas under the enforcement component:

- *Family Orders and Agreements Enforcement Assistance Act (FOAEA) Enhancements*: developing and enhancing provincial and territorial computer systems and applications to access services under FOAEA;
- *Monitoring*: monitoring the effects of systems and administrative changes and enhancements to enforcement mechanisms;
- *Maintenance Enforcement Survey*: supporting changes to provincial and territorial information systems design to meet the data-collection requirements of the National Maintenance Enforcement Survey managed by the Canadian Centre for Justice Statistics;
- *Innovative Approaches*: testing innovative approaches to improve support enforcement mechanisms;
- *Public Information*: delivering public legal education and information to increase awareness of changes in maintenance enforcement programs; and
- *Responses to Workload Increases*: implementing administrative changes, system upgrades, staff additions and enhancements to services to meet anticipated demands for variations and new child support orders.

## **CHILD-CENTRED FAMILY JUSTICE FUND (APRIL 2000 TO MARCH 2001)**

Following implementation of child support guidelines, provincial and territorial governments modified existing programs and services and tested and implemented new approaches. Many of these services are in the areas of child custody and access, as well as child support and maintenance enforcement. For example, many jurisdictions have implemented parent education programs or broadened existing programs to include child support information and to stress front-end solutions such as consent orders. Similarly, mediation services and other alternative program delivery strategies that increase the involvement of both parents in their children's lives are as effective for resolving child custody disputes as they are in child support cases. In recognition of this and the need to support the continued development and stabilization of such services throughout Canada, the federal government modified the terms of reference and primary areas of activity for funding to include custody and access, as well as support and maintenance enforcement services.

The Child-centred Family Justice Fund, which was introduced in April 2000, has three components:

- *Family Justice Initiatives*: Activities funded in this component build on recent successful collaborative efforts to enable provinces and territories to develop, pilot, implement and evaluate family justice programs and services that deal with private family law matters in cases of separation and divorce, including child support, support enforcement as well as reciprocal enforcement and custody and access activities that promote the best interests of children.
- *Incentive for Special Projects*: This component is designed to promote the development of alternative dispute resolution mechanisms in the provinces and territories and, in particular, processes to determine, vary or recalculate child support amounts.
- *Public Legal Education and Information and Professional Training*: This component supports work to enhance knowledge, promote the development of materials and inform Canadians, including the legal community, about child support guidelines, support enforcement measures and programs, custody and access services, and related family law matters. Under this component, the Department of Justice Canada provides funding assistance to community organizations, professional associations and other non-governmental groups involved in promoting public awareness and education or professional development and training for family law professionals. As this report focuses on the programs, services and projects delivered by government departments and agencies, projects funded under this component are not listed.

### **Principles**

The Department of Justice Canada identified 11 principles to offer guidance to all levels of government as they decide what projects to propose and approve under the Family Justice Initiatives and the Incentive for Special Projects components.

- The needs and well being of children are paramount.

- No one framework 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. The programs must aim to protect them from violence, conflict, abuse and economic hardship.
- An integrated approach to planning and delivering child support, support enforcement, and custody and access programs and services is encouraged to respond to the long-term service needs of children and families.
- We should encourage mechanisms for resolving non-adversarial disputes early.
- Activities should address the need for evaluation, project monitoring and performance measures.
- Research should advance the family law community's knowledge of specific issues, inform policy and program discussions, help develop or refine policies or programs and 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.
- We should promote coordinated national, inter-jurisdictional, and international approaches to innovative family justice services and information sharing.
- We need alternatives or modifications to the current court dispute resolution system to reduce cost and delays for parents.
- Programs and services should be efficient and cost effective for the justice system.

### **Family Justice Initiatives**

The Family Justice Initiatives component is structured and managed in the same manner as was the earlier Child Support Implementation and Enforcement Fund—that is, each jurisdiction is allocated a portion of the available funds based on its population, and must obtain approval of the projects it proposes to implement or maintain in that year. The projects must fall within one of the eight primary areas of activity (PAA) as follows:

#### **PAA 1: Project Coordination**

The coordination of child support, support enforcement and custody and access activities.

#### **PAA 2: Federal-Provincial-Territorial Consultations on Family Law**

**PAA 3: Family Justice Enhancements and Innovations**

The enhancement, or the development, testing, implementation and monitoring and evaluation, of innovative child support, support enforcement and custody and access activities under an integrated services model.

**PAA 4: Alternative Mechanisms to Determine, Vary or Recalculate Child Support**

The enhancement, or the piloting and establishment, of alternative dispute resolution mechanisms to determine, vary or recalculate child support amounts.

**PAA 5: Support Enforcement Activities**

The enhancement, or the development, testing, implementation and monitoring and evaluation, of innovative support enforcement activities.

**PAA 6: Reciprocal Enforcement Activities**

Provincial and territorial efforts in the area of reciprocal enforcement.

**PAA 7: Policy, Research and Evaluation**

Legislative and policy development, research, monitoring and evaluation activities on child support, support enforcement and custody and access.

**PAA 8: Public Awareness and Professional Training**

Activities that promote public awareness and understanding of child support, support enforcement and custody and access issues, procedures and services.

**Incentive for Special Projects**

The Incentive for Special Projects component is a small amount of funding used to promote the development of alternative dispute resolution mechanisms in the provinces and territories, including processes to determine, vary or recalculate child support. Recalculation models must be timely, cost-efficient for parents seeking to have child support recalculated and accessible to parents, and should facilitate agreement between parents on the child support amount. Only provincial and territorial governments can apply for this funding, which is awarded through a competitive process.

**FUNDING ALLOCATIONS**

In 1996-1997, prior to implementation of Bill C-41, which brought in the Federal Child Support Guidelines, the Department of Justice Canada and the provincial and territorial governments established an annual allocation target for each province and territory based on its population. There have been adjustments to the original allocation to accommodate changes in provincial and territorial planning assumptions and experience. The Department was also able to identify small surpluses each year in some jurisdictions that were then made available to other jurisdictions with implementation and support enforcement demands in excess of their original allocations. The following table identifies the actual allocations by jurisdiction for the period ending 1999-2000 and projected funding for 2000-2001 through 2002-2003.

\$ (million)	Actual				Projected			Total
	1996-1997	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	
Newfoundland	0	297,537	404,903	323,276	273,276	310,196	273,276	1,882,464
Nova Scotia	0	462,133	709,900	439,809	417,809	481,830	439,809	2,951,20
New Brunswick	5,500	340,334	449,753	470,647	410,464	396,200	356,543	2,429,441
Prince Edward Island	5,000	128,118	268,001	197,430	195,000	181,765	150,000	1,125,314
Quebec	0	4,786,673	4,776,810	3,452,735	2,826,530	4,167,892	3,427,735	23,438,375
Ontario	0	6,248,734	4,525,321	3,610,133	4,910,133	5,237,401	5,114,287	29,676,009
Manitoba	7,000	714,719	667,358	644,300	532,530	577,156	532,530	3,675,593
Saskatchewan	25,350	688,287	664,305	366,844	508,698	596,844	476,698	3,327,026
Alberta	0	1,614,476	1,675,806	1,459,368	1,419,078	1,407,998	1,279,578	8,856,304
British Columbia	20,000	1,610,478	3,003,501	1,928,133	1,726,133	1,807,591	1,726,133	11,821,969
Yukon	0	143,118	90,000	83,000	272,647	180,391	150,000	919,156
Northwest Territories	0	119,500	226,176	144,471	145,000	210,532	150,000	995,679
Nunavut	0	0	0	138,118	137,673	220,345	150,000	646,136
<b>Total</b>	<b>62,850</b>	<b>17,154,107</b>	<b>17,461,834</b>	<b>13,258,264</b>	<b>13,774,971</b>	<b>15,776,141</b>	<b>14,256,589</b>	<b>91,744,756</b>

## **FAMILY JUSTICE INITIATIVES PROJECTS**

The following provides an overview of the programs, services and projects that have been funded under both the Child Support Implementation and Enforcement Fund and the Child-centred Family Justice Fund. The appendices profile the projects funded in each province and territory. The body of the report and the appendices have been organized under the eight primary areas of activity identified above.

### **Coordination**

Federal, provincial and territorial governments have long recognized the importance of cooperation and collaboration in the development and implementation of family law reforms. It was in that spirit that deputy ministers of justice and deputy attorneys general established the Federal-Provincial-Territorial Task Force on Child Support Initiatives (FPT Task Force) in 1996 to facilitate national planning and coordination of policy, public awareness, research and evaluation activities and to provide a forum for sharing information. In the same spirit, the federal government has made funding available to support planning and coordination in each province and territory, as well as provincial and territorial participation in national planning and consultations.

The provinces and territories adopted a variety of committee and project management structures to meet their planning needs. British Columbia, for example, established a planning process that involved six Ministry of Attorney General branches, other departments and agencies, and the Legal Services Society of British Columbia. Manitoba's Department of Justice had two committees to oversee preparations for and implementation of the family law reforms. An internal interdepartmental committee brought together representatives of the provincial departments and agencies dealing with family law and child support issues. The second committee, comprised of representatives of the Bench, the Canadian Bar Association, various subsections of the Manitoba Bar Association, community organizations and provincial departments, continues to serve as a consultative forum for exploration of policy and procedural matters affecting the administration of family law in the province. Justice Saskatchewan's Policy Planning and Evaluation Branch and an interdepartmental committee, chaired by the branch director, oversee implementation and evaluation of child support activities and reforms.

Nine provinces and territories used Fund resources to hire project coordinators or managers. Typically, these individuals are responsible for consultation and planning activities, including participation in the FPT Task Force and its subcommittees, and often for the administration of and accountability for federal funding. In some cases, the project coordinators are also expected to be involved in direct program development and management activities. For example, New Brunswick's project coordinator managed training, public information and research activities, while in Newfoundland, the coordinator's duties included implementing court rule reforms.

With the most significant portion of the guidelines implementation work completed, the provinces and territories began in 1999-2000 to plan for the transition to operational status and/or new development goals. In New Brunswick, with most of the child support guidelines implementation activities completed, the Department of Justice assigned the project manager additional responsibilities for the expansion of the province's Domestic Legal Aid project. In

Ontario, the group involved in guidelines implementation was assigned new responsibilities for planning and developing family law projects and services and for managing Family Mediation Services, Family Law Information Centres and public legal information activities.

### **Federal-Provincial-Territorial Consultations on Family Law**

The 1997 amendments to the *Divorce Act* included a requirement for a comprehensive review of the child support reforms and a report to Parliament on the review before May 1, 2002. From the outset, the Department of Justice Canada planned to conduct a national consultation as part of the review process. Later, in its May 1999 response to the Special Joint Committee report, *For the Sake of the Children*, the Government undertook to bring forward proposals addressing the Committee recommendations by May 2002, integrating the work with the review of and report to Parliament on child support. This undertaking, too, called for national consultations on a range of family law issues, especially issues touching on child custody and access policies and procedures.

While the first responsibility for the conduct of these consultations fell to the federal government, provincial and territorial governments were directly implicated and had an equal interest in ensuring that parents, family law professionals and others across the country had adequate opportunities to register their views on child-centred family law matters. Accordingly, the FPT Task Force and the governing federal-provincial-territorial Family Law Committee were involved in planning for the national consultation. In addition, a portion of the Child-centred Family Justice Fund resources available to each province and territory was dedicated to supporting provincial and territorial consultations.

In 2000-2001, the provincial and territorial departments responsible for family law policy and services used the federal resources to develop consultation plans appropriate to their demographic and geographical circumstances. Most assigned responsibility for the development of these plans to the project teams or committees responsible for coordination of the implementation of the child support guidelines. Many provinces and territories retained consultants or assigned staff to provide strategic and logistical support to these planning bodies.

In all, consultation sessions were held in more than 35 communities in every province and territory and across the country. The final report on these consultations, entitled *Report on Federal-Provincial-Territorial Consultations on Custody, Access and Child Support in Canada*, is available on the Department of Justice Canada Internet site at <http://www.canada.justice.gc.ca> under "Child Support."

### **Family Justice Enhancements and Innovations**

Over the past four to five years, provincial and territorial governments, with the financial support of the federal government, have tested and implemented new services and modified existing programs with the goal of offering divorced and separated parents opportunities to cooperatively and positively redefine their parenting relationships, responsibilities and arrangements. These new services were also designed to reduce the stress, delays and costs associated with the necessary legal processes involved in arriving at child support, custody and access agreements and orders. These efforts have ranged from technical and administrative measures designed to

improve the predictability and timeliness of court proceedings to mediation services and parent education programs.

### ***Parent Education***

Parent education programs have been established in most provinces and territories since the earliest pilot programs in the mid-1990s. Evaluations of the programs have found that participating parents are generally satisfied with their experience and tend to support the idea that the sessions should be mandatory. The research has also found some early, but tenuous, evidence of benefits in terms of improved parenting.<sup>1</sup> The programs provide separated and divorcing parents opportunities to learn about the following:

- the impact of separation on children and adults;
- how parents can best help their children through this difficult time;
- the legal process and the range of dispute resolution options available in the justice system, including mediation and the court process; and
- how the child support guidelines work and how to find out more about them.

Typically, trained facilitators lead the sessions using a provincially developed curriculum, facilitator's guide, videos and handouts. In most provinces and territories offering this service, the program is readily available in larger communities, but it is often difficult to make it available in smaller communities. The programs vary in a number of respects, as the following brief profiles of programs supported by federal funding illustrate.

*British Columbia.* The Family Justice Services Division, Ministry of Attorney General, delivers both voluntary and mandatory sessions under its *Parenting After Separation* program. The three-hour sessions are co-facilitated by a man and a woman through agencies under contract. The sessions are also offered in Cantonese, Mandarin, Punjabi and Hindi, as well as English, in the Greater Vancouver area. The voluntary sessions are available in many locations throughout the province, but are being reduced as the mandatory program expands.

Mandatory participation was introduced in 1998-1999 as a pilot project in the Burnaby and New Westminster provincial courts and is now delivered in eight locales, with more added as planning and resources permit. Under the mandatory program, parents must attend one session before their first court appearance can be scheduled.<sup>2</sup>

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<sup>1</sup> B. Bacon and B. McKenzie, *Best Practices in Parent Information and Education Programs After Separation and Divorce: Final Report*, Child and Family Services Research Group, Winnipeg, February 2001.

<sup>2</sup> *Mandatory Parenting After Separation Pilot: First Evaluation Report*, Ministry of the Attorney General, British Columbia, July 1999. *Mandatory Parenting After Separation Pilot: Final Evaluation Report*, Ministry of the Attorney General, British Columbia, October 2000.

*Alberta.* The Court Services Division of Alberta Justice has a parenting education program, which is delivered through local agencies in nine communities throughout the province, with plans to expand to four additional centres. The program features a six-hour seminar presented in two three-hour segments designed to give parents a better understanding of the effect of family break-up on their children and of ways to minimize negative impacts. The sessions also provide information about alternative dispute resolution mechanisms, child support and child support guidelines. In areas where a live seminar is not available, parents may view a two-hour video that highlights the concepts covered in the full seminar. The Alberta Court of Queen's Bench has made attendance at a Parenting After Separation seminar mandatory, with limited exemptions.<sup>3</sup>

*Saskatchewan.* The province reports that its parent education program recognizes that cooperative problem solving and decision making are integral to the well-being of the children affected. Normally, parents attend three two-hour sessions on separate evenings, but in some centres they are delivered in a single six-hour session. The sessions are co-facilitated by a social worker from Family Law Support Services and a mediator with the provincial Mediation Services. As attendance is voluntary, the province promotes the program by distributing posters and other materials through Department of Social Services offices, churches, libraries, the courts, law offices and other locations. While the program has not been evaluated, it benefits from participant feedback obtained from questionnaires distributed at the conclusion of the sessions. Generally, participants have been positive about the program, especially the modules dealing with children's reactions to family break-up, separation and divorce.

*Manitoba.* Staff of the Family Conciliation Branch, Department of Family Services, deliver the province's parent education program, *For the Sake of the Children*, which consists of two three-hour sessions. The introductory session, designed for all participants, covers general information about the needs of children of different ages, parenting plans, economic and legal issues, and alternatives to formal litigation. At the end of this session, participants are streamed into either a low-conflict or high-conflict second session. The high-conflict session is designed for parents who have experienced significant difficulties in their relations and little post-separation contact is expected. The courts do not require that litigants attend parent education sessions, however, the Family Conciliation Branch and the Comprehensive Co-Mediation Project require that parents seeking mediation services first attend parent education sessions. The program has been the subject of an evaluation.<sup>4</sup>

*Ontario.* Voluntary parent information sessions are offered and funded by Unified Family Courts and through some local and/or community-based programs. Two information programs are supported through federal funds. One is the voluntary parent information sessions delivered through the Ontario Court of Justice in Toronto, which

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<sup>3</sup> J. Sieppert et al., *An Evaluation of Alberta's Parenting after Separation Seminars*, Canadian Research Institute for Law and the Family, December 1999.

<sup>4</sup> B. McKenzie, *For the Sake of the Children: An Evaluation of a Parent Education Program for Separating and Divorcing Parents, Phase 2 Final Report*, Child and Family Study Series, University of Manitoba, July 2000.

was established with the assistance of Osgoode Hall Law School and a Donner Foundation grant. It offers evening information sessions for family law clients. The other is a mandatory information program offered through the Superior Court of Justice, Toronto. The Superior Court requires that all litigants in contested cases attend a family law information session before continuing their court proceedings. The sessions, offered by lawyers and mediators, provide information about separation and divorce, legal procedures, options for dispute resolution and community resources. The video *Separate Ways* is used as a presentation aid in the sessions. Both programs are being evaluated.

*Quebec.* The provincial government has not implemented a parent education program, but there are some community-based programs available. For example, Les Centres Jeunesse de Montreal offers its family mediation and assessment clients a program entitled *Co-Parenting After a Separation*. None of these services is supported by federal funds.

*New Brunswick.* The province has adopted Manitoba's parenting program, *For the Sake of the Children*, revising the session scripts, print documents and video materials to accommodate differences in the two family law systems. The program, which is delivered by trained contract facilitators, is available in both official languages. Participation in the program is voluntary, but strongly encouraged by court social workers who have contact with most of the parents during the court intake process.

*Prince Edward Island.* The Office of the Attorney General recruits and trains volunteers to deliver the program, which involves two three-hour sessions. Participation is voluntary, but those who do wish to attend are screened. Mothers and fathers attend separate sessions, and individuals with histories of domestic violence are excluded. The program is the subject of an evaluation being done in cooperation with the Department of Justice Canada.<sup>5</sup>

*Nova Scotia.* Co-facilitators (a lawyer and a mental health worker) deliver the parent education program, which involves two two-hour sessions, using the *Children in the Middle* video series. One session deals with support guidelines, non-adversarial methods of resolving family law matters, and court procedures and the other with relationship and parenting issues. The program incorporates some skills building aimed at helping parents avoid conflict, especially conflict that implicates children. Participation in the parent education program is mandatory in three Supreme Court Family Division districts, but is otherwise voluntary.

In addition to the parent education sessions, Nova Scotia is developing a mandatory education program for parties who are dealing with family law matters other than child maintenance in the Supreme Court (Family Division). The sessions, delivered by court staff and volunteer mental health professionals, will provide basic information on court procedures and inter-personal issues in separation and divorce.

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<sup>5</sup> B. Bradford, *Positive Parenting From Two Homes: Final Report Evaluation of Pilot Parent Education Program in Prince Edward Island* (Background Paper), Child Support Team, Department of Justice Canada, BP28E 2000.

*Newfoundland.* The *Parents Are Forever* program involves four three-hour sessions in successive weeks. The first session looks at the separation experience from both the parents' and children's perspectives. The second deals with relationship and communication skills. The third and part of the fourth session teach conflict management skills. The last one-and-a-half hours look at legal issues, procedures and alternatives. The sessions are facilitated by social workers, assisted by a lawyer.

*Northwest Territories.* The Department of Justice, in cooperation with the Legal Services Board, developed a parenting after separation program modelled after the Alberta and British Columbia programs, modified to meet the legal and socio-economic realities of the North. The program was delivered by contract staff and ran as a pilot project in 1999-2000. Two sessions per month were offered from September to March. The sessions are intended to help parents move from a self-centred to a child-centred framework to improve their parenting skills. There are plans to continue the pilot project in 2002.

*Yukon.* The Department of Justice, in partnership with the Women's Directorate and the Departments of Health and Social Services and Education, developed its program using the Manitoba model. It now contracts with Partners for Children, a local service organization, to organize and facilitate the sessions and to train additional facilitators from other organizations to deliver the program outside of Whitehorse. The program is facilitated by a social worker and a lawyer, and has been presented to parents six to eight times per year. Separate information sessions have also been held for judges, lawyers and community service providers.

### ***Children's Education***

While parent education programs focus on the needs and experience of the children affected by separation and divorce, it has been suggested that the children might benefit from more direct services. To that end, some agencies (government and community-based) have developed education-information programs for children. One such endeavour was supported through the Child Support Implementation and Enforcement Fund. Saskatchewan's Department of Justice developed a curriculum, facilitator's guides and three videos for education sessions designed for three age groups (6-9, 9-12 and 12-16). The material covers information about the legal process as well as the emotional experiences and changes in relationships that follow divorce or separation. The province has made the curriculum, facilitator's guides and supporting materials available to community groups that organize and deliver sessions for children, and distributed the videos to government agencies, regional library branches, district health boards and interested community agencies.

### ***Mediation***

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. The following highlights provincial and territorial programs and services.

*British Columbia.* The province's 31 Family Justice Centres provide mediation and other dispute resolution services for people of modest income in cases involving custody, access, guardianship, child support and spousal support. Centre employees, trained and certified as family mediators, provide the services. The province has not allocated federal funding to this program.

*Alberta.* The Court Services Division of Alberta Justice manages Family Mediation Services, which helps parents referred by other programs, the courts and family law practitioners. When the parties have a child younger than 18 and the gross income of one of the parents is less than \$40,000, the Government of Alberta provides mediation at no cost. In Edmonton and Calgary, Division staff members serve as mediators, while fee-for-service professionals provide the service in other communities. Participation is voluntary, and the province estimates that approximately 1,200 couples take advantage of mediation services each year. The majority of cases proceed to joint mediation, while only a small proportion are screened out as unsuited for mediation. During 2000-2001, full agreements were achieved in 61.1 percent of the 1,033 cases that proceeded to joint mediation, and partial agreements were the result in 19.7 percent of cases.

*Saskatchewan.* Mediation Saskatchewan offices provide comprehensive mediation when the courts have ordered mediation to resolve a dispute about supervised access or as the result of a custody and access evaluation report. Others seeking mediation services are provided with pamphlets on the mediation process and how to choose a mediator along with a Mediation Saskatchewan directory that lists all mediators in the province.<sup>6</sup>

*Manitoba.* Beginning in 1997-1998, Manitoba allocated federal funds for the development of the Comprehensive Co-Mediation and Mediation Internship Pilot Project. Its primary objective was to offer mediation services to separated and divorcing parents with children younger than 18. Its secondary objective was to recruit and train mediators accredited through Family Mediation Canada. In 1998-1999, the project recruited 24 interns to train and work as co-mediators (with lawyers) in cases referred by the Family Conciliation Branch, courts, parent education programs, lawyers and others.<sup>7</sup>

In 2000-2001, Manitoba Justice integrated the project into its Family Conciliation Branch, which had previously done mediation only in custody and access cases. The Branch will maintain the internship component of the project, but on a smaller scale, and offer co-mediation services in separation and divorce cases generally.

*Ontario.* The Ministry of the Attorney General provides for voluntary family mediation through all 17 Unified Family Court locations. Private practitioners contracted by the Ministry deliver the actual mediation services and clients are charged a user fee on a

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<sup>6</sup> Elizabeth A. Wilkie, *Historical Reflections and Future Directions: Saskatchewan Justice Mediation Services: Family Programs Evaluation*, January 2000.

<sup>7</sup> B. McKenzie, *Evaluation of Comprehensive Co-Mediation and Mediation Internship Pilot Project: Interim Report*, Child and Family Study Series, July 2000.

sliding scale. While the province has not allocated federal resources to this program, it has used the federal funds to support the following two mediation initiatives.

- The Ontario Superior Court of Justice in Toronto maintains a roster of family mediators who are available to all court clients. The clients are required to pay for the service: mediators on the roster charge \$300 per party for the first four hours of mediation (including preparation and screening), after which they may charge their usual fee. They are also required to provide a minimum of 12 hours of *pro bono* mediation per year.
- The Kingston pilot was designed to test whether it would be suitable to require litigants in support variation cases to attend a mediation or information session with a mediator. The sessions, designed to give the parties a chance to learn about mediation and explore whether mediation would be appropriate in their circumstances, were provided by a government-funded family mediation service located at the Kingston Family Court. The project was completed in September 1999.

*Quebec.* Quebec's legislation requires that married and unmarried parents making an application to the court in a dispute concerning child custody, access, or support or other matrimonial rights attend an information session on mediation before the application is heard. The session is designed to inform parents about the mediation process, how it works and the role of the mediator. The program allows parents to satisfy the requirement in one of three ways: the parents can meet with a mediator of their choosing, attend a group session together, or attend separate group sessions. At the end of the session, the couple must choose between mediation and court proceedings. If they proceed with mediation, the services are provided by accredited private practitioners or mediators employed by youth centres who deal only with cases involving children. The provincial government covers the costs of up to six sessions, except in the case of an application for review of an existing order, for which all costs are covered. Parents requiring additional sessions must pay the fees themselves. In some circumstances, the courts may require mediation.

*New Brunswick.* The New Brunswick Family Support Service has long provided mediation, one-to-one counselling and information services for family support clients. In 1997-1998, the province expanded this service by adding six court social worker positions, providing them with advanced on-site mediation training. The ongoing improvements to mediation services are a priority for the province. The improvements have included the development of screening tools to help assess whether mediation would be an appropriate alternative, production of a mediation manual and training for the court social workers.

*Nova Scotia.* Parents appearing in Halifax-Dartmouth Courts on applications dealing with custody, access and support have been able to participate in mediation since 1986. The service was expanded to the areas served by the Supreme Court (Family Division) in 1999, and now covers Cape Breton Island and the entire Halifax Regional Municipality. Both court staff and private practitioners provide the service, which is paid for by the

client according to a sliding scale. The province has not allocated federal funding to support the delivery of this service. However, from 1997 to 2000, the province did use federal funds to design a mediation program and coordinate delivery of a mentoring program. The mentoring program provided training and supervision by a certified mediator to help trainees gain the experience needed to become certified and be placed on a government roster of professional mediators.

*Newfoundland.* In 2000-2001, Newfoundland undertook the Family Dispute Pilot Project to provide mediation and support services in custody and access cases being dealt with by the Supreme Court or the provincial Family Court. Blomidon Place, a Corner Book community health organization, delivers the services. Initially the program is providing referral services and mediation. Support application social workers are the first point of contact with families and can negotiate some consent orders and make referrals. If referred for formal mediation, a family would meet with a mediator who would file a consent order if agreement is reached about support and child custody and access issues.

*Northwest Territories.* The Department of Justice is exploring the feasibility of developing a pilot mediation project in Yellowknife. An initial feasibility study has been prepared under contract. The next steps are to review implementation models and options for implementation as well as to look at training mediators to work in the program.

*Yukon.* The Yukon Department of Justice is exploring the feasibility of developing a pilot project providing “court-based, court-connected” mediation services to parents dealing with child support, custody and/or access issues. The Department retained a contractor to develop a framework dealing with issues such as the connection between the court and the mediation service, administrative arrangements, costs to users, the selection and assignment of mediators, the fee structure, and mediator qualifications. The report has been received and Yukon will undertake further internal discussions before a decision is made as to when and how a pilot project will be initiated.

*Nunavut.* The Nunavut Bench and Bar Committee is developing a mediation model that reflects the territory’s cultural, geographic and economic realities through the Inuit Qaujimagatuqangit (Traditional Knowledge) Mediation Initiative. The first step in the development process was to bring together experienced mediators and Inuit well versed in traditional conflict resolution practices to develop a mediation protocol that will provide the foundation for expanded family law services in Nunavut. The immediate goal of the project is to train family law mediators who will be able to provide services to assist couples within their own communities.

### ***Information and Intake Services***

Provincial and territorial governments have implemented a variety of programs and services that are intended to promote early resolution of child support, custody and access issues while reducing administrative and procedural complexities. The following examples, each supported by federal funds, illustrate the ways in which the jurisdictions deliver, or plan to deliver,

information and intake services to separated and divorced parents seeking to establish or revise child support, custody or access agreements and orders.

*Saskatchewan.* Saskatchewan has a provincial Family Law Line which is toll free and complements the line operated by the Department of Justice Canada. The line was established in April 1997 and continues to operate. In addition to accepting registrations for the parent education program, the operator answers general questions about the child support guidelines, provides information and distributes information packages about the guidelines and self-help child maintenance variation kits. The operator encourages callers to seek legal advice and can suggest options such as private lawyers, legal aid or the lawyer referral line. Callers may also be referred to other government offices or agencies such as the Maintenance Enforcement Office, the Canada Customs and Revenue Agency or one of the Court Registrar's offices. The operator tracks statistics, including the sex of the caller, where the caller was referred to, the number of information and variation kits distributed and whether the caller was seeking information as an individual or on behalf of an organization.

*Nunavut.* In 2000-2001, Nunavut Justice planned to establish the first Family Support Office in Iqaluit that will provide maintenance support and counselling services. Through the office, a 'family support counsellor' will provide family justice information and mediation services in Inuktitut. Inuit comprise 85 percent of the population. In the future, the goal is to provide family justice information and mediation services in Inuktitut in all Nunavut communities.

*Northwest Territories.* The Court Services Division employs an investigation/action clerk (formerly called the information/intake clerk) to staff an information and public service office located in the Yellowknife courthouse. The clerk's duties include accepting registrations for the maintenance enforcement program, processing applications for parent information sessions, preparing and disseminating information to staff, judges and the public, and assisting parents with child support forms, applications and procedures.

*Nova Scotia.* Nova Scotia has assigned court intake assistants in each judicial district to help process applications to vary support orders and agreements, handle the new requirements to track documents and assess the completeness of information according to filing requirements and court rules. The assistants also help litigants, particularly unrepresented litigants, and complete court forms and filing packages, track and follow-up on documents, request information from third parties, provide information on basic procedures, advise people where to go for legal and/or financial advice, and ensure that draft court orders conform with the child support guidelines.

*Prince Edward Island.* Since 1997-1998, Prince Edward Island has had child support information officers available to provide parents with information about the guidelines and to help them file applications for variations or new orders.

*Ontario.* Since 1999, Ontario has established Family Law Information Centres in court locations across the province. These centres help clients, particularly those who are not

represented by a lawyer and are entering the court system for the first time. Clients are encouraged to consider resolution of disputes outside the court process, where appropriate. Court intake clerks working in the Family Law Information Centres provide information about court process and court forms, distribute resource material such as brochures, pamphlets and guides to procedure, and make referrals to community services outside the Court. Legal Aid Ontario participates in this program by assigning advice lawyers to assist Centre clients by providing summary legal advice.

*Alberta*—Since 1997-1998, Alberta has maintained Family Law Information Centres in Edmonton and Calgary. The Centres, operated by the Court Services Division and staffed by lawyers, judicial clerks and information officers, originally focussed on child support matters, but now provide services about any family law matter, including child support, custody, access, spousal support, access enforcement, *ex parte*<sup>8</sup> restraining orders and emergency protection orders. The clerks respond to information requests, inform people about the availability and advantages of out-of-court settlements, help unrepresented individuals identify and assemble the information required for applications, and refer people to legal and mediation services.<sup>9</sup>

### ***Administrative Case Management Procedures***

A number of family justice systems have introduced case management-type procedures to facilitate timely and appropriate handling of individual cases. Quebec's *Greffiers spéciaux* (special court clerks) program, for example, seeks to ensure that proposed child custody and support agreements filed with the court are processed as quickly as possible. After reviewing proposed agreements involving separation or divorce matters, the clerks take one of three actions. First, he or she may ratify the agreement. If however, there is a concern that the agreement is not safeguarding the children's best interests, the clerk may ask for additional information from the parents. Finally the clerk can refer the application to the court.

In Ontario, under the Family Law Rules, family case management clerks in the Ontario Court of Justice and Unified Family Court ensure that all clients are made aware of Family Court services, including alternatives to litigation, and that they receive appropriate assistance with the court forms and proceedings. The 65 clerks vet cases to confirm that parties have filed the appropriate documents, advise them of alternatives to litigation, make referrals to community resources when appropriate, and schedule hearings or case management conferences for cases that are ready to go forward. The case management clerks offer these services immediately after a case is filed and before a judge is involved, giving the parents an opportunity to reconsider their dispute resolution and settlement options before the litigation process begins. The timing of these services distinguishes the function of case management clerk from that of Family Law

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<sup>8</sup> A judicial proceeding, order, injunction is said to be *ex parte* when it is taken or granted at the instance and for the benefit of one party only, and without notice to, or contestation by, any person adversely affected (*Black's Law Dictionary*. 6th ed. 1990).

<sup>9</sup> *Final Report on the Evaluation of the Court of Queen's Bench Child Support Centres*, Praxis for Alberta Justice, March 2000.

Information Centre staff (see above), who provide clients with options for resolving their disputes and organizing their case before they enter the court process.

British Columbia has undertaken a project to test innovations such as “triage” sessions under new Provincial (Family) Court Rules. The Family Justice Registry Project, which operates in four locations, requires each party to a *Family Relations Act* case to attend a session with a triage family justice counsellor prior to a first court appearance, unless the judge agrees that there are “urgent and exceptional circumstances” that require the court to hear the matter at the earliest opportunity. During the triage session, the counsellor assesses the circumstances of the case, discusses dispute resolution options with them, and makes appropriate referrals for mediation or related services. Parents choose whether or not to act on the referral.

### ***Judicial Case Management***

In addition to the administrative case management programs described above, some provincial and territorial governments have introduced what might be termed judicial case management procedures. These measures, which are authorized under court rules, are designed to expedite family law cases going to trial.

In Alberta, for example, either parent in a separation or divorce may request case management when he or she feels the other parent is slowing the process or an impasse has been reached. If the presiding judge rules the case needs case management, a second judge would be assigned as case manager. The case manager can set court dates and expedite the case through settlement conferences or pre-trial hearings. An evaluation of the program is planned.

Manitoba has taken a somewhat different approach. Under its program, new separation and divorce cases are randomly selected each month to be managed and expedited through the justice system with the goal of reducing unnecessary delay and expense by promoting early and fair settlements. A Family Division judge is assigned to a case, presides at the initial case conference session with the parties and their counsel, and remains available to assist in the management of the case until its resolution. An evaluation of the program found that the legal community is positive: 93 percent of the lawyers surveyed said it had a positive effect on the legal proceedings and had reduced the number of contested hearings. The province planned to make the procedure, which was first introduced in 1995, generally available in 2001.

Judicial case management conferences are also used in the Northwest Territories, at the discretion of parents or the court. The objectives of the conferences are the resolution of disputes without trial, if possible or, when a trial is required, the simplification of issues to make the process more efficient for litigants in terms of time and money. The process is available for all civil cases, including ones involving custody and access.

Ontario recently implemented new rules for Unified Family Courts and the Ontario Court of Justice. Specially designed for family cases, these rules emphasize early judicial intervention and early resolution of cases. The rules incorporate case management principles. Child protection cases have specific timelines, and other domestic cases use a fixed date system for events before trial and a case conference early in the case to schedule events, explore ways to resolve issues in disputes and organize the disclosure of information. It is expected that the use

of pre-trial litigation (motions) at the beginning of a case will largely be replaced with case conferences. In two Superior Court locations outside the unified family court system, case management rules prescribe a timetable for events in the case. The case management judge has considerable power, including the power to enforce compliance with the timetable.

The provinces and territories have not allocated federal resources to the judicial case management initiatives described. The initiatives are, however, illustrative of a broad and general commitment to providing alternatives to trial.

### ***Self-help***

In order to help individuals who wish to obtain or vary a support order without legal representation, Alberta, Saskatchewan, British Columbia, Nova Scotia, New Brunswick, the Northwest Territories and Ontario allocated federal resources to produce and distribute self-help support variation kits. In 2000-2001, Nova Scotia introduced another self-help tool. The province has set up self-help workstations in three Supreme Court (Family Division) sites where clients can use computers and formatted forms to prepare child support applications and the requisite forms.

### ***Supervised Access Services***

Supervised access services provide a safe setting for children to spend time with non-custodial parents or other persons, such as a grandparent, when there are concerns for the safety of the children or the custodial parent. Typically, community groups provide the services, some with government funding or other forms of assistance. In 2000, supervised access was available in some cities in British Columbia, Saskatchewan, Manitoba, Ontario, Quebec and Nova Scotia.

Ontario, which allocates federal funds to supervised access services, is expanding its program from the 36 sites in 2000 to all 54 court districts by 2003. The services are delivered by community-based agencies, such as children's mental health centres, neighbourhood support centres, the YMCA and local children's aid societies, that operate with a mix of paid staff and volunteers. The agencies receive financial support from the Ministry of the Attorney General. Most referrals to supervised access programs come from the courts and lawyers for the parents. Between April 1, 1999 and March 31, 2000, approximately 29,000 visits and exchanges involving 12,100 families took place at 36 centres and satellite locations.

In 2000-2001, Nova Scotia used federal funding to prepare a best practices manual and to work with community organizations to develop options for supervised access services delivered by those organizations. The supervised access program would be delivered in areas served by the Supreme Court (Family Division).

### ***Custody Assessment***

In making determinations about custody and access, judges may order social or psychological assessments, or both. The assessment process provides the judge and the parents with independent, written information to help them make custody and access determinations that are in the children's best interests. Commonly, the assessor interviews and observes the children with each parent and submits a report and, in many cases, recommendations on the parenting

arrangement. The report becomes part of the evidence before the judge and its assessor may be called to testify.

In 2000-2001, New Brunswick used federal funding to support assessment services for families in financial need. The Court Services Division, which administers the services, maintains a list of qualified assessors from whom eligible clients can obtain assessments. While New Brunswick was the only jurisdiction to use federal resources for this purpose, others do provide or facilitate access to assessments in custody cases. The services may be provided by social workers or mental health professionals employed by government agencies or private practitioners.

In October 1999, Ontario began a two-year pilot project to test a new approach to resolving the access-based disputes that occur in approximately 20 percent of separations and divorces. The primary aim of the study is to examine the effectiveness of two different types of intervention:

- a focused social work intervention, which seeks to identify the conflict that is underlying the dispute and assist the parents in formulating a parenting plan in the interests of the child; and
- a focused legal representation, which targets the legal issues before the court and provides a legal resolution in the children's interests.

The project was the subject of research using a randomized, future-oriented quasi-experimental design to examine the effectiveness of the two types of focused interventions, as compared with traditional assessments. The preliminary research findings are positive.<sup>10</sup>

Saskatchewan introduced special custody and access assessments in 2000-2001, that focus on the children's perspective in separation and divorce. The *Children's Voices* reports are completed more quickly than the full custody and access reports because the assessor only interviews the child. Development of the *Children's Voices* reports was in response to a recurring theme in both national and provincial public consultations held recently in Saskatchewan to hear the perspectives and opinions of the children who are the subjects of custody and access issues. The *Children's Voices* reports are only available by court order. Once ordered, a social worker interviews the child and prepares a written report for the court expressing the child's views. These assessments are designed for families whose children are of an age or maturity level that their opinions can be accurately expressed. The speed with which the reports are available benefits both the families involved and the courts.

### ***Court Forms and Rules***

The introduction of child support guidelines and related provincial legislative reforms led directly to a need to review and modify court rules and associated forms in most provinces and territories. Federal resources supported rules revision projects in British Columbia, Alberta, Manitoba, Ontario and the Atlantic provinces. These projects not only sought to make changes demanded by amendments to the *Divorce Act*, but also to introduce administrative efficiencies

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<sup>10</sup> R. Birnbaum and D. Moyal, *Visitation Based Disputes Arising on Separation and Divorce: Differential Intervention*. Department of Justice Canada, 2000.

and, more importantly, reforms that allow and encourage alternatives, such as mediation, that support the broad objectives of child-centred family law services. Nova Scotia and New Brunswick, for example, in reviewing and modifying their rules introduced provisions to make it easier for parents to seek resolutions by agreement and have such agreements readily processed. British Columbia, which adopted an entirely new set of rules for provincial courts, made provision for special procedures such as family law triage counsellors, while Ontario, which undertook a similarly comprehensive review, provided for case management in all family cases and paid particular attention to devising forms that are easier to understand and use, especially by self-represented litigants.

As might be expected with any significant changes in court procedures, provincial and territorial governments implementing revised court rules and forms devoted resources to training for judges, court staff and members of the family law bar, and to publishing public legal information materials for family law clients and the public. In addition, many rules changes resulted in requirements and opportunities for modifications and enhancements of court information management systems, as was the case with Manitoba's auto-order project.

### ***Provincial Child Support Guidelines***

Following the introduction of the Federal Child Support Guidelines, each province and territory had to decide whether it would adopt the federal guidelines or create its own for application in provincial family law matters. Since May 1997, all jurisdictions but two have adopted the federal guidelines, or a modified version thereof. Quebec has implemented child support guidelines that differ from the federal guidelines in apportioning the presumed cost of raising children between the parents according to the income of each. Alberta has yet to determine whether it will adopt federal guidelines in provincial legislation (although it has implemented them in practice) or introduce another approach. In the interim, the Federal Child Support Guidelines are applied under the guidance of a Court of Queen's Bench practice note. In Quebec, Prince Edward Island, New Brunswick and Manitoba, the provincial guidelines apply in cases of divorce when both parents are normally residents of the province, under a designation made under subsection 2(5) of the *Divorce Act*.

British Columbia, New Brunswick, Yukon and Newfoundland used federal funds to support the development and implementation of their guidelines. The funds supported policy work and consultations leading to the eventual adoption of legislation, training for court personnel and family law professionals, publication of public information materials and the introduction of procedural and administrative changes.

### ***Automated Orders***

In 2000, Manitoba implemented its automated orders (auto-orders) system, beginning in Winnipeg's Masters Maintenance Enforcement Court and, subsequently, throughout the Court of Queen's Bench, Family Division. The system has two related objectives: to ensure that the language of orders is clear and consistent, and to improve the timeliness and efficiency of the procedure. The first phase of the auto-orders project, begun in 1997-1998, developed standard order clauses to eliminate ambiguities and permit the design of a system to capture data needed for the Maintenance Enforcement Program. The use of the standard clauses is mandatory, unless a court expressly approves an exception. The second phase, in 1998-1999, introduced electronic filing and the enabled production of automated orders in the courtroom. Manitoba Justice then proceeded with preparations for the implementation of an automated system. The implementation of the auto-orders system was supported by communications and training activities directed to internal users (court staff) and external users (law firms), external testing and refinements to court rules.

Ontario and Nunavut allocated federal resources to studies related to auto-orders. In 1998-1999, Ontario carried out a pilot project that tested the automated preparation of child support orders in family law proceedings. The evaluation of the pilot concluded that to be successful in the province's family courts, a system would have to provide for automation of all family orders. As a result, the Ministry of the Attorney General decided to defer consideration of such a project. In 2000-2001, Nunavut's Family Law Working Group began planning for implementation of an auto-order system building on the work done in Manitoba. The project produced draft family orders that were submitted to the courts for review and approval before a pilot project was undertaken.

### ***Information Systems***

Quebec and Newfoundland and Labrador allocated federal funding to increase the capacity of their administrative information management systems in response to implementation of the child support guidelines. In addition to installing additional equipment, the Quebec Department of Justice developed a database of all family-related child support and mediation cases, while Newfoundland and Labrador undertook the development of a new case management computer system to automate manual reporting procedures and improving efficiency.

### ***Workload Increases***

When the Federal Child Support Guidelines came into force, provincial and territorial governments took steps to deal with the resulting increase in applications to vary child support orders and agreements. Ontario and British Columbia, for example, addressed the resulting demand for information about and assistance with child support applications in individual cases by creating new positions: intake clerks in Ontario and child support clerks in British Columbia. In both provinces, the clerks helped clients making child support or a variation application by distributing information kits, responding to enquiries, helping prepare court documents and other related activities. In 2000-2001, the functions of intake clerks in Ontario were phased out as Family Law Information Centres and case management clerks were brought on-stream, while British Columbia phased out some child support clerk positions the previous year. Saskatchewan, rather than creating new positions with specialized functions, employed additional court clerks to deal with increased workloads, and modified the responsibilities of the existing position as needed to deal with the introduction of the guidelines.

The Yukon Department of Justice responded to the new demands by establishing the Child Support Guidelines Information Office in the Whitehorse courthouse, and by setting up a dedicated phone line. A part-time clerk was assigned to the office and phone line and was responsible for answering inquiries, making referrals and preparing and distributing information packages. A child support information officer was also available on a part-time basis to provide information to the public on the guidelines, tax changes and settlement options and to help parents with variation applications for child support consent orders. This position was discontinued after two months of operation due to limited demand. Information is currently available from the project officer and through the Maintenance Enforcement Program office in the Whitehorse courthouse.

Newfoundland has, since 1993, assigned social workers employed by the Department of Human Resources and Employment to help social assistance recipients apply for and obtain support orders. The service was expanded in 1997-1998 and the duties of the support application social workers modified to include responsibilities for accepting original and variation applications, helping applicants collect and collate financial disclosure documentation, and prepare agreement documents. In addition, the workers meet with the parents, individually or jointly, to try to negotiate an agreement. If such an agreement is reached, the worker drafts a consent order for confirmation by the courts. Newfoundland has maintained the expanded support application social workers services. Following the completion of a program evaluation<sup>11</sup> in 2000, the province is exploring changes that would produce integrated services, such as the Corner Brook project involving the community mental health program, Blomidon Place (see page 15).

Alberta Justice used federal funding to support policy and program planning activities. The department's Family Law Branch assigned a lawyer to develop proposals for policy and procedural changes, act as a resource to litigation counsel, and be responsible for continuing education for legal and other personnel. It also assigned two lawyers to work part time with the

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<sup>11</sup> *The Final Evaluation Report: Support Application Worker Program, Newfoundland and Labrador, 2000.*

courts, the Maintenance Enforcement Program and Alberta Children's Services to develop new policies, protocols and forms.

New Brunswick responded to the increased demand from parents waiting to get an appointment with court-based alternative dispute resolution services by redesigning the court social worker service. It transferred the responsibility for paralegal work from the social workers to dedicated paralegal staff, working directly with Legal Aid New Brunswick. This freed the social workers to focus on screening, mediation and settlement services.

### ***Lawyer Referral Line***

In 1997-2000, the Law Society of Saskatchewan maintained a toll-free line that provided callers with a list of family lawyers who offered half-hour consultations for a nominal fee (approximately \$25). The service was intended to help low- and middle-income people not eligible for legal aid services to pursue variations. The Law Society responded to an average of 16 calls per month from April 1997 to January 1998. Subsequently, the demand for service dropped to one to five calls per month. As a result, in 1998-1999, the use of a special line was abandoned and the service has since been managed through the Society's general enquiry line.

### ***Financial Information Services***

In 1997, New Brunswick established a child support information centre in Moncton, where a roster of duty counsel and a local tax specialist held clinics every Thursday evening. The demand for services, especially of the tax specialist, was very low and the program was redesigned so that legal services were delivered only on referral from Family Support Services and the tax specialist only on the referral of a duty counsel. In 1998-1999, the revised service was made available in eight communities.

Prince Edward Island first retained an accountant as a financial counsellor to help the court and court staff with income determinations in 1997-1998. Under the Rules of Court, the counsellor is available to assist in complex income determination cases. During the implementation period, the accountant also participated in training.

### **Alternative Mechanisms to Determine, Vary or Recalculate Child Support**

The child support amounts set out in agreements and orders can be modified as the personal and financial circumstances of separated and divorced parents and their children change. Normally, the procedures followed to vary an order parallel those used to determine the original arrangements—that is, an application must be filed with the court and a judge must issue an order modifying the current arrangement. Several jurisdictions have attempted to simplify the process for all concerned through revised procedures, special pilot projects or both. Some of these innovations will be based on a recalculation procedure made possible by section 25.1 of the *Divorce Act*.

Under section 25.1, the federal Minister of Justice can 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.” The recalculated child support amount would come into effect

within 31 days, unless one of the parents makes an application to have the matter reviewed by the court.

### ***Child Support Variation Procedures***

Four jurisdictions have allocated federal resources to support the development, testing and implementation of less onerous and more timely child support variation and recalculation procedures.

- Nunavut Justice has developed and implemented standardized forms, and increased information services and individualized assistance with document preparation, all to make the variation process less burdensome.
- In Nova Scotia, intake assistants assess each case to identify those that would be appropriate for mediation and conciliation services designed to help parents arrive at agreements on recalculation. Any resulting agreement is formalized as a consent order under court rules.
- New Brunswick is exploring an administrative hearing mechanism to deal with child support variations. Under the proposed procedure, a hearing officer would be able to compel parents to appear at the hearing and disclose information.
- Saskatchewan plans to develop a dispute resolution service to assist low-income clients of the Maintenance Enforcement Office to vary or recalculate their child support orders.

Three provinces have developed and are implementing projects that will handle child support variation applications using procedures of the kind envisioned by section 25.1 of the *Divorce Act*.

- Manitoba's Family Law Branch is studying the feasibility of a pilot project that will provide for the administrative recalculation of support amounts by a team of legal and administrative officers.
- British Columbia's Ministry of Attorney General is establishing a pilot project in Kelowna that offers a comprehensive child support service. The service will be offered to parents seeking to establish or vary an original child support order. An important element of this extra service will be links with the Family Maintenance Enforcement Program, the Parenting After Separation program, Debtor's Assistance, legal advice lawyers and the courts.
- Newfoundland has established Family Justice Services Western, a partnership with a local community health organization to deliver education, mediation and counselling services to children and families with issues related to custody, child support, access and spousal support.

### ***Child Support Calculation Software***

Software developers have designed applications that do the calculation of basic support payments under child support guidelines and all provinces and territories have provided such tools to the judiciary, court staff and others to permit them to make quick and accurate calculations. British Columbia, Alberta, Saskatchewan, Quebec, the Northwest Territories, Nova

Scotia and New Brunswick have devoted federal funds to purchase a site licence for the software, to train users, and, in some cases, to lease computers.

### **Enforcement Activities**

Provincial and territorial governments established maintenance enforcement programs in the mid-1980s to provide an intermediary service for those paying support and those receiving support payments. In most provinces, their primary function is to receive payments from debtors and forward them to the creditor once the funds have been cleared through a trust account. The greater challenge for enforcement programs arises when debtors fail to make payments in a timely fashion or at all. When this happens, the programs attempt to trace and locate the individuals who have defaulted and to obtain the money that is due. In Quebec, the maintenance enforcement program (which is located within Revenu Québec) advances the amount of the periodic payment to any creditor on income assistance. To this end, legislatures have given maintenance enforcement programs the authority to recover the support owing from assets, by garnishing income and restricting access to privileges such as motor vehicle licences. In 1996, the federal government amended the *Family Orders and Agreements Enforcement Assistance Act* (FOAEA) and other statutes to introduce measures such as licence suspension procedures to help encourage compliance with child support agreements and orders. In addition, the Department of Justice Canada has supported national planning and research work with the provincial and territorial governments to identify and implement stronger enforcement measures through provincial and territorial laws and programs. This federal-provincial-territorial collaboration has facilitated a range of administrative and operational improvements designed to increase the effectiveness of maintenance enforcement services.

### **FOAEA Access**

The Department of Justice Canada administers the FOAEA Act through the Family Law Assistance Section in Ottawa. The provincial and territorial maintenance enforcement programs (MEP) are the main users of the three FOAEA services: tracing, interception and licence denial. The tracing service provides MEPs, from federal data banks, with the residential address and employer name and address of individuals who have obligations under a support, access or custody order or agreement. The interception service allows for the garnishment of designated federal monies payable, including income tax refunds, employment insurance benefits, old age security, Canada Pension Plan benefits, interest on regular Canada Savings Bonds and selected Agriculture and Agri-Food Canada programs. Finally, the licence denial service, which was implemented in 1997, processes MEP applications to suspend and deny Canadian passports and federally issued licenses, such as aviation and navigation certificates, for individuals who are in default of family support by at least \$3,000 or are three payments in arrears.

In order to increase the efficiency of its service, the FOAEA program established an information management system and procedures that permit provincial and territorial MEP staff to request and obtain FOAEA services via the Internet. The design and implementation of this system required that each MEP develop and implement information management and communications solutions of its own to automate file and data exchange with the FOAEA system. Typically, implementation of such a solution called for changes in service delivery procedures, system

development and design, acquisition of equipment and information management and security software, and staff training.

All the provinces and territories, save Manitoba and Nunavut, allocated federal funding resources to assist with this work.

### ***National Maintenance Enforcement Survey***

As part of the Child Support Initiative, the Canadian Centre for Justice Statistics launched the National Maintenance Enforcement Survey to collect and publish national information about support compliance and enforcement. The Centre, in addition to developing a centralized data processing and reporting system, has contracted with the provinces and territories to build interfaces to extract maintenance enforcement data from their databases. Governments will use such information for policy and program development, research and evaluation. The academic community, non-governmental organizations and the general public will also find it useful. This aggregate survey collects information about cases in maintenance enforcement programs, describing the following:

- the compliance and arrears status of payors, according to the amount due;
- the amounts of money and proportions received;
- for cases in arrears, the percentage of dollars due that have been received and the time since the last payment;
- the number of cases in which the recipient has payments assigned to social assistance;
- the types of enforcement activities employed, by volume;
- information about default hearings;
- the people involved (e.g. median age, number of children and sex);
- the proportion of cases involving reciprocal maintenance enforcement; and
- the authority (*Divorce Act* or provincial or territorial statute) under which the support order was made.

British Columbia, Prince Edward Island, Yukon, Quebec, Ontario, Nova Scotia, the Northwest Territories, New Brunswick and Alberta each used Department of Justice Canada funds to design and implement system changes to meet the Centre's requirements.

### ***Maintenance Enforcement System Development***

Provincial and territorial maintenance enforcement programs must handle thousands of transactions daily, work that is dependant on effective automated information and financial management systems. As laws, procedures and service standards change, these systems must be

updated, upgraded or, in some cases, replaced. Since 1997, the federal government has supported this critical work in all provinces and territories.

The following are samples of work done in each jurisdiction that illustrate the kinds of information systems development efforts that were needed to increase the effectiveness and efficiency of maintenance enforcement programs.

*British Columbia.* The Family Maintenance Enforcement Program made changes to its system to implement electronic commerce, a new systems methodology, review of the system architecture and production of auto-generated letters.

*Alberta.* Alberta Justice hired systems consultants to conduct preliminary needs assessments and a business analysis prior to the design, development and implementation of a replacement for its 15-year-old tracking system.

*New Brunswick.* The province modified its existing system to ensure Year 2000 compliance and improved table maintenance capabilities. As well, it consolidated the eight regional databases to improve service to clients.

*Newfoundland.* The province has been involved in replacing the program's mainframe system with a distributed-server system that will also be accessed by Human Resources and Employment staff.

*Northwest Territories.* The territorial government purchased computers and applications to process data and manage the program and has begun to adapt its existing applications using in-house technical support to ensure that its maintenance enforcement system can deliver the required data.

*Nunavut.* Nunavut Justice began planning system development and procedural redesign work that will link its maintenance enforcement program to court files and related computer records.

*Ontario.* The Family Responsibility Office developed a Windows-based interface for its mainframe case management system, a document management module to allow users to attach case documents to screens via desktop document scanning, and personal productivity tools to reduce delays and allow users to generate letters and reports.

The Family Responsibility Office, which retains private lawyers to act on its behalf in maintenance enforcement proceedings, also wanted to ensure that these lawyers have timely case management information throughout the province. To this end, the Office developed a system that gives these lawyers access to support enforcement documents via remote dial-in to the agency's mainframe system. The remote access system required the development and installation of software and telecommunications solutions capable of ensuring the security and privacy of personal data.

*Prince Edward Island.* The province updated the accounting module of its application, allowing it to track arrears information more accurately.

*Quebec.* The province reviewed the performance and capacity of its maintenance enforcement computer system to assess its performance, define client needs and describe the work processes. The work involved modifying the program's financial system to ensure accurate reports and acceptable financial controls that meet general accounting standards.

*Saskatchewan.* The maintenance enforcement office implemented system reviews and modifications to ensure Year 2000 compliance, improved its table maintenance capabilities, and performed new functions required by legislative changes.

*Yukon.* The territory's Department of Justice looked into adapting a system from another province or territory to replace its outdated maintenance enforcement computer system in the expectation that it would save time and money. However, the requirements analysis and other assessments demonstrated that such a solution would be more expensive than building an entirely new system. Therefore, the territorial government has contracted for the development of a new information system.

### ***Electronic Banking***

Alberta, British Columbia, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan evaluated and implemented electronic banking procedures and applications. Typically, these measures allow for pre-authorized payment arrangements for debtors and direct deposits to creditors' accounts that reduce collection costs and minimize delays in payments to creditors.

British Columbia's work in this area illustrates the effort required to develop and implement electronic banking procedures. In 1997-1999, the province hired a consultant to assess the feasibility of automating transactions with the province's Treasury Branch to allow for the use of automatic bank withdrawal from payors' accounts, coded invoices for payors through selected institutions, direct deposit to recipients' accounts, electronic fund transfers from attachees, and direct payment of maintenance through protected services. The review and development process, which continued in 2000-2001, included implementing the direct deposit arrangements for payments to recipients and online and telephone banking systems to benefit payors.

### ***Improved Collection Mechanisms***

Several jurisdictions have allocated federal funding to support the design and implementation of procedures and programs to improve the ability of maintenance enforcement programs to locate debtors and collect arrears.

*Yukon.* The Department of Justice, on a trial basis, employed a tracking investigative officer to reduce the collection problems associated with the seasonal nature of the Yukon workforce. The officer used government databases and field investigations to locate defaulters.

*New Brunswick.* The New Brunswick Department of Justice negotiated access to databases maintained by other provincial departments to facilitate debtor tracing.

*British Columbia.* The Family Justice Programs Division implemented information systems enhancements to support provincial enforcement legislation (i.e. driver's licence non-renewal or denial, and credit bureau reporting), to obtain the information needed to attach provincial funds owing to payors in default, and automate tracing procedures.

*Alberta.* As a result of program reviews conducted in 1997 and 1998, Alberta introduced a special investigations unit. The unit seeks and executes third-party judgments and performs collections audit functions for the program.

Alberta has also sought to improve collections on behalf of creditors by implementing default hearings. The province's *Maintenance Enforcement Act* allows the Maintenance Enforcement Program to serve a summons on a defaulting debtor requiring him or her to appear before the court to:

- explain to the court why the maintenance order should not be enforced;
- be examined under oath about his or her finances; and
- show why he or she should not be committed to prison for wilfully defaulting on maintenance payments.

Default hearings are held before a Master of the Court of Queen's Bench, who has the power to issue court orders when other collection efforts have failed and Program authorities believe that the debtor has the ability to pay but has wilfully not done so. When possible, a senior collection officer meets with the debtor before the start of a hearing to try to negotiate a reasonable payment plan so that a full hearing will not be necessary. In a hearing, the Maintenance Enforcement Program is represented by its legal counsel who, along with the Master, can examine the debtor under oath.

*Ontario.* The Family Responsibility Office has negotiated arrangements with provincial government agencies such as the Ontario Motor Vehicle Industry Council and CORPAY (which manages the Government of Ontario's corporate pay and benefits) to obtain information to help trace defaulters. In each case, the Office and the other agency have to negotiate freedom of information responsibilities and memoranda of understanding.

The Family Responsibility Office also tested the use of private collection agencies with positive results and expanded the project. Under the revised project mandate, companies selected through a bidding process seek to collect arrears in cases that have been delinquent for six or more months.

*Quebec.* In 1999-2000, the province's maintenance enforcement program assessed the feasibility of negotiating agreements among the provinces and territories that would provide inter-jurisdictional access to motor vehicle licensing databases to facilitate debtor tracing. The project was undertaken with the expectation that inter-jurisdictional cooperation would allow maintenance enforcement agencies to process enforcement applications more quickly, improve the productivity of enforcement staff, increase the number of cases processed, and improve client service.

### ***New Enforcement Measures***

As a result of the 1997 amendments to the FOAEA Act, maintenance enforcement programs can now apply to have passports and certain federal licences withdrawn or denied when the holder or applicant is more than three months or \$3,000 in arrears on support payments. The expectation is that the defaulter's inability to obtain these privileges will motivate greater compliance. With the same objectives in mind, provincial and territorial authorities have considered, and in many cases implemented, similar enforcement measures affecting licences and privileges governed by provincial law. In a number of cases, provinces have allocated federal resources to support their study and/or implementation of such strategies.

*Saskatchewan.* The province implemented provincial legislation allowing the Maintenance Enforcement Office to report defaulters to the credit bureau. It also took steps to improve the administration of the provincial licence withholding process by assigning a licence withholding clerk to monitor case files to identify default payors who meet the criteria for licence withholding, prepare notices and initiate withholding action as appropriate.

*Quebec and New Brunswick.* Both provinces have used federal funding to support studies of the feasibility and likely costs of implementing additional enforcement tools such as licence denial and credit bureau reporting.

*Ontario.* The Family Responsibility Office began planning for significant changes to its information management system to facilitate implementation of driver's licence withholding measures.

*British Columbia.* The province implemented six new enforcement provisions beginning in 1998-1999: credit bureau reporting, driver's licence withholding, payment conferencing (i.e. meetings between payors and Program staff to obtain voluntary compliance), personal property registry liens, data matches with possible income sources, and enforcement against corporations. These measures will help the program pursue delinquent payors who cannot be located, "hide behind a corporate veil," or do not have regular incomes.

### ***Meeting Service Demands***

Alberta, Quebec and New Brunswick each allocated federal resources to meet increased demands for services associated with the rise in the number of child support variations following implementation of child support guidelines.

### ***Responding to Client Enquiries***

Maintenance enforcement programs must deal with high volumes of calls from paying and receiving parents inquiring about the status of their accounts. In order to address this continuing demand for individual information, several of the programs have introduced automated telephone systems, frequently referred to as integrated voice response (IVR) systems. The IVR services operate 24 hours a day, seven days a week to give clients access to case-specific enforcement status and payment information, as well as information about enforcement legislation and other related matters. Typically, clients must register for the service and obtain a PIN number to ensure the security of personal information on the automated line. During office hours, clients who cannot obtain the information they seek through the automated service can have their calls forwarded to enforcement staff or leave a detailed message asking for staff assistance.

Prince Edward Island, Ontario, New Brunswick, Nova Scotia, the Northwest Territories, Alberta and British Columbia used federal resources to design, install and maintain their IVR systems. The specific work ranged from hardware installation to the preparation of the scripts for the audio recordings that provide callers with general public information about enforcement laws and procedures. New Brunswick is planning on using federal funds to design, install and/or maintain their IVR system and is targeting implementation for April 1, 2002.

In September 2000, Alberta implemented a service to give MEP clients access to their account information via the Internet. Alberta's MEP Accounts Online project, which was supported by federal funding, is the first of its kind in Canada. It allows both creditors and debtors to access current account status (the last four payments), request a statement, report their change of address, and send an e-mail inquiry or comment. The system complements existing services provided by collection officers and the Integrated Voice Response Telephone System. Prince Edward Island is designing a similar system.

### ***Improving Client Services***

Provincial and territorial MEPs allocated federal resources to projects designed to evaluate and enhance client services.

*Quebec.* In 1998-1999 and 1999-2000, the province's maintenance enforcement program hired twelve recent graduates, 8 specializing in family law and 4 in accounting, to do outreach work with its staff and clients through face-to-face meetings, telephone calls and other means to provide information on the maintenance enforcement program, address concerns and gather suggestions for program improvements. The program also conducted studies on a range of measures intended to better meet client needs.

*Saskatchewan.* In 2000-2001, the Maintenance Enforcement Office employed two client service representatives, whose responsibilities include routinely contacting new registrants to ensure that they are familiar with the Office's services and procedures and responding to questions and complaints.

*British Columbia.* The Family Justice Programs Division conducted a series of recipient and payor surveys to identify systemic client relation problems and track levels of client satisfaction. The sample of payors ranged from exemplary payors to those who had never complied. The data generated information about overall satisfaction, suggested improvements and ways to decrease payor resistance, and improved client knowledge of federal and provincial enforcement initiatives.

In 2000-2001, in order to evaluate ways to further enhance client services, British Columbia's Family Maintenance Enforcement Program established an outreach project. Under the project, the Program assigned enforcement officers to liaise with Family Justice Centres located in the Lower Mainland and in Kelowna to provide services to Centre clients. The enforcement officers participate in case conferences, meet with individual clients and conduct payment conferences.

*Ontario.* In 2000-2001, the Family Responsibility Office conducted outreach sessions and workshops targeted to specific clients or client service provider groups. Office staff provided legal outreach sessions to family law associations, the Canadian Bar Association (Ontario), the Family Bench and Bar and new panel lawyers.

### ***Staff Training and Support***

British Columbia, Alberta, Ontario and Quebec used federal funds for staff training and related activities in addition to the training associated with specific initiatives such as new enforcement measures and the implementation of information system changes. British Columbia, for example, developed guidelines to assist staff involved in negotiating voluntary payments. Alberta published a newsletter to keep agency staff informed of procedural and policy changes as new procedures were implemented in 1997-1998 and, in 1999-2000, hired a senior program advisor whose responsibilities included designing and managing enhanced training for enforcement personnel. In 2000-2001, Ontario conducted a number of orientation sessions for new staff, and planned and prepared an upcoming course called Dealing with Difficult Clients for all Family Responsibility Office staff. Quebec, in order to improve the delivery of work-related information to staff and management, developed an Intranet that gives maintenance enforcement program staff ready access to up-to-date user guides, procedures manuals, forms and the other material they require to perform their duties.

### **Reciprocal Enforcement**

For the most part, maintenance enforcement programs have been designed to facilitate support payments when the recipient and the payor reside in the same province. When a parent relocates, as happens with growing frequency, the maintenance enforcement program for the original jurisdiction may turn to another program for assistance in collecting support payments or making disbursements. The provincial and territorial governments have passed legislation and developed bilateral arrangements for the reciprocal enforcement of support orders in these cases. Several jurisdictions allocated federal resources to support these efforts.

*Saskatchewan.* The Saskatchewan Maintenance Enforcement Office helped draft the provincial *Reciprocal Enforcement of Maintenance Orders Act* and prepared for the introduction and implementation of the legislation.

*Quebec.* The maintenance enforcement program, with the objective of reducing delays, reviewed reciprocal enforcement files and procedures to identify problems. The work was done to develop short-and long-term improvements in work processes and information systems support.

*Prince Edward Island.* The province undertook a study to review the requirements for conducting business between the Maintenance Enforcement Program in Prince Edward Island and others in the Atlantic provinces. The work focused on possible technical solutions to the problems associated with the exchange of case and client information across jurisdictions. It planned to address current needs in Atlantic Canada in 2001-2002 and contribute to a national study.

*Ontario.* The Family Responsibility Office undertook three projects. The first was designed to develop a new case management system to better handle an estimated 12,500 active reciprocal enforcement cases (about 5,000 of which are requests received from other jurisdictions, with the balance being requests made to others). The second project produced a formal policies and procedures manual for the Reciprocity Unit based on current and best practices. The final project, which required the assistance of other provinces and territories, updated the database of Ontario residents paying support to persons in other provinces.

The Family Responsibility Office also studied procedures that would allow smaller provinces and territories (fewer than 200 payments) to submit reciprocal payments electronically. The procedure would utilize E-CLIPS, an application introduced in 1999 that allows people and companies to remit support payments over a secure Internet-based program developed in partnership with the Royal Bank.

*Newfoundland.* In 1997-1998, Newfoundland's Maintenance Enforcement Program hired a second reciprocal enforcement officer to provide or collect up-to-date information for effective enforcement.

*British Columbia.* The province has undertaken information systems development, studies and service delivery changes to improve its services in reciprocal enforcement cases. The system development activities included setting up query access to the Family Search Program case management system, and new screens for the reciprocal case transmittal forms, and upgrading equipment. The service delivery activities included policy and procedures development, training, orientation for lawyers, and a study of the feasibility of using integrated voice response for reciprocal jurisdiction clients.

In addition to the work on its own system, British Columbia led the development of standard forms for use in reciprocal arrangements. The directors of the Canadian maintenance enforcement programs, the Family Law Committee and US federal government officials approved the forms in September 1999.

## **Policy Development, Research and Evaluation**

Government agencies are expected to continually monitor the programs and services they deliver to ensure that they are meeting their objectives and offering the best possible solutions. The federal government has allocated funds to support the cycle of research, program development and implementation and evaluation that supports pragmatic program improvements in the area of family law services.

### ***Evaluation and Research***

Many provinces and territories have invested federal funding to monitor and evaluate family law reforms and special projects, gather data and carry out similar work to support ongoing policy and program improvements:

*Nunavut.* In 1999-2001, the Nunavut Department of Justice did a survey to gather information about current and traditional responses to family breakdown, the extent to which family law court procedures are used and the factors influencing the level of use, and the community's knowledge and perceptions of the existing family law system. The survey's goal was to obtain data that was relevant to Nunavut while being comparable with statistical data available for other provinces and territories. To this end, the project, using a survey instrument adapted from Statistics Canada's General Social Survey on Families, collected data from more than 400 respondents in five representative communities. In addition, the project gathered information about the formal and informal services available in each community to assist in cases of family breakdown.

In a related effort, representatives of the Nunavut Department of Justice met with individuals, local groups and territorial organizations interested in family law to identify community concerns, assess general knowledge about the system and explore opportunities for legal and program changes. The key areas of concern identified were the parental and spousal rights and obligations of common law couples, the appropriateness of child support obligations, and the role of extended families. The consultations also found that the underlying principles of the family law system are largely consistent with community norms and values, but that the absence of knowledge about the system and the limited services available to families involved in separation and divorce represent significant barriers to parents taking full advantage of the family justice system.

*Northwest Territories.* In 2000-2001, the Northwest Territories' Court Services Division developed proposals for amendments to territorial legislation to allow for the administrative recalculation of child support orders. In addition, the Division planned to examine whether the Northwest Territories could implement an accredited mediation service.

*Saskatchewan.* The province developed internal review and evaluation processes in 1997-1998, establishing a five-year framework for monitoring and evaluating new and enhanced activities. The planning identified two broad categories of evaluation issues: the impact of child support guidelines and the new tax treatment, and the impact of the provincial implementation strategy. In 1998-1999 and 1999-2000, the province

conducted a survey of maintenance enforcement clients to, in part, assess their awareness of and opinions about child support guidelines. It also published a review of its mediation services.<sup>12</sup>

*Quebec.* In 1998-1999, Quebec created a follow-up committee to evaluate the family mediation program and another to look at the province's model for determining child support. The committees are expected to assess whether the province's legislative objectives have been met, as well as to evaluate the implementation of the guidelines and related services. The report of the follow-up committee and a second report outlining the steps to implement mediation were presented to the Minister of Justice in March 2000 and June 2001, respectively. The reports are available on the Internet (<http://www.justice.gouv.qc.ca>). In 1998-2000, the province allocated federal resources for research officers to provide the committees with technical support, including the development of data collection tools. The province also allocated funds for an international survey of child support and support enforcement programs to obtain an informed portrait of recent developments and to look for new ways of improving its services.

*Prince Edward Island.* Prince Edward Island monitors court and alternative dispute resolution approaches and has designed an evaluation framework for pilot projects, which was the basis for evaluations of the information officer project and the parent education program.

*Ontario.* Ontario also developed an evaluation framework and established mechanisms to capture data relating to implementation and impact of the guidelines. In addition, it evaluated its auto-order pilot project, the focused assessment project (see page 10) and other family justice initiatives, while continuing to contribute to national research planning and development. The Family Responsibility Office completed all preliminary research and development work for a survey of its clients in 2000-2001. This included an extensive review of client satisfaction surveys recently undertaken by federal and provincial governments, with a particular emphasis on the experience of maintenance enforcement programs in other jurisdictions.

*Newfoundland.* The province has evaluated, and continues to monitor, the parent education program and Support Application Social Worker services.

*New Brunswick.* New Brunswick collected divorce data to help design performance measures and evaluate projects.

*Manitoba.* Manitoba Justice has completed an evaluation of the parent education program and is pursuing evaluations of the co-mediation project and other initiatives.

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<sup>12</sup> Elizabeth A. Wilkie, *Historical Reflections and Future Directions: Saskatchewan Justice Mediation Services, Family Programs Evaluation*, January 2000.

*British Columbia.* The province allocated federal resources to support policy development tasks and activities such as new family court rules and collecting information and data to support evaluation and research. It has also pursued a development-implementation-evaluation strategy for a series of special projects and initiatives, including the child support clerk function, the Rule 5 Pilot (Triage) Project, and the mandatory parenting education project. The province has also commissioned research to assess the degree to which payor income and other factors influenced child support amounts that were established by orders before the guidelines were introduced.

*Alberta.* Alberta evaluated its *Parenting After Separation* seminars through the Canadian Research Institute for Law and the Family. An evaluation of the Family Law Information Centres (formerly the Court of Queen's Bench Child Support Centres) was carried out by Praxis Consulting. The province has been conducting a general review of family law, including child custody and access issues. In the course of the consultations on family law reform (PAA 2), Albertans will have an opportunity to comment on the province's proposal to formally legislate use of the child support guidelines for matters under provincial jurisdiction.

### ***National Survey of Child Support Awards***

Given the change in approach to determining child support amounts introduced by the child support guidelines, federal and provincial officials agreed that information about support orders and variation orders made on or after May 1, 1997, was a priority for any national research strategy. As there is no national statistical mechanism that generates this kind of data, the national Survey of Child Support Awards was undertaken to get some early indications about the implementation of the guidelines, and to provide for ongoing or periodic collection of information from the courts. Court staff at about 16 court locations in 11 provinces and territories collect the data. Federal funding helped cover the staff costs to gather and report on the original data.

### **Public Awareness and Professional Training**

#### ***Child Support Guidelines***

In implementing child support guidelines, the federal, provincial and territorial governments worked to ensure that those affected by the changes would have every opportunity to obtain enough information to assess the implications of the changes on them. The following identifies the variety of communications and public information strategies that were undertaken with federal financial assistance.

*Brochures and Printed Materials.* All provinces and territories distributed printed materials (brochures, booklets and fact sheets) to inform separating and divorcing parents, the general public and family law professionals about the guidelines. The material, some of it published by the Department of Justice Canada and some by respective provinces or territories, was placed in court facilities, family service agencies, government offices, law offices, community agencies and other locations. Further, notices placed in newspapers and other print media or broadcast on radio directed interested people to telephone numbers and other sources for information and to obtain

these materials. Quebec and Saskatchewan also mailed notices and brochures directly to all maintenance enforcement program clients, while Ontario mailed information to those enforcement clients receiving social assistance.

*Self-help Variation Kits.* Alberta, Saskatchewan, Nova Scotia, British Columbia and the Northwest Territories produced and distributed self-help kits that were designed to help parents seeking a variation of an existing child support order.

*Telephone Inquiry Lines.* Many provinces and territories and the federal government established telephone information lines to provide affected parents with direct and ready access to general information and answers to specific questions. For example, Saskatchewan operated a toll-free line that provided general information about the guidelines and directed callers to services such as the lawyer referral line, education sessions and self-help kits. The other jurisdictions that allocated federal funding for the maintenance of telephone information lines were Alberta, Yukon, Prince Edward Island, Ontario, Nova Scotia, New Brunswick, Manitoba, British Columbia and the Northwest Territories. Many provinces and territories maintained their telephone information services, but decreased the resources devoted to them as demand fell.

*Web Sites.* A number of provinces and territories maintain Web sites where people can obtain general information about guidelines, forms, reports, legislation and other information. British Columbia, Quebec and the Northwest Territories used federal resources to help pay for the design and launch of their Internet information service.

*Videos.* Several jurisdictions produced videos to augment their public awareness campaigns. For example, in 1997 Ontario's Ministry of the Attorney General produced a 55-minute, broadcast-quality video on court processes and alternative dispute resolution in both child support and custody and access cases. The video, entitled *Separate Ways*, is accompanied by a booklet and brochure. The package was designed as a self-study tool and an aid in public information presentations made by family law professionals. The production is now available in seven languages other than English and French, and sign language and open-captioned French and English versions have also been released.

*Information sessions.* Ontario, Saskatchewan, New Brunswick and Newfoundland used public meetings as vehicles for disseminating information to the general public or specific groups. Saskatchewan ran a series of eight sessions around the province to help get information to community groups and services whose clients included separated and divorced parents, while Ontario and New Brunswick developed programs for public information sessions that were delivered by members of the family law bar. In Newfoundland, the provincial public legal information organization, in cooperation with the provincial Department of Justice, organized a series of public presentations.

*Partnerships With Public Legal Education and Information (PLEI) Organizations.* Newfoundland was not the only jurisdiction to develop and deliver public information services in collaboration with a PLEI organization. Yukon, New Brunswick, Prince Edward Island and Nova Scotia also relied on PLEI groups to develop and deliver products and services as part of their communication and public information strategies.

## ***Maintenance Enforcement***

Several provincial and territorial maintenance enforcement programs have allocated federal funding to support communications and public information activities designed to increase general knowledge about their activities and improve levels of client satisfaction. In addition to producing print material and maintaining Web sites and interactive telephone services, the programs have employed some more proactive strategies.

*Alberta.* The program has assigned staff to prepare individualized responses to correspondence directed to the program or members of the Legislative Assembly.

*Quebec.* Revenue Québec's communications and education campaign used presentations at workshops, conferences and similar events to deliver information to lawyers, the judiciary, notaries, mediators, counsellors, community organizations and the general public. In the course of carrying out the campaign, staff prepared inventories of concerned professional and community organizations in each judicial region of the province.

*Saskatchewan.* In 1997-1998, the Maintenance Enforcement Office delivered two-hour information sessions in eight centres, followed by opportunities for clients to meet privately with a maintenance enforcement officer. In the individual sessions, which proved very successful, the officers dealt with specific cases as well as general issues. The group and individual sessions were advertised in newspapers and cheque mail-outs.

*Ontario.* In 2000-2001, the Family Responsibility Office improved its outreach and client information services. Among other things, it reviewed all its print and electronic materials to ensure they were written in plain language, prepared letters, forms and public information materials in eight languages. The agency planned public information and outreach sessions similar to the series offered in Saskatchewan.

*Nova Scotia.* In 1998-1999, the province produced a video describing three aspects of the Maintenance Enforcement Program: enrolment, payment processing and enforcement. The video was distributed to courts, transition houses, non-custodial parents' groups, professional associations, public legal education information sources and others.

*Northwest Territories.* In 2000-2001, the territorial program planned to develop public awareness activities that would reinforce positive behaviour and serve as incentives to parents who have been "good payors."

*British Columbia.* In addition to its other activities, the province's enforcement program produced a style guide, developed principles and business rules for communications and trained staff in their use.

## ***Training***

All of the provinces and territories have designed and delivered training on child support guidelines and related matters for court and departmental staff, judges, family lawyers and others involved in the delivery of family law services. British Columbia, Alberta, Saskatchewan, New Brunswick, Prince Edward Island, Nova Scotia, Newfoundland and Yukon each developed training projects or strategies that were supported by federal resources. British Columbia, for example, held a series of two-day, team-led workshops covering the guidelines, their application and the resulting operational changes. Nova Scotia, on the other hand, adopted a combination of direct and train-the-trainer approaches for court, maintenance enforcement, social services and public legal information staff. Training opportunities for family lawyers were often organized by continuing legal education groups and bar associations with substantive and funding assistance from the federal and provincial governments. In addition to general training and orientation, a variety of specialized training events were organized. The Atlantic provinces, for example, jointly sponsored a symposium on the guidelines for lawyers, judges, mediators and accountants in September 1999.

Earlier training (1997-1999) focussed on the *Divorce Act* reforms and tax changes, but more recent efforts have tended to concentrate on training for court and departmental staff in relation to court rules changes, provincial legislative reforms and information system enhancements. There are, however, ongoing efforts to support other professionals. For example, the Yukon Department of Justice issues periodic information bulletins for family law professionals and service providers about new procedures and developments, as well as delivering training to its Court Services staff.



## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### **Implementation Planning**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To develop provincial implementation strategies and participate in national planning and coordination activities related to child support guidelines and maintenance enforcement.
<b>Description</b>	Alberta Justice is a full participant in federal-provincial-territorial planning and consultations. Since 1997-1998, the Department of Justice Canada has funded Alberta's participation in work on federal-provincial-territorial family law issues and has hired a consultant to manage projects.

### PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS ON FAMILY LAW

#### **National Consultations on Custody, Access and Child Support**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To prepare for public and stakeholder consultations on a range of family law issues, particularly child custody and access.
<b>Description</b>	Alberta Justice hired a consultant to design consultation sessions that were held in Calgary on June 20, 2001, and Edmonton on June 21, 2001. Policy discussion documents were also prepared.

### PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS

#### **Family Law Branch**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To respond to workload increases resulting from the introduction of the Federal Child Support Guidelines.
<b>Description</b>	The Family Law Branch of Alberta Justice assigned a lawyer to monitor procedural and substantive developments associated with the Guidelines. The lawyer was required to recommend policy and procedural changes, act as a resource to litigation counsel, and be responsible for continuing education of legal and other personnel. The Branch also assigned two lawyers to work part time with the courts, the Maintenance Enforcement Program and Alberta Children's Services (formerly the Department of Family and Social Services) to develop new policies, protocols and forms.

## **Family Maintenance Program**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To help individuals seeking support for dependent children through maintenance agreements or court orders.
<b>Description</b>	The implementation of the Federal Child Support Guidelines resulted in increased requests to the Family Maintenance Program for review of variations and existing court orders and for information about those procedures. The province allocated federal funds to the program to help it meet these demands.

## **Parenting After Separation Seminars**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To encourage parents to consider the needs of their children and to promote the use of mediation to settle differences.
<b>Description</b>	<p>The program began as an Edmonton-based pilot project in 1996-1997, delivered by Alberta Children's Services in cooperation with Alberta Justice. In April 2000, the Court Services Division of Alberta Justice assumed full responsibility for the program, which is now delivered by local agencies in nine communities throughout the province, with plans to expand to four additional centres. It features a six-hour seminar presented in two three-hour segments designed to give parents a better understanding of the effects of family break-up on their children and of ways to minimize negative impacts. The session also provides information about alternative dispute resolution mechanisms, child support and child support guidelines. In areas in which a live seminar is not available, parents may view a two-hour video that highlights the concepts covered in the full seminar. The Alberta Court of Queen's Bench has directed that attendance at a <i>Parenting After Separation</i> seminar is mandatory for separating and divorcing parents, with limited exemptions.<sup>13</sup></p> <p>In 2000-2001, the Legal Education Society of Alberta coordinated the production of a new video for the seminars. Alberta Justice supported the development and production of the video with federal funding. Other funding organizations also supported the project.</p>

## **Family Law Information Centres**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To make information available to the public and help the judiciary process the increased volume of documentation.
<b>Description</b>	Since 1997-1998, Alberta has used federal funds to help maintain the Family Law Information Centres (formerly called Queen's Bench Child Support Centres) in Edmonton and Calgary. The Centres, operated by the Court Services Division and staffed by lawyers, judicial clerks and information officers, originally focussed on child support matters, but were given a broader mandate in July 2000. The Centres now provide information and materials about any family law court matter including child support, custody, access, spousal support, access enforcement, <i>ex parte</i> <sup>14</sup> restraining orders and emergency protection orders.

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<sup>13</sup> J. Sieppert et al., *An Evaluation of Alberta's Parenting After Separation Seminars*, Canadian Research Institute for Law and the Family, December 1999.

The clerks respond to information requests, inform people about the availability and advantages of out-of-court settlements, help unrepresented individuals identify and assemble the information required for applications, and refer people to legal and mediation services. The clerks also calculate child support amounts using *ChildView* software. The Centres' legal staff help judges process the increased volume of documentation related to child support applications, and carry out special projects such as reviewing court forms and standard documents to propose changes, as needed.

### **Provincial Child Support Guidelines**

<b>Duration</b>	1997-1998
<b>Goal</b>	To determine whether to amend provincial legislation, regulations and court rules to implement child support guidelines and to make the legislative, program and administrative changes resulting from any such amendments.
<b>Description</b>	The province reviewed all its policies to help determine whether it should adopt the Federal Child Support Guidelines in provincial legislation. Amendments were made to the <i>Domestic Relations Act</i> to facilitate the future use of child support guidelines, but they have not been proclaimed. Alberta's decision on whether to adopt guidelines will be made in the context of its wide-reaching family law review process, which will result in a new general family law for the province.

### **PAA 4: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO DETERMINE, VARY OR RECALCULATE CHILD SUPPORT**

#### **Mediation Services**

<b>Duration</b>	1997-2001
<b>Goal</b>	To provide mediation services to parents so they can deal effectively with matters that affect their children.
<b>Description</b>	The Court Services Division of Alberta Justice manages Family Mediation Services. It helps parents referred by the Family Law Information Centres, through <i>Parenting After Separation</i> seminars, and by the courts and family law practitioners. Participation is voluntary, and the province estimates that approximately 1,200 couples take advantage of mediation services each year. The majority of cases proceed to joint mediation, while only a small proportion are screened out as unsuited for mediation. During 2000-2001, full agreements were achieved in 61.1 percent of the 1,033 cases that proceeded to joint mediation, and partial agreements were the result in 19.7 percent of cases.

<sup>14</sup> A judicial proceeding, order, injunction is said to be *ex parte* when it is taken or granted at the instance and for the benefit of one party only, and without notice to, or contestation by, any person adversely affected (*Black's Law Dictionary*. 6th ed. 1990).

## PAA 5: SUPPORT ENFORCEMENT ACTIVITIES

### **FOAEA Enhancements**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To develop a system to access the federal Family Orders and Agreement Enforcement Assistance (FOAEA) Program services.
<b>Description</b>	The Alberta Maintenance Enforcement Program invested in hardware, software and consulting services to adapt a mainframe and a client-server system to facilitate tracing, interception and licence denial, and to produce monthly management reports. During the first phase of this work, the program used an Internet application but later implemented a fully automated file transfer protocol procedure.

### **Lock-box and Quick-collect Service**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To support enforcement mechanisms, client services, debtor payment methods and posting of funds.
<b>Description</b>	The Alberta Maintenance Enforcement Program established a “lock-box” service with a financial institution. Under the arrangements, the financial institution receives mailed receipts and reports to the Program electronically. The procedure was designed to allow for automatic posting. The Program also established a “quick-collect” service with Western Union to allow debtors in any country to make confidential payments.

### **Skip Tracing Pilot Project**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To increase collections by locating delinquent debtors.
<b>Description</b>	The program hired a consultant to study skip-tracing techniques with a view to undertaking and evaluating a pilot project that would contract with private skip-tracers to locate debtors.

### **Integrated Voice Response Telephone System**

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<b>Duration</b>	1998-2000
<b>Goal</b>	To provide uninterrupted information and account status reports for clients of the Alberta Maintenance Enforcement Program.
<b>Description</b>	The Maintenance Enforcement Program’s call distribution centre, operating five days a week during business hours, was receiving approximately 20,000 calls per month. Despite increased staff levels, the service was unable to meet the demand, resulting in numerous complaints and recommendations for improvements from a legislative committee. In 1998-1999, Alberta identified an Integrated Voice Response Telephone System that allows automated access to information about account status, balances and payments, as well as general information, seven days a week, 24 hours a day. The system frees staff time, while providing clients with more timely and efficient information services.

## **Maintenance Enforcement Program Accounts Online**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To provide uninterrupted information and account status reports for clients of the Alberta Maintenance Enforcement Program.
<b>Description</b>	The Maintenance Enforcement Program invested in the development of online information resources. Since September 2000, maintenance enforcement clients have also been able to obtain account information via the Internet ( <a href="http://www.gov.ab.ca/just/mep/contact.htm">http://www.gov.ab.ca/just/mep/contact.htm</a> ). The MEP Accounts Online project is the first of its kind in Canada. It allows both creditors and debtors to access current account status (the last four payments), request a statement, report their change of address, and send an e-mail inquiry or comment. The system complements existing services provided by collection officers and the Integrated Voice Response Telephone System. The application ensures that the privacy of personal information is respected.

## **Special Investigations Unit**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To improve collections in difficult cases.
<b>Description</b>	As a result of program reviews conducted in 1997 and 1998, Alberta set up a special investigations unit. The unit, which has been operating since November 1999, seeks and executes third-party judgments, and performs collections audits for the Maintenance Enforcement Program. Alberta reports that the Unit produces excellent overall results.

## **Training**

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<b>Duration</b>	1997-2000
<b>Goal</b>	To support improved client services through timely and effective training.
<b>Description</b>	In 1997-1998, the Alberta Maintenance Enforcement Program focussed resources on training for maintenance enforcement staff dealing with the implementation of Federal Child Support Guidelines and enhanced enforcement measures. It also published a newsletter to keep Program staff informed of procedural and policy changes as they were planned and implemented. In the following fiscal year, the province's training focussed on reinforcing and deepening staff understanding of the Guidelines. In 1999-2000, Alberta hired a senior program advisor to design and manage enhanced training for enforcement personnel, and to support the exploration and development of innovative approaches.

## **Maintenance Information Management System**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To upgrade the Alberta Maintenance Enforcement Program's information management system to meet current and anticipated volume and data requirements.
<b>Description</b>	Alberta hired systems consultants to conduct preliminary needs assessments and a business analysis prior to the design, development and implementation of a replacement for the Maintenance Enforcement Tracking System. This 15-year-old system does not meet the program's current business needs. The first stage of work was completed in May 2000. It involved a business process review, which included an assessment of system interfaces with external agencies such as the federal government, with the goal of improving both the work processes and reports. The design, construction and testing stages of the project are scheduled to

| be completed and the new system implemented in 2004.

### **Default Hearings**

<b>Duration</b>	2000-2001
<b>Goal</b>	To improve collections on behalf of creditors.
<b>Description</b>	<p>The <i>Maintenance Enforcement Act</i> allows Alberta's Maintenance Enforcement Program to serve a summons on a defaulting debtor requiring him or her to appear before the court to:</p> <ul style="list-style-type: none"> <li>• explain to the court why the maintenance order should not be enforced;</li> <li>• be examined under oath about his or her finances; and</li> <li>• show why he or she should not be sent to prison for wilfully defaulting on maintenance payments.</li> </ul> <p>Default hearings are held before a Master of the Court of Queen's Bench, who has the power to issue court orders when other collection efforts have failed and Program authorities believe that the debtor has the ability to pay but has wilfully not done so. When possible, a senior collection officer meets with the debtor before the start of a hearing to try to negotiate a reasonable payment plan so that the full hearing will not be necessary. In a hearing, the Maintenance Enforcement Program is represented by its legal counsel who, along with the Master, may examine the debtor under oath.</p>

### **National Maintenance Enforcement Survey**

<b>Duration</b>	1999-2001
<b>Goal</b>	To design and implement system modifications to produce the data tables for the National Maintenance Enforcement Survey.
<b>Description</b>	The Alberta Maintenance Enforcement Program contracted for a data analysis to map its information system to the Canadian Centre for Justice Statistics data requirements and to develop the code required to extract the data. The project will allow Alberta to produce the 16 tables required for the National Maintenance Enforcement Survey.

## **PAA 7: POLICY, RESEARCH AND EVALUATION**

### **Monitoring and Research**

<b>Duration</b>	1997-2001
<b>Goal</b>	To monitor and evaluate the effects of the implementation of the Federal Child Support Guidelines.
<b>Description</b>	In 1997-1998, Alberta Justice hired a research officer to work with the Department of Justice Canada on the national Survey of Child Support Awards to modify the collection instrument and coding manual, train the data collectors for the courts in Edmonton and Calgary, and develop audit procedures to ensure data quality. The 1998-1999 federal monies supported the design of Alberta's research program, which complements the federal Child Support Research Framework. In the last quarter of the year, the province also began evaluating the <i>Parenting After Separation</i> seminars, contracting with the Canadian Research Institute for Law and the Family to develop the data collection instruments and procedures, determine the sampling methodology and administer questionnaires. The second phase of work, including follow-up interviews, data

analysis, and preparation of reports, was completed in 1999-2000.<sup>15</sup> In addition to the *Parenting After Separation* seminar evaluations, the 1999-2000 work included an evaluation of the effectiveness of the Family Law Information Centres (formerly the Court of Queen's Bench Child Support Centres).<sup>16</sup> The province also pursued a variety of policy-related studies, including examinations of child custody and access issues, and public consultations about whether Alberta should adopt the Federal Child Support Guidelines or develop a unique regime for dealing with matters within provincial jurisdiction.

### **Monitoring (Enforcement)**

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<b>Duration</b>	1998-1999
<b>Goal</b>	To assess the impact of the Federal Child Support Guidelines.
<b>Description</b>	The Alberta Maintenance Enforcement Program modified its management information and reporting systems so that it would be able to monitor the impact of the Federal Child Support Guidelines.

## **PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING**

### **Communications and Public Information (Enforcement)**

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<b>Duration</b>	1997-2000
<b>Goal</b>	To inform creditors, debtors, lawyers, judges, elected officials, program staff and the general public about the child support guidelines and the Maintenance Enforcement Program.
<b>Description</b>	The Maintenance Enforcement Program delivers general information, as well as information targeted to groups, such as clients and family law professionals, using print materials, call centre services, the Internet and mail-outs. In 1999-2000, federal resources were allocated to producing information sheets that are available on request through the Integrated Voice Response Telephone System, drafting individual responses to correspondence directed to the Maintenance Enforcement Program or members of the Legislative Assembly, and carrying out related public legal information activities.

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<sup>15</sup> J. Sieppert et al., *An Evaluation of Alberta's Parenting after Separation Seminars*, Canadian Research Institute for Law and the Family, December 1999.

<sup>16</sup> *Final Report on the Evaluation of the Court of Queen's Bench Child Support Centres*, Praxis for Alberta Justice, March 2000.

A L B E R T A

**For more information about Alberta's services and programs, contact:**

Mr. Al Anderson  
Project Manager  
Child-centred Family Justice Initiatives  
Alberta Department of Justice  
Bowker Building, 4th Floor  
9833-109 Street  
Edmonton, Alberta T5K 2E8  
Telephone: (780) 422-7111

Mr. Manuel de Costa  
Director  
Maintenance Enforcement Program  
Alberta Department of Justice  
10365-97 Street, Box 2404  
Edmonton, Alberta T5J 3Z7  
Telephone: (780) 422-7978



## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### **Implementation Project Administration and Coordination**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To ensure effective and timely implementation of child support guidelines, related family justice initiatives and new enforcement measures.
<b>Description</b>	<p>A steering committee, chaired by a project director in the Ministry of Attorney General, has planned and coordinated implementation activities since 1997-1998. The work involved six branches of the Ministry and other departments and agencies. The Legal Services Society of British Columbia was also involved. The project coordinator is responsible for coordinating these activities, and for reporting, financial management and federal-provincial-territorial consultations.</p> <p>B.C. representatives have served as co-chairs of the Federal-Provincial-Territorial Task Force, the Integrated Services/Dispute Resolution Working Group, the Computer Technology Committee, and maintenance enforcement committees and groups, and have been members of the Research Committee.<sup>17</sup></p>

### PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS ON FAMILY LAW

#### **National Consultations on Custody, Access and Child Support**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To participate in federal-provincial-territorial consultations on custody, access and child support.
<b>Description</b>	A steering committee developed plans for paper and in-person consultations in British Columbia. The committee identified a structure and locations for in-person consultations, as well as facilitators and lists of potential participants. The committee's members also contributed to the development of the documents and plans for national consultations. Six sessions were held in Vancouver, New Westminster, Abbotsford, Prince George, Kelowna and Victoria between June 4 and 13, 2001.

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<sup>17</sup> These are federal-provincial-territorial committees working on child support guidelines and related issues.

### PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS

#### Parenting After Separation

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<b>Duration</b>	1997-2001
<b>Goal</b>	To provide parents seeking support orders with information about the impact of separation and divorce on children, dispute resolution alternatives and child support guidelines.
<b>Description</b>	<p>Free, voluntary <i>Parenting After Separation</i> sessions have been offered throughout the province since 1994. The sessions cover the effects of separation, child support guidelines, strategies for adjusting to the change, effective ways to communicate, problem solving, and ways to resolve family disputes through conciliation, mediation, counselling and the court process. Since November 1998, the province has offered the sessions in Punjabi, Hindi, Cantonese and Mandarin, as well as English, in the Greater Vancouver area. The voluntary sessions were available in 22 communities around the province until September 2000, when the programs in Victoria, Abbotsford and Prince George became sites for mandatory sessions. In 2000-2001, 795 people voluntarily attended one of the 103 sessions provided.</p> <p>The province has found that it is difficult to deliver the <i>Parenting After Separation</i> program in smaller communities because there are not enough participants to hold sessions. In the hope of encouraging greater participation, the province tried adding incentives in its contract with local service providers; however, the strategy did not work.</p> <p>Mandatory participation in the <i>Parenting After Separation</i> program was introduced in 1998-1999, with a pilot project in the Burnaby and New Westminster provincial courts. The program requires parents to attend one mandatory <i>Parenting After Separation</i> session before their first court appearance is scheduled. The preliminary results of a project evaluation found, among other things, a high level of satisfaction with the program.<sup>18</sup> Based on the evaluation findings, British Columbia has continued to add court sites to the mandatory program, bringing the total in 2000-2001 to eight, with plans for more. In 2000-2001, a total of 3,094 people attended one of 254 mandatory sessions delivered by court staff.</p> <p>The final evaluation of the mandatory program, which attempted to ascertain whether mandatory parenting sessions had an impact on the number of cases that were ultimately resolved through litigation, reported the following: “Results of the file review indicate that the mandatory <i>Parenting After Separation</i> program may have resulted in a reduction in the number of cases going to trial in the pilot jurisdictions. For those cases that did go to court, it appears that fewer were likely to go to a second, third or subsequent appearance in the pilot locations.”<sup>19</sup></p>

#### Provincial Child Support Guidelines

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<b>Duration</b>	1997-1999
<b>Goal</b>	To determine whether to amend provincial legislation, regulations and court rules to implement child support guidelines and to make the legislative, program and administrative changes resulting from any such amendments.
<b>Description</b>	Beginning in 1997-1998, the province reviewed its policies before deciding to adopt the Federal

<sup>18</sup> *Mandatory Parenting After Separation Pilot: First Evaluation Report*, Ministry of Attorney General, British Columbia, July 1999.

<sup>19</sup> *Mandatory Parenting After Separation Pilot: Final Evaluation Report*, Ministry of Attorney General, British Columbia, October 2000.

Child Support Guidelines in provincial legislation. This work ranged from analyzing the financial impact of such an approach on families to drafting legislation. Following passage of the legislation in 1998, the Ministry of Attorney General developed the regulations that had to be in place prior to proclamation, and new court rules and forms to support the changes in calculations and the regulations.

## **Child Support Clerks**

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<b>Duration</b>	1997-2000
<b>Goal</b>	To provide intake, calculation services and early settlement opportunities to parents making variation applications.
<b>Description</b>	<p>Beginning in 1997-1998, child support clerks provided information on settlement options, ensured financial disclosure, performed calculations and, when parents agreed, prepared appropriate documents for confirmation by the court. The service was designed to facilitate implementation of the child support guidelines and deal with initial workload increases associated with applications to vary child support orders.</p> <p>In the first year, services were provided in 27 locations and, as a pilot project, clerks were also assigned to two Supreme Court locations to check applications before the courts considered them. The clerks' responsibilities are detailed in the <i>Child Support Clerk Policy and Procedures Manual</i>. A one-page summary of the clerks' service is enclosed with all summonses sent to respondents and to variation applicants. In 1998-1999, the clerks' responsibilities were expanded to include helping parents use Supreme Court self-help kits. During that year, the clerks provided information to 18,273 parties, and more comprehensive services to an average of 191 people each month.</p> <p>In 1999-2000, the province phased out the child support clerk project, eliminating all the positions save those associated with the Family Justice Registry (Rule 5) Project (see below) at three sites. The project evaluation recommended that the clerk function be expanded, but integrated with other family justice services.<sup>20</sup></p>

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<sup>20</sup> T. Roberts, *An Evaluation of Child Support Clerk Functions: Final Report*, Ministry of Attorney General, Victoria, B.C., January 2000.

**PAA 4: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO DETERMINE, VARY OR RECALCULATE CHILD SUPPORT**

**Family Justice Registry (Rule 5) Project**

<b>Duration</b>	1998-2001
<b>Goal</b>	To test innovations such as triage sessions under new Provincial (Family) Court Rules.
<b>Description</b>	<p>The Rule 5 process requires all parties to attend a session with a triage family justice counsellor prior to a first court appearance, unless the court agrees that there are “urgent and exceptional circumstances” that require the court to hear the matter at the earliest opportunity. During the triage session, the counsellor assesses the circumstances of the case, discusses different dispute resolution methods, and makes appropriate referrals for mediation services, <i>Parenting After Separation</i> sessions, or both. Cases may also be referred to child support clerks associated with each of the Family Justice Registry sites.</p> <p>The project was initially implemented at two sites serving large urban populations (Surrey and Robson Square in downtown Vancouver) and one serving a small, rural population (West Kootenays). In 2000-2001, the province added Kelowna as a fourth project site to test the service delivery model in a mid-sized community and prepare for a comprehensive child support service pilot project.</p> <p>The Ministry of Attorney General is evaluating the Rule 5 Project. The first part of that work was reported on in March 2000.<sup>21</sup> Data collection for the evaluation started in early 2001, and analysis and results are expected by September 2002.</p>

**PAA 5: SUPPORT ENFORCEMENT ACTIVITIES**

**Interface with the FOAEA Program**

<b>Duration</b>	1997-1999
<b>Goal</b>	To implement a link to the Family Orders and Agreements Enforcement Assistance (FOAEA) office to improve tracing and enhance the case management system’s performance.
<b>Description</b>	<p>The Family Justice Programs Division adapted its system in 1997-1998 to automate file and data exchange between the province’s Family Maintenance Enforcement Program and FOAEA using a file transfer protocol process. Final testing and implementation occurred in the fall of 1998. Implementation required changing service delivery procedures and acquiring equipment and software. The following year, activities included the final testing and implementation of the file transfer protocol, which was made operational in February 1999.</p>

<sup>21</sup> R.A. Malatest & Associates Ltd., *Implementation Report: Rule 5 Project Evaluation*, British Columbia, March 2000.

**Family Search (Tracing)**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To allow the Family Justice Programs Division to handle the increased volume of search requests, interface with other agencies and generally improve security and performance.
<b>Description</b>	The Division has progressively upgraded and enhanced system capacity and functions to implement provincial enforcement legislation (i.e. driver's licence non-renewal or denial, and credit bureau reporting), develop protocols to obtain the information needed to seize funds owing to payors in default, and automate tracing procedures. In 2000, the Division conducted a comprehensive process review of Family Search Services.

**Client Satisfaction Survey**

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<b>Duration</b>	1998-1999
<b>Goal</b>	To rate satisfaction with Family Maintenance Enforcement Program services.
<b>Description</b>	The province conducted the third in a series of recipient and payor surveys designed to collect data from the same people over a period of time. The sample of payors ranged from exemplary payors to those who had never complied. The data generated information about overall satisfaction, suggested improvements and ways to decrease payor resistance, and improved client knowledge of federal and provincial enforcement initiatives.

**Services and Costs Inventory**

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<b>Duration</b>	1998-2000
<b>Goal</b>	To identify, describe and determine the cost of services provided by the Family Maintenance Enforcement Program.
<b>Description</b>	British Columbia conducted a study to itemize support maintenance services and isolate their costs. The information is contributing to management and service delivery planning.

**Client Relations**

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<b>Duration</b>	1998-2000
<b>Goal</b>	To identify systematic client relations problems.
<b>Description</b>	This project focussed on improving processes and systems, developing key indicator reports, and reviewing the complaint-handling process. The 1998-1999 studies, which covered the program areas within the Family Justice Programs Division, identified areas to eliminate or improve.

**Redevelopment of Computer Application**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To upgrade the Family Maintenance Enforcement Program computer system to meet current demands.
<b>Description</b>	The Program is redeveloping its data system. The work includes upgrading applications, cleaning up database specifications and producing data files for the Canadian Centre for Justice Statistics' National Maintenance Enforcement Survey.

## **Electronic Banking**

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<b>Duration</b>	1997-1999 and 2000-2001
<b>Goal</b>	To introduce electronic receipt and disbursement for the Family Maintenance Enforcement Program trust account.
<b>Description</b>	From 1997 to 1999, the province completed an internal review to ensure that the Program's financial system complied with generally accepted accounting principles, and hired a consulting firm to review the feasibility of automating transactions with the province's Treasury Branch to allow for the use of automatic bank withdrawal from payors' accounts, coded invoices for payors through selected institutions, direct deposit to recipients' accounts, electronic fund transfers from attachees, and direct payment of maintenance through protected services. The review and development continued in 2000-2001. Activities included implementing the direct deposit arrangements for payments to recipients and online and telephone banking systems to benefit payors.

## **New Enforcement Measures**

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<b>Duration</b>	1998-2000
<b>Goal</b>	To develop policies, procedures and automated systems to enable the Family Maintenance Enforcement Program to use new enforcement provisions mandated by provincial legislation.
<b>Description</b>	The program implemented six new enforcement provisions beginning in 1998-1999: credit bureau reporting, driver's licence withholding, payment conferencing (i.e. payor-program meetings to obtain voluntary compliance), personal property registry liens, data matches with possible income sources, and enforcement against corporations. These measures will help the program pursue delinquent payors who cannot be located, "hide behind a corporate veil" or do not have regular incomes.

## **Integrated Voice Response Telephone System**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To provide clients, garnishees, legal counsel and other government personnel with automated access to case-specific information.
<b>Description</b>	The province acquired the telephone lines needed to implement integrated voice response services in 1997-1998. A call management system virtually eliminated delays and other problems in the three offices where it was implemented, allowing the program to handle more than 300,000 calls a year. In the following years, the province continued to upgrade the system to make better use of plain language, improve the consistency and tone of the content, add more business transactions, including a section on assignment, simplify menus, collect more comprehensive usage statistics, and enhance payment reporting.

**Policy and Procedures Development and Training**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To ensure that staff are able to apply the Federal Child Support Guidelines in day-to-day case management.
<b>Description</b>	The province developed and published policy and procedures changes and delivered associated training for a second notice of attachment and the use of licence and passport withholding power. The province also wrote guidelines for negotiating voluntary payments and decisions on applications to vary existing agreements or orders.

**Family Law Centre Liaison Pilot Project**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To provide outreach services to clients
<b>Description</b>	The Family Maintenance Enforcement Program has assigned enforcement officers to liaise with Family Law Centres located in the Lower Mainland and provide services to Centre clients. These officers will participate in case conferences, meet with clients and conduct payment conferences. This is a pilot project and will be evaluated.

**PAA 6: RECIPROCAL ENFORCEMENT ACTIVITIES**

**Reciprocal Enforcement**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To ensure that the Family Justice Programs Division transmits incoming and outgoing maintenance orders, and efficiently registers, confirms, varies and enforces family support payments.
<b>Description</b>	<p>The province undertook information systems development, studies and service delivery changes to improve its services in reciprocal enforcement cases. The system development activities included setting up query access to the Family Search Services case management system, and developing new screens for the reciprocal case transmittal forms, and upgrading equipment. The service delivery activities included policy and procedures development, training, orientation for lawyers, and a study of the feasibility of using integrated voice response for reciprocal jurisdiction clients.</p> <p>In addition to the work on its own system, B.C. led the development of standard forms for use in reciprocal arrangements. The directors of the Canadian maintenance enforcement programs, the Family Law Committee and U.S. federal government officials approved the forms in September 1999 in Fredericton, New Brunswick.</p>

## PAA 7: POLICY, RESEARCH AND EVALUATION

### Policy, Procedures and Systems Development

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<b>Duration</b>	1997-2000
<b>Goal</b>	To adapt the province's policies, procedures and administrative systems to reflect federal and provincial legislative changes.
<b>Description</b>	The province carried out a variety of tasks and activities in 1997-1998 to prepare for implementation of the Federal Child Support Guidelines and revised provincial legislation, including developing court rules, tracking court decisions, supplying <i>ChildView</i> support calculation software to staff, and giving specialized legal advice to staff to ensure that the services and information they provide are accurate. The new rules for family cases in provincial court developed by the Ministry of Attorney General include rules for special procedures (e.g. the Family Justice Registry (Rule 5) Project) at five pilot court sites. In 1998-1999, activities included developing financial disclosure forms, forming a <i>ChildView</i> Users Group to coordinate updates and training, to respond to system "bugs", and to lease computers for child support clerks. In 1999-2000, federal resources supported upgrades of the <i>ChildView</i> software licences and the provision of legal advice to staff.

### Evaluation

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<b>Duration</b>	1997-2001
<b>Goal</b>	To contribute to the evaluation of the child support guidelines, and to evaluate special projects and initiatives.
<b>Description</b>	<p>In 1997-1998, the province developed an evaluation framework and strategies for its child support guidelines activities. The following year, evaluation activities included carrying out surveys of service providers, preparing baseline data by matching provincial enforcement records with federal income tax data (from the T1 and the General Return), placing guidelines-related questions in a client survey on enforcement, and designing an evaluation framework for the child support clerk function. The province continued to monitor the volume of variation applications at Supreme Court sites, and participated in federal research projects.</p> <p>Throughout 1999-2000, the province continued the evaluation of the child support clerk function and the Rule 5 Pilot Project. Other evaluation projects included continuing the data match project with Canada Customs and Revenue, and collecting data at the Victoria Supreme Court for the national Survey of Child Support Awards.</p> <p>In 2000-2001, B.C. completed the evaluation of the mandatory <i>Parenting After Separation</i> program and a research report identifying factors other than income that affect the amount of support agreed to or ordered before the guidelines were introduced. The province is revising the evaluation framework. As part of the review process, a summary of the research done by B.C. under the Child Support Initiative was commissioned. An evaluation of the Family Justice Registry (Rule 5) Project began in 1999 and will be completed by September 2002.</p>

## PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING

### **Child Support Guidelines: Public Awareness and Legal Information**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To inform parents of the child support guidelines, changes in provincial legislation, and the services available to them.
<b>Description</b>	<p>The province's 1997-1998 public awareness campaign, which focussed on the immediate implementation of the guidelines, included fact sheets, newspaper ads and a toll-free information line, as well as updated public and legal education materials. The province also began work on self-help kits for unrepresented parents seeking to vary Supreme Court orders.</p> <p>Since 1997-1998, the province has revised and redistributed materials as needed and published materials pertaining to new or special projects, such as mandatory referral to parent education courses. It has also maintained the toll-free information line, adding a feature that allows callers to obtain information from recorded messages as well as operators. As with print materials, the information messages are updated periodically. In 2000-2001, for example, the Ministry of Attorney General planned to revise the content of the recorded messages so that people would have access to more general information about a wider range of subjects, including information on custody and access issues. The province used federal funds to help develop a comprehensive Family Justice Services Web site.</p>

### **Communications with Enforcement Clients**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To ensure recipients, payors and stakeholders are informed about Family Maintenance Enforcement Program services, and the related legislation and how it affects them.
<b>Description</b>	<p>The Program is committed to ensuring that clients have access to current and reliable information, and is conducting periodic reviews of its communications activities. In addition to updating brochures and other print materials, the Program produced a style guide, developed principles and business rules for communications and provided staff training.</p> <p>In addition to print materials and the integrated voice response telephone system (see above), the Family Maintenance Enforcement Program developed a Web site, which it launched in 1998-1999.</p>

### **Training**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To provide training to family justice counsellors, Family Maintenance Enforcement and Family Search Services staff.
<b>Description</b>	In 1997-1998, the province conducted two-day workshops in six locations. The workshops covered the Federal Child Support Guidelines, their application and the resulting operational changes. Further, Family Maintenance Enforcement Program staff and child support clerks received specialized training on their duties. In the following year, additional training was directed to staff working with the provincial guidelines. In addition, family court counsellors and the staff of the Family Maintenance Enforcement Program and Family Justice Services Division received one day of training on the <i>ChildView</i> software program.

## INCENTIVE FOR SPECIAL PROJECTS

### Comprehensive Child Support Service

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<b>Duration</b>	2000-2001
<b>Goal</b>	To plan a pilot project for a comprehensive child support service.
<b>Description</b>	The Ministry of Attorney General developed plans for a comprehensive child support service pilot project to help parents, in part, with the recalculation of child support amounts. The service will be offered in addition to the triage services offered through the Rule 5 Project in Kelowna to parents seeking an original child support order or wishing to vary an order according to the guidelines, or due to a change in circumstances. When agreements are not achieved through that process, parents will present their case in court for a judicial decision. An important element of this extra service will be a formal link with the Family Maintenance Enforcement Program. The planning of the pilot project required work on service requirements, changes to regulations and court rules, development of policies and procedures, position descriptions, a training plan and materials, and related tasks.

#### For more information about British Columbia's services and programs, contact:

Ms. Wendy Hacking  
Director  
Family Justice Services Division  
Justice Programs Branch  
Ministry of Attorney General  
7th Floor, 1001 Douglas Street  
PO Box 9278, Station Provincial Government  
Victoria, British Columbia V8W 9J7  
Telephone: (250) 387-1560

Mr. Chris Beresford  
Director  
British Columbia Family Maintenance Enforcement  
Program  
Ministry of Attorney General  
Suite 210, 815 Hornby Street  
Vancouver, British Columbia V6Z 2E6  
Telephone: (604) 660-2528



## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### **Child Support Guidelines Project**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To support provincial and federal-provincial planning for the implementation of federal legislative amendments.
<b>Description</b>	<p>In 1997-1998, Manitoba established a project office to coordinate and implement child support guidelines, and created two committees to oversee implementation of the family law reforms. The Internal Implementation Committee is comprised of representatives of the provincial departments and agencies directly involved in the implementation process. An external Consultation Committee, with members from the bench, the bar associations, community organizations and provincial departments, continues to meet under the chairmanship of the Associate Chief Judge, Court of Queen's Bench (Family Division).</p> <p>A project manager coordinates the work of the committees and other child support initiatives, including Manitoba's participation in federal-provincial-territorial planning and coordination committees.</p>

### PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS ON FAMILY LAW

#### **National Consultations on Custody, Access and Child Support**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To participate in federal-provincial-territorial consultations on custody, access and child support.
<b>Description</b>	<p>Staff from the Family Law Branch of Manitoba Justice participated in planning for public consultations, including the development of the FPT Family Law Committee paper consultation document. Federal officials, with consultants IER Planning, Research and Management Services, undertook in-person sessions in Flin Flon, Brandon, Winnipeg and St-Boniface from June 8 to 16, 2001, with the support of the Family Law Branch.</p>

### PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS

#### Parent Education

<b>Duration</b>	1998-2001
<b>Goal</b>	To provide information to separating or divorcing parents about how parental behaviour can affect the adjustment and well-being of children, and to promote cooperative parenting arrangements.
<b>Description</b>	<p>The parent education program, <i>For the Sake of the Children</i>, has been available to parents and others since 1997-1998. The Family Conciliation Branch of the Department of Family Services and Housing manages the program, and staff specializing in separation and divorce issues deliver it in most locations. Originally, the program was one three-hour session, but the curriculum was modified in November 1997 and it now involves two three-hour sessions. The introductory session, designed for all participants, covers information about the experience of separation and divorce for parents and children, the particular needs of children of different ages, parenting plans, economic and legal issues, and alternatives to formal litigation. At the end of this session, participants, with the help of program staff and a self-screening questionnaire, are streamed into either a low conflict or high conflict second session. The high conflict session is designed for parents who have experienced significant difficulties in their relations and little post-separation contact is expected. In either case, these sessions focus on the effects of conflict on children, and communication between parents and between parents and their children. The program has been evaluated.<sup>22</sup></p> <p>The courts do not require that litigants attend parent education sessions, as is the case in some provinces and territories. The Family Conciliation Branch, however, requires that parents seeking to use their mediation services (including comprehensive mediation through the Comprehensive Co-mediation Pilot Project) first attend the parent education program. Legal Aid Manitoba strongly encourages its family law clients to do so as well. Between October 1997 and March 2000, the program delivered 234 of the first sessions to 3,656 participants and 200 second sessions to 1,948 participants. A majority (61 percent) of the second sessions were provided to people involved in high conflict relationships. Program managers noted that attendance at parent education sessions increased with the introduction of a requirement for mandatory parent education as part of the Comprehensive Co-mediation Pilot Project (see below).</p> <p>The program has developed two videos as instructional aids. One covers legal issues of relevance to separated and divorcing parents and the other focusses on issues of communication between parents and between parents and their children. A series of CD-ROMs are being developed so they can be used to deliver parent education in remote communities, be available as take-home material and, through closed captioning, be accessible to hearing-impaired parents.</p>

<sup>22</sup> B. McKenzie, *For the Sake of the Children: An Evaluation of a Parent Education Program for Separating and Divorcing Parents, Phase 2 Final Report*, Child and Family Study Series, University of Manitoba, July 2000.

**PAA 4: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO DETERMINE, VARY OR RECALCULATE CHILD SUPPORT**

**Comprehensive Co-Mediation and Mediation Internship Pilot Project**

<b>Duration</b>	1997-2001
<b>Goal</b>	To provide alternatives to litigation and make comprehensive mediation a part of the dispute resolution process in Manitoba.
<b>Description</b>	<p>Recognizing that mediation can help reduce conflict between parents, the province began planning a comprehensive mediation program in 1997-1998. The primary objective was to offer comprehensive co-mediation services (including for financial issues) to separated and divorcing parents with children younger than 18 years of age. Its secondary objective was to recruit and train mediators to be accredited through Family Mediation Canada. The project team developed a management structure, training, recruiting and assignment procedures and processes, and an evaluation plan.</p> <p>In 1998-1999, 24 interns were recruited from among lawyers and family relations specialists to work as co-mediators with lawyers to deliver mediation services to self-referred clients and those referred by the Family Conciliation Branch, courts, parent education programs, lawyers and others. Before entering mediation, parents must complete the parent education program. The project began to receive referrals in May 1999 and by the end of March 2000 had fully dealt with 142 cases, 49 of which proceeded to mediation. The project was evaluated.<sup>23</sup></p> <p>In 2000-2001, Manitoba Justice began integrating the comprehensive co-mediation project into its Family Conciliation Branch, which had previously only done mediation in custody and access cases. A departmental lawyer-mediator and Family Conciliation Branch mediators deliver the comprehensive co-mediation service. The internships are expected to be maintained, but on a smaller scale. As part of the integration, Family Conciliation Branch staff will receive the necessary practical experience to obtain certification in comprehensive mediation and participate in mediation training courses, such as those offered by Family Mediation Canada.</p>

**PAA 5: SUPPORT ENFORCEMENT ACTIVITIES**

**Maintenance Enforcement System Redesign**

<b>Duration</b>	1997-2001
<b>Goal</b>	To redesign the maintenance enforcement system to maximize efficiency and allow for new functions.
<b>Description</b>	<p>The Manitoba Maintenance Enforcement Program is redesigning its automated information management system. The project will provide for a more informative and understandable account record, avoid duplication of effort, support electronic banking, provide electronic access to files to improve client services, support automated telephone services and other functions. The redesign of the enforcement, accounting and court processes, begun in 1998-1999, was completed in 1999-2000, as was the re-engineering of the communications and reporting</p>

<sup>23</sup> B. McKenzie, *Evaluation of Comprehensive Co-Mediation and Mediation Internship Pilot Project: Interim Report*, Child and Family Study Series, July 2000.

functions. The systems development work, which included a change in database software, continued through 2000-2001, incorporating appropriate checks as formal policies are approved.

### **Automated Court Orders**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To improve the efficiency and timeliness of court processes.
<b>Description</b>	<p>The first phase of this project began in 1997-1998 and involved developing standard order clauses to eliminate ambiguities and permit the design of a system to capture data needed for the Maintenance Enforcement Program. This involved introducing testing of electronic filing and the production of automated orders in the courtroom. The use of the clauses is mandatory, unless a court expressly approves a non-standard clause.</p> <p>The second phase introduced electronic filing and the production of automated orders in the courtroom. Work continued on the refinement of the standard order clauses and the development of Masters' Enforcement Court clauses, and the development and implementation of an enforcement information form to facilitate registration of orders with the Maintenance Enforcement Program, and revision of the Court of Queen's Bench Rules of Practice. The project became operational in March 2000 in Winnipeg's Masters' Maintenance Enforcement Court with Family Law Branch staff producing and submitting draft orders to court.</p> <p>Manitoba Justice prepared for the implementation of an automated system throughout the Court of Queen's Bench, Family Division. The preparations included communications and training activities directed to court staff and law firms, external testing and further modification of court rules.</p>

## **PAA 7: POLICY, RESEARCH AND EVALUATION**

### **Evaluation and Data Collection**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To evaluate child support guidelines implementation projects and programs and to collect information to be used to monitor the implementation of the guidelines.
<b>Description</b>	Manitoba Justice has evaluated the parent education program and is currently evaluating the co-mediation project and other initiatives. The province also continues to participate in data collection for the national Survey of Child Support Awards.

## PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING

### Child Support Resource Centre

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<b>Duration</b>	1997-1998
<b>Goal</b>	To provide a single location where parents who are paying or receiving child support can get general and case-specific information about the child support guidelines and related legislation.
<b>Description</b>	The Child Support Resource Centre delivered the parent education program and public legal information materials to parents and others. In addition, its legal counsel services helped parents assess the impact of the guidelines and prepare requests for financial disclosure, applications and tax forms. Finally, a court officer at the Centre helped people prepare and submit court documents. While the parent education program was well used, the demand for the other services was significantly lower than expected. In total, the Centre responded to 1,200 phone calls, distributed about 900 information packages, and met with 124 recipients and 135 payors. As a result, the Centre ceased operation in April 1998, although the premises continued to be used for other child support activities.

### Case Management Brochures

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<b>Duration</b>	2000-2001
<b>Goal</b>	To provide litigants with current information about the case management process in the Court of Queen's Bench, Family Division.
<b>Description</b>	For several years, a project in the Family Division of the Court of Queen's Bench has randomly selected 20 percent of family matters to go through a case management process. Case management refers to processes intended to facilitate earlier resolutions, determine whether an alternative resolution process would be appropriate, reduce delay, and reduce the costs of litigation. An evaluation of the project determined that parties resolved a high percentage of matters very early at case management conferences. It is anticipated that full case management for separation and divorce matters originating in Winnipeg will be implemented in 2002. Manitoba Justice published a brochure to help people referred to the process understand what case management is, what to expect and how the process works. The brochure, however, had become outdated and, with the pending change to full case management, a revised edition was prepared and published.

### Family Law in Manitoba Public Information Booklet

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<b>Duration</b>	1998-2001
<b>Goal</b>	To provide the public with comprehensive information on family law in a clear and concise format.
<b>Description</b>	In 1998-1999, Manitoba Justice published <i>Family Law in Manitoba</i> , a booklet for the general public containing comprehensive information on family law matters. Revisions were necessary because of amendments to federal and provincial legislation. Some 13,000 copies of the English version of the publication were distributed province-wide in the first quarter of 1999-2000. A French-language edition was produced and distributed in 2000-2001. In 2000-2001, Manitoba produced another edition of the booklet to reflect changes in the province's domestic violence legislation and changes in the names of agencies and departments. The <i>Family Law in Manitoba</i> booklet is distributed to all attendees at the province's parent education program and is widely

available through government departments, women's shelters and other community organizations.

## INCENTIVE FOR SPECIAL PROJECTS

### Administrative Recalculation Model

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<b>Duration</b>	1999-pending
<b>Goal</b>	To develop a model for recalculating child support payments under section 25.1 of the <i>Divorce Act</i> .
<b>Description</b>	Normally, parents seeking a change in the amount of child support payments due to changes in circumstances must apply to the courts for a variation. In 1999-2000, the Family Law Branch began planning and developing an administrative mechanism that would provide an inexpensive and timely alternative and support to an exclusively court-based process. That work led to the development of a pilot project model to be staffed by two lawyers and one administrative support position, who will use <i>ChildView</i> software to help parents determine the amount of child support to be paid. The Branch's preparations for implementation of the project involved obtaining software licences and training for the <i>ChildView</i> application, and producing public information materials. Manitoba hopes to conduct a feasibility study respecting the pilot project model.

### For more information about Manitoba's services and programs, contact:

Ms. Kelly Wilson  
Project Manager  
Judicial Services Branch  
Manitoba Justice  
2nd Floor, 408 York Avenue  
Winnipeg, Manitoba R3C 0P9  
Telephone: (204) 945-2317

Ms. Joan MacPhail, QC  
Director

or

Ms. Janet Sigurdson  
Crown Counsel  
Manitoba Justice  
Family Law Branch  
705, 405 Broadway  
Winnipeg, Manitoba R3C 3L6  
Telephone: (204) 945-0268



## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### **Project Management**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To coordinate implementation of child support guidelines.
<b>Description</b>	The Court Services Division of the New Brunswick Department of Justice is responsible for the province's child support implementation project. From 1997 to 1999, the Department of Justice had a dedicated project manager who participated in the Federal-Provincial-Territorial Task Force, prepared funding proposals and reports, and coordinated training, public information and research activities. In 1999-2000 most of the guidelines implementation activities were folded into the expansion of the province's Domestic Legal Aid project, with the project manager assuming responsibilities for the larger project as well as projects associated with child support. The province also allocated federal resources to support its participation in national and federal-provincial-territorial planning and consultations dealing with child support and support enforcement issues.

### PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS ON FAMILY LAW

#### **National Consultations on Custody, Access and Child Support**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To participate in federal-provincial-territorial consultations on custody, access and child support.
<b>Description</b>	The New Brunswick Department of Justice planned a series of provincial consultations on child support, custody and access, and support enforcement. Public meetings held in Moncton and Fredericton on June 20 and 22, 2001 were augmented by consultations through the mail.

## PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS

### Adoption of Provincial Guidelines

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<b>Duration</b>	1997-1998
<b>Goal</b>	To implement provincial guidelines that came into force May 1, 1998.
<b>Description</b>	In preparation for the implementation of provincial child support guidelines, the province amended its court rules, introducing new procedures for quick variations, and provided training to court staff and legal aid lawyers.

### Variation Kit

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<b>Duration</b>	1997-1998
<b>Goal</b>	To provide information to those who want and are able to prepare and submit variation applications on their own.
<b>Description</b>	Public Legal Education and Information Service of New Brunswick developed a variation package in both official language for two audiences: those agreeing to a change in the child support amount because of a change in the payor's income; and those with orders established before the guidelines came into force.

### Legal Information Services

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<b>Duration</b>	1997-1999
<b>Goal</b>	To give information and advice on child support guidelines to help clients decide about variations to existing orders.
<b>Description</b>	In 1997, the province established a child support information centre in Moncton. A roster of duty counsel and a local tax specialist held clinics every Thursday evening. The province informed parents of the service by including a notice to all respondents in documents it served. The demand for services, especially of the tax specialist, was very low. As a result, the program was redesigned so that the duty counsel worked only with clients referred from Family Support Services, and the tax specialist only on cases referred by a duty counsel. In 1998-1999, the revised service was available in eight communities.

### Paralegal and Child Support Clerk

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<b>Duration</b>	1998-1999
<b>Goal</b>	To encourage alternative dispute resolution and provide quick and accurate child support calculation services.
<b>Description</b>	New Brunswick, responding to parents having to wait to get an appointment with court-based alternative dispute resolution services, redesigned the delivery of court social worker services. The province transferred the responsibility for paralegal work from social workers to dedicated paralegal staff working directly for Legal Aid New Brunswick. This allowed the social workers to focus on screening, mediation and settlement services.

**Parent Education**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To help parents deal positively with their children following separation.
<b>Description</b>	New Brunswick adapted Manitoba's parenting program, <i>For the Sake of the Children</i> , for its own purposes. Before implementing the program, the province had to revise the session scripts, print documents and video materials to accommodate differences in the family law systems in the two provinces. It also prepared French-language materials, translating text and dubbing or re-shooting videos. The program is delivered in eight judicial districts by trained contract facilitators.

**Alternative Dispute Resolution**

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<b>Duration</b>	1997-2000
<b>Goal</b>	To expand the availability of non-adversarial dispute resolution mechanisms as a first option in family law matters, including applications for variation of support awards.
<b>Description</b>	The New Brunswick Family Support Service has long provided mediation, one-to-one counselling and information services for family support clients. In 1997-1998, the province expanded this service by adding six court social workers and providing them with advanced on-site mediation training. The continuing improvements to mediation services are a priority under the project to expand the Domestic Legal Aid program. The improvements include developing screening tools to help assess whether or not mediation would be an appropriate alternative due to power imbalances, and a manual and training for court social workers. When mediation is not appropriate, the service provides a settlement option to parents.

**PAA 4: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO DETERMINE, VARY OR RECALCULATE CHILD SUPPORT**

**Administrative Mechanism**

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<b>Duration</b>	1999-2000
<b>Goal</b>	To develop a procedure for the administrative variation of child support orders.
<b>Description</b>	New Brunswick planned, but has not implemented, a hearing mechanism to deal with child support variations. It was expected that an administrative officer would be empowered to compel parties to appear at the hearing and disclose information. At a later stage, the province will consider expanding the mandate of hearing officers to include post-order custody and access issues.

**Child Support Calculation Software**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To provide support payment software to legal aid mediators and lawyers, and Justices of the Court of Queen's Bench, Family Division.
<b>Description</b>	The province allocated federal resources for <i>ChildView</i> software licences, hardware leases and user training.

## PAA 5: SUPPORT ENFORCEMENT ACTIVITIES

### FOAEA Enhancements

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<b>Duration</b>	1997-2000
<b>Goal</b>	To establish online access to the Family Orders and Agreements Enforcement Assistance (FOAEA) Unit and to decentralize the FOAEA link to allow officers to issue garnishments and send other requests to the FOAEA office from individual workstations.
<b>Description</b>	<p>New Brunswick established a centralized FOAEA link in 1997-1998 because its regional Family Support Order Service offices did not have Internet access. It also provided training for all enforcement officers and managers on the new federal enforcement measures and processes.</p> <p>The province intended to complete the work required to implement a decentralized system with the new FOAEA security measures and allow 18 enforcement officers access from eight local sites in 1998-1999. However, this effort was delayed pending the implementation at the federal level of the new security measures. As a result, the province allocated federal funds to provide a centralized resource to help handle online requests. The province decentralized the transmission of electronic garnishment, licence denial and tracing application in 1999-2000, as the necessary modifications to the national system were complete and new encryption software had been installed at regional office sites.</p>

### National Maintenance Enforcement Survey

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<b>Duration</b>	1999-2000
<b>Goal</b>	To provide the required data tables for the National Maintenance Enforcement Survey being conducted by the Canadian Centre for Justice Statistics.
<b>Description</b>	New Brunswick refurbished its automated enforcement system in 1998-1999. As a result of the extensive changes made, the province had to build new system interfaces and reporting functions. The work needed to generate automated reports and tables for the National Maintenance Enforcement Survey was completed in 2000-2001, which allowed the province to begin submitting tables in 2000-2001.

### Family Support Orders Service Enhancement Development Project

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<b>Duration</b>	1997-2001
<b>Goal</b>	To improve services to clients by providing greater access to information, offering payors additional methods of payment, improving payments to beneficiaries, and providing additional enforcement tools to help enforcement officers.
<b>Description</b>	<p>New Brunswick, having realized that its information system had a number of significant limitations, assessed the feasibility of modifying it to meet immediate needs pending implementation of an integrated system. As part of the feasibility study, the province developed and tested a prototype database application capturing the required data elements.</p> <p>In 1998-1999, the database was modified to meet Year 2000 requirements and to implement an accounting function. All enforcement officers are now using the Windows database online, viewing live, updated enforcement data, including the enforcement status of their cases, and updated financial information. The province also planned to provide officers with additional automated enforcement tools, such as case status reports and case prioritization tools, and to provide managers with management reports.</p>

More recently, system improvements were made to provide a common database to decrease the time required to retrieve information to respond to client enquiries. These modifications were done to allow the province to implement an integrated voice response system.

**Feasibility Study: Licence Suspension and Denial**

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<b>Duration</b>	1998-1999
<b>Goal</b>	To assess the effectiveness of motor vehicle licence suspension and denial of other licences as a means of motivating parents to comply with support orders.
<b>Description</b>	New Brunswick conducted a feasibility study to examine the legislation and experience of provinces and territories that have implemented licence-denial schemes, and explored implementation options and costs.

**Tracing Defaulters**

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<b>Duration</b>	1998-1999
<b>Goal</b>	To negotiate an agreement so New Brunswick Family Support Order Service staff can obtain online access to the databases of other government agencies in the province to help locate defaulting payors.
<b>Description</b>	The New Brunswick Department of Justice negotiated access to other databases maintained by other departments in the province to facilitate debtor tracing. As part of this initiative, the province purchased computer and communications equipment to implement online access to these sources for enforcement officers.

**Increased Demand**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To meet the demand created by increased applications to vary child support orders.
<b>Description</b>	New Brunswick used federal funds to cover the overtime of bookkeepers and enforcement officers.

**Workload Measurement Project (Phase 2)**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To help assess resource requirements and identify opportunities for improved effectiveness and efficiency in the Family Support Orders Service.
<b>Description</b>	In 1999-2000, during the first phase of the project, Family Support Orders Service established the Workload Team to identify core tasks, service standards and time requirements for responding to client inquiries, payment processing and data entry. In the second phase, the team completed the analysis for key enforcement functions (e.g. tracing and initiating enforcement hearings). In addition to supporting planning, the exercise will assist in identifying opportunities for automating tasks and streamlining procedures.

**Integrated Voice Response System**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To provide support enforcement clients with ready access to information.
<b>Description</b>	Following the completion of a costs and feasibility study in 1999-2000, New Brunswick's Family Support Orders Service implemented an integrated voice response system. The system will provide general information to the public and, more importantly, will allow payors and recipients to obtain current information on the status of accounts and payments.

**PAA 6: RECIPROCAL ENFORCEMENT ACTIVITIES**

**Reciprocal Enforcement of Maintenance**

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<b>Duration</b>	1998-2000
<b>Goal</b>	To develop standard documents and forms to ensure the uniform administration of reciprocal enforcement orders.
<b>Description</b>	New Brunswick participated in the national committee on reciprocal enforcement and implemented the standardized forms that were developed by that group.

**PAA 7: POLICY, RESEARCH AND EVALUATION**

**Data Collection and Research Design**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To monitor and evaluate programs.
<b>Description</b>	New Brunswick allocates federal funds for staff to collect divorce order data for the national Survey of Child Support Awards and for the design of performance measures and evaluation research being built into each project.

**Court Volunteers**

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<b>Duration</b>	1999-2000
<b>Goal</b>	To research the practice of recruiting volunteers to provide information and assistance to unrepresented clients in family courts.
<b>Description</b>	Noting that unrepresented clients often have little understanding of the court process or practical information about where to go and who to see, the province did research to assess whether volunteers could fill this information gap. The research was to consider experience in other volunteer programs and other jurisdictions; however it was not completed.

## PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING

### Public Information Services

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<b>Duration</b>	1997-2001
<b>Goal</b>	To provide information about the child support reforms.
<b>Description</b>	The Department of Justice established a partnership with the Public Legal Education and Information Service of New Brunswick (PLEIS NB) to develop and deliver information about child support guidelines and related matters to the public and affected parents. Since 1997, the partnership have prepared and distributed brochures, fact sheets and other printed materials, and maintained a toll-free phone line. They have also developed a video that provides basic information about the province's family law system. In addition to these activities, the province continues to develop public information materials for each of the child support-related projects covered in the Domestic Legal Aid program expansion.

### Information Sessions

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<b>Duration</b>	1997-1999
<b>Goal</b>	To provide information on how child support guidelines apply in New Brunswick.
<b>Description</b>	PLEIS NB, with the support of the provincial Department of Justice, planned and organized public information sessions in both official languages in 14 communities. Local groups hosted sessions, which were delivered by local family law practitioners. The following year, the sessions were delivered only on request.

### Training

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<b>Duration</b>	1997-1998
<b>Goal</b>	To train staff in new procedures, policies and application of guidelines.
<b>Description</b>	New Brunswick delivered one- and two-day training sessions to Domestic Legal Aid staff, mediators, contract lawyers and Family and Community Services staff, as well as orientation sessions to Family Support Order Service and Court Services staff. The participants received training and instruction on the legislative amendments, the new guidelines and their application.

### Atlantic Symposium

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<b>Duration</b>	1998-1999
<b>Goal</b>	To encourage family law professionals to take part in a professional development workshop and lectures.
<b>Description</b>	The Atlantic provinces held a symposium on child support guidelines for lawyers, judges, mediators and accountants in September 1999. New Brunswick allocated federal funds to allow court staff and legal aid lawyers to attend the event.

**For more information about New Brunswick services and programs, contact:**

Ms. Joanne Higgins  
Project Manager  
New Brunswick Department of Justice  
163 Saint John Street  
Fredericton, New Brunswick E3B 5H1  
Telephone: (506) 453-4319 or (506) 444-3218

Ms. Anne McKay  
Director  
Program Support Services  
New Brunswick Department of Justice  
PO Box 6000  
Fredericton, New Brunswick E3B 5H1  
Telephone: (506) 453-8498



## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### **Project Coordination**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To plan for and implement child support guidelines.
<b>Description</b>	<p>Newfoundland and Labrador employed a project coordinator who reports to the assistant deputy minister of Justice and is supported by a clerk, who also collects data for the national Survey of Child Support Awards. The coordinator's responsibilities include participating in the Federal-Provincial-Territorial Task Force, project planning, financial management, monitoring and reporting, coordinating training, public information activities and research, and otherwise ensuring the continuity of the implementation. This work is carried out in consultation with the courts and government agencies affected by the implementation of the guidelines.</p> <p>In 2000-2001, the coordinator's position was reduced to half time. The incumbent also serves as the administrator for the Unified Family Court.</p>

### PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS ON FAMILY LAW

#### **National Consultations on Custody, Access and Child Support**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To participate in federal-provincial-territorial consultations on custody, access and child support.
<b>Description</b>	The Department of Justice for Newfoundland and Labrador consulted with the judiciary, court staff and the family law bar, as well as the public at consultation sessions held in Goose Bay, Corner Brook, St. John's and Gander from May 31 to June 7, 2001.

### PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS

#### **Training**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To ensure that judges, lawyers and departmental staff receive the training required to perform their duties.
<b>Description</b>	The province has provided training for judges, affected court and agency personnel, and family law practitioners as legislative, program, procedural and administrative changes require. The earliest efforts (1997-1998) focussed on the <i>Divorce Act</i> reforms and tax changes. More recent efforts have dealt with rules changes, the implementation of provincial legislation and new information systems.

#### **Rules and Forms**

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<b>Duration</b>	1997-2000
<b>Goal</b>	To ensure that court procedures and documents are consistent with and support proper administration of child support reforms.
<b>Description</b>	A subcommittee of the Rules Committee of the Supreme Court and another for the provincial courts were established in 1997-1998 to revise court rules and forms to accommodate federal and provincial legislative changes. The changes were fully implemented in 1999-2000.

#### **Communications Link-up of Field Staff**

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<b>Duration</b>	1997-2000
<b>Goal</b>	To provide field staff with information management and communication tools.
<b>Description</b>	The Department of Justice for Newfoundland and Labrador provided computer and communications equipment to field offices to, among other things, establish a communications link-up for field staff.

#### **Supreme Court Case Management System**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To improve administrative efficiency and effectiveness.
<b>Description</b>	The province designed a new case management computer system to replace the outdated systems in use at Supreme Court sites. When implemented, the system will replace most manual reporting procedures improving efficiency and reducing errors.

#### **Provincial Guidelines**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To implement provincial child support guidelines.
<b>Description</b>	Newfoundland and Labrador's amended <i>Family Law Act</i> came into force on April 1, 1998. The amendments adopted the Federal Child Support Guidelines and regulations, which the province modified to accommodate non-married parents. The implementation process was completed with the adoption of revised forms.

## Parent Education

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<b>Duration</b>	1998-2001
<b>Goal</b>	To provide information to separating or divorcing parents.
<b>Description</b>	In 1998-1999, Newfoundland ran a pilot parent education program comprising three two-and-a-half hour sessions for each parent. The sessions covered child support and legal issues, and included a skills-building component to help parents deal with each other after separation. Based on the pilot project, the province increased the length of the program from 7.5 to 12 hours to accommodate a larger skills-development component, and delivered the service throughout the province. This program was evaluated by the Department of Justice Canada. <sup>24</sup>

## Support Application Workers

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<b>Duration</b>	1997-2000
<b>Goal</b>	To meet increased demands placed on the support application workers.
<b>Description</b>	Since 1993, social workers employed by the Department of Human Resources and Employment (formerly the Department of Social Services) have helped social assistance recipients apply for and obtain support orders. Previously, these workers were located only in provincial courts. The program focusses on conciliation, early settlement through voluntary agreements, and the participation of non-judicial personnel in discussions to set up support agreements. The service was modified and expanded in 1997-1998 using federal funds. Among other things, the support application workers provide information on the operation of the child support guidelines, accept both original and variation applications, help parents collect and collate financial disclosure documentation, prepare files to ensure compliance, calculate child support awards and prepare agreement documents. In addition, the worker meets with the parents, individually or jointly, to try to mediate or negotiate an agreement. When such an agreement is reached, the worker drafts a consent order for confirmation by the courts. The program was evaluated by the Institute for Human Resource Development in cooperation with the Department of Justice Canada. <sup>25</sup>

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<sup>24</sup> Institute for Human Resource Development, *Evaluation of the Parents Are Forever Program for Separating and Divorcing Parents* (Background Paper), Ottawa, Department of Justice Canada, Child Support Team, BP19E 2000.

<sup>25</sup> *The Final Evaluation Report: Support Application Worker Program*, Newfoundland and Labrador, 2000.

**PAA 4: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO DETERMINE,  
VARY OR RECALCULATE CHILD SUPPORT**

**Child Support Variation Pilot Project**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To assess the impact of alternative dispute resolution services in determining or varying child support amounts.
<b>Description</b>	Newfoundland and Labrador has established a pilot project giving support application workers the authority to recalculate child support amounts and issue affidavits. This project was facilitated by a planned revision of court rules and forms that would simplify Supreme Court (Unified Family Court) and provincial Family Court proceedings. A standing subcommittee of the Rules Committee chaired by the project coordinator/Unified Family Court administrator is overseeing the revision.

**PAA 5: SUPPORT ENFORCEMENT ACTIVITIES**

**System Development**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To replace an existing mainframe-based system.
<b>Description</b>	In 1998-1999, the Information Technology Division of the Newfoundland and Labrador Department of Justice completed the first phase of the Support Enforcement Project aimed at replacing the Newfoundland and Labrador Support Enforcement Program's mainframe system with a distributed-server system. The new information technology solution, which was scheduled for full installation in 2001-2002, will support the program's enforcement and accounting requirements, provide a Web-based Family Orders and Agreements Enforcement Assistance (FOAEA) interface, and produce the data tables required for the National Maintenance Enforcement Survey managed by the Canadian Centre for Justice Statistics.

**PAA 6: RECIPROCAL ENFORCEMENT ACTIVITIES**

**Reciprocal Enforcement Officers**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To expand the province's capacity to deal with reciprocal enforcement of support orders.
<b>Description</b>	Newfoundland's Maintenance Enforcement Program added a second reciprocal enforcement officer. These officers are responsible for all files involving reciprocal arrangements, whether initiated by Newfoundland and Labrador or another province or territory. The officers provide or collect up-to-date information for effective enforcement, and implemented the new federal enforcement measures, using Internet access to the FOAEA system.

## PAA 7: POLICY, RESEARCH AND EVALUATION

### Research

<b>Duration</b>	1998-2001
<b>Goal</b>	To monitor the implementation of child support guidelines in Newfoundland and Labrador.
<b>Description</b>	The province has evaluated, and continues to monitor, the parent education program and support application worker services. St. John's is one of the sites participating in the national Survey of Child Support Awards.

## PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING

### Public Awareness

<b>Duration</b>	1997-2001
<b>Goal</b>	To provide information about the child support reforms.
<b>Description</b>	The province worked with the Public Legal Information Association of Newfoundland to design and deliver public legal information sessions, and with the Women's Centre to revise and publish a do-it-yourself divorce kit. The province developed instruction sheets to help parents completing applications for orders and variations of support.

## INCENTIVE FOR SPECIAL PROJECTS

### Family Justice Services Western Pilot Project

<b>Duration</b>	2000-2001
<b>Goal</b>	To deliver integrated family law services through a community organization and assess the potential for implementing the service throughout the province.
<b>Description</b>	Newfoundland undertook the Family Justice Services Western Pilot Project to provide mediation and support services in custody and access cases being dealt with by the Supreme Court or the provincial Family Court. Blomidon Place, a Corner Book community health organization whose goal is to "work together with professional agencies, community-based groups and consumers to promote quality community mental health services through structures that address individual family and community issues," delivers the project. Initially the program is providing referral services and mediation. Referrals are offered by support application workers who are both the first point of contact for families, and can negotiate some consent orders. If referred for formal mediation, a family would meet with a mediator who has the authority to file a consent order when agreement is reached over support and child custody and access issues. The project also employs a social worker/psychologist to provide home assessments when the mediator and/or the Court require these services, to offer assistance and counselling around access issues such as arranging supervised access at Blomidon Place, and to coordinate parent education programs.

**For more information about Newfoundland and Labrador's services and programs, contact:**

J. Berkley Reynolds  
Court Administrator  
Supreme Court of Newfoundland and Labrador,  
Unified Family Court  
21 King's Bridge Road  
St. John's, Newfoundland A1C 3K4  
Telephone: (709) 729-1831

Mr. Craig Scott  
Manager, Support Enforcement Program  
Newfoundland and Labrador Department of  
Justice  
PO Box 2006  
Corner Brook, Newfoundland A2H 6J8  
Telephone: (709) 637-2658



## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### Coordination

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<b>Duration</b>	1997-2001
<b>Goal</b>	To coordinate projects and facilitate implementation planning.
<b>Description</b>	The Northwest Territories Department of Justice, Court Services Division, employed a coordinator to manage projects and facilitate planning for implementation of child support guidelines. The coordinator is also the liaison with other jurisdictions, collects data and manages the family law information office in Yellowknife.

### PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS ON FAMILY LAW

#### National Consultations on Custody, Access and Child Support

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<b>Duration</b>	2000-2001
<b>Goal</b>	To consult family law professionals and other service providers about child custody and access issues.
<b>Description</b>	The Department of Justice undertook a workshop on June 14, 2001, as part of the national consultations on child support, custody and access. The session was for legal professionals, frontline service providers and advocates.

### PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS

#### Investigation/Action Clerk

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<b>Duration</b>	1998-2001
<b>Goal</b>	To provide public information and perform a variety of administrative and service tasks.
<b>Description</b>	The Court Services Division employs an investigation/action clerk (Family/Civil Law Information Officer) to staff an information and public service office located in the Yellowknife courthouse. The clerk's duties include monitoring the impact of administrative and program changes, accepting registrations for the Maintenance Enforcement Program, processing applications for parent information sessions, preparing and disseminating information to staff, judges and the public, gathering data for program monitoring and evaluation, and helping parents

with child support forms, applications and procedures. This activity also meets the criteria for PAA 4: Alternative Dispute Resolution Mechanisms to Determine, Vary or Recalculate Child Support and PAA 5: Enforcement Activities.

### **Systems**

<b>Duration</b>	1997-2001
<b>Goal</b>	To support the increased workload and the Child Support Service Centre.
<b>Description</b>	The territorial government purchased computers and applications to process data and manage the program in 1997-1998. Following a review of products and the experience of other jurisdictions, the territory selected <i>ChildView</i> as the software for the judges and implemented it in 1998-1999. The application has been available for general use since 1999-2000 and is used to assist clients in planning variation applications.

### **Training**

<b>Duration</b>	1997-1998
<b>Goal</b>	To train staff to deal with variations and new support orders under the guidelines.
<b>Description</b>	Two training sessions were held in 1997-1998 for court clerks. The Department of Justice held information sessions on revisions to the <i>Children's Law Act</i> for all affected staff during 1998-1999. These sessions provided an opportunity to review and reinforce earlier training on amendments to the <i>Divorce Act</i> .

### **Parenting After Separation Program**

<b>Duration</b>	1999-2001
<b>Goal</b>	To inform and educate people affected by custody and child support issues.
<b>Description</b>	The Department of Justice, in cooperation with the Legal Services Board, developed a parenting after separation program. The program is modelled after the Alberta and British Columbia programs, but modified to meet the legal and socio-economic realities of the North. It comprises group sessions intended to help parents move from a self-centred to a child-centred framework and improve their parenting skills. Contract staff offered two sessions a month from September to March for up to 15 people each session.

### **Child Support Variations**

<b>Duration</b>	1998-2000
<b>Goal</b>	To help unrepresented individuals seeking to vary child support orders.
<b>Description</b>	The Court Services Branch delivered lunch-hour information sessions for parents who wanted to initiate, or had to respond to, a variation application. The sessions made use of the self-help packages that were designed and published in 1998-1999.

**PAA 4: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO DETERMINE, VARY OR RECALCULATE CHILD SUPPORT**

**Pilot Mediation Service**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To provide mediation services to parents.
<b>Description</b>	The Department of Justice is exploring the feasibility of developing a pilot mediation project in Yellowknife. An initial feasibility study has been prepared under contract. The next steps are to review implementation models and options for implementation as well as to look at training mediators to work in the program.

**PAA 5: SUPPORT ENFORCEMENT ACTIVITIES**

**System Enhancements**

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<b>Duration</b>	1997-2000
<b>Goal</b>	To meet FOAEA and National Maintenance Enforcement Survey requirements, and to support monitoring.
<b>Description</b>	The Northwest Territories made systems enhancements in 1997-1998 to introduce changes and upgrade applications to monitor the effects of changes to enforcement mechanisms. In 1998-1999, the territory investigated the possibility of adapting system solutions developed by other jurisdictions rather than developing one of its own. Following that review, the territorial authorities selected the Prince Edward Island management information system for implementation by the Maintenance Enforcement Program. In 1999-2000, however, it concluded this approach would not meet its needs and began adapting existing applications using in-house technical support to ensure that its maintenance enforcement system could deliver the required data.

**Audio Voice Response System**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To deliver effective telephone information services across several time zones.
<b>Description</b>	The Maintenance Enforcement Program looked into developing an audio voice response system to provide both enforcement and guidelines-related information to the public in 1997-1998.

**Maintenance Enforcement Survey**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To deliver the territorial data required for the National Maintenance Enforcement Survey.
<b>Description</b>	The Department of Justice, in cooperation with the Canadian Centre for Justice Statistics, adapted its information system so that it could deliver the data tables needed for the National Maintenance Enforcement Survey.

## PAA 7: POLICY, RESEARCH AND EVALUATION

### Research and Policy

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<b>Duration</b>	2000-2001
<b>Goal</b>	To propose legislative amendments dealing with recalculation of child support orders and to study the feasibility of introducing an accredited mediation program.
<b>Description</b>	A Court Services Division research officer researched and drafted amendments to territorial legislation to allow for the administrative recalculation of child support orders.

## PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING

### Public Awareness and Education

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<b>Duration</b>	1997-2001
<b>Goal</b>	To inform residents of the Northwest Territories about the guidelines and pilot programs associated with child support reforms.
<b>Description</b>	The territorial Department of Justice has continued to promote awareness and understanding of child support guidelines. Public information services have included general mail-outs, public information sessions in various locations, a toll-free line, a Web site, publication of a self-help variation package and a series of public service announcements, which have proven quite effective. The Department also provides public information on the Maintenance Enforcement Program. In 2000-2001, the Maintenance Enforcement Program explored public awareness activities that would reinforce positive behaviour and serve as incentives to parents who have been “good payors.”

**For more information about services and programs in the Northwest Territories, contact:**

Ms. Lucy Austin  
Senior Advisor, Family Law  
Department of Justice of the Northwest Territories  
4903-49th Street  
Yellowknife, Northwest Territories X1A 2L9  
Telephone: (867) 920-3362

Ms. Terry Hawkins  
Administrator  
Northwest Territories  
Maintenance Enforcement Program  
Box 1770  
Yellowknife, Northwest Territories X1A 2P3  
Telephone: (867) 920-3236



## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### Coordination

<b>Duration</b>	1997-2000
<b>Goal</b>	To support planning and implementation of child support guidelines initiatives.
<b>Description</b>	Since 1997-1998, the province has retained a project coordinator to prepare funding proposals and reports, coordinate training, education and public information, help develop provincial child support guidelines, oversee court-based intake assistants and ensure effective operation of the implementation strategy. Federal resources are also allocated to support provincial participation in provincial, regional and federal-provincial-territorial planning and consultative committees dealing with family law issues, in particular the implementation of the child support guidelines and maintenance enforcement.

### PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS ON FAMILY LAW

#### National Consultations on Custody, Access and Child Support

<b>Duration</b>	1997-2000
<b>Goal</b>	To give the public an opportunity to voice their opinions on and have discussions about the proposed amendments to the <i>Divorce Act</i> .
<b>Description</b>	In support of the national consultations, Nova Scotia held meetings with professionals, advocates and members of the public interested in family law in Halifax and Sydney on June 27 and 28, 2001.

### PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS

#### Parent Education Program

<b>Duration</b>	1997-2001
<b>Goal</b>	To inform parents about the effects of separation and divorce on children and to sensitize them to the needs of children.
<b>Description</b>	Volunteer facilitators with legal or mental health backgrounds, or both, delivered the parent education program in two sites throughout 1997-1998. The province has increased the number of sites where this program is available to five, adding three in 2000-2001. The sessions included information on guidelines, non-adversarial methods of resolving family law matters, and the effects of separation and divorce on children. They also include skills-building activities

aimed at helping parents avoid conflict, especially conflict that implicates children. The province is now delivering the parent education sessions using the *Children in the Middle* video series, which will increase the number of communities where the program will be available.

### **Court Rules and Forms**

<b>Duration</b>	1998-1999
<b>Goal</b>	To ensure court rules comply with guidelines requirements and to identify innovative approaches to resolving guidelines issues.
<b>Description</b>	The project coordinator worked with provincial Family Court and Supreme Court committees to review and update rules and develop standard forms in 1998-1999. The Supreme Court review was part of a wider examination of the court process in family proceedings, and included developing provisions for using conciliation and mediation services before a hearing.

### **Training**

<b>Duration</b>	1997-2000
<b>Goal</b>	To ensure that lawyers, court employees and other staff involved in the implementation and administration of guidelines are fully informed about the provisions, how to apply them, and the impact the reforms will have on their work.
<b>Description</b>	<p>A combination of direct and train-the-trainer approaches was used in 1997-1998 to train court, maintenance enforcement, Community Services, and Public Legal Education and Information staff. The province offered special training sessions for Family Maintenance Income Support Program staff, family lawyers, mediators and judges through professional associations and the Department of Justice Canada. The training was delivered in two phases: training for court, maintenance enforcement and maintenance income support staff was completed by June 30, 1997. Other training was held that fall. The province also supported a conference on guidelines for the legal community in cooperation with the Continuing Legal Education Association and the Canadian Bar Association's Family Law Section in Nova Scotia. In addition, Nova Scotia and the other Atlantic provinces organized a multidisciplinary symposium on child support guidelines that was held in September 1999. The Maintenance Enforcement Program organized a two-day seminar to familiarize enforcement staff with child support developments and their implications for enforcement-related work.</p> <p>The province's continuing training activities have included training about the operational impact of provincial and federal guidelines and the use of support calculation software.</p>

### **Mediation and Mentoring Project**

<b>Duration</b>	1997-2000
<b>Goal</b>	To increase the number of certified family mediators through training and mentoring programs, and to expand the use of alternative dispute resolution services by separating and divorcing parents.
<b>Description</b>	The province hired an alternative dispute resolution coordinator in 1997-1998 to plan and design a mediation program, and to coordinate the design and delivery of mediation training and a mentoring program. The mentoring program, in which the province provides training and supervision by a certified mediator, who then volunteers his or her service in 30 cases, helps trainees gain the experience they need to become certified and be placed on a government roster

of professional mediators. A certified mediator was hired to deliver the mentoring program in the Halifax and Dartmouth courts. The plans to extend the coordinator were postponed, although funds were approved.

The province continued to support the program in the Halifax-Dartmouth region and introduced the service in Cape Breton during 1998-1999. It also proposed to enrol four to six court staff in a mediation program offered by the Maritime School of Social Work. In 1999-2000, federal financial support was used to hire a consultant to work with an advisory committee and complete a report on the delivery of alternative dispute resolution services.

### **Court Intake Assistants**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To deliver effective service in compliance with court rules and guidelines filing requirements by providing assistance to parents and reducing delays in court proceedings.
<b>Description</b>	<p>Intake assistants, located in each judicial district, help process applications to vary orders and agreements, handle the new requirements to track documents and assess the completeness of information vis-à-vis filing requirements and court rules. They also help litigants, particularly unrepresented litigants, and court staff complete forms and filing packages, track and follow-up on filing documents, request information from third parties, provide information on basic procedures, advise people where to go for legal and financial advice, and ensure that draft court orders conform with section 13 of the Federal Child Support Guidelines. The intake assistants also use the <i>ChildView</i> software program to help parties and the courts calculate support amounts. Finally, the intake assistants capture data for the national Survey of Child Support Awards. In 1999-2000, the number of staff assigned to these responsibilities was reduced due to funding limitations. The program was the subject of an evaluation undertaken by the province and the Department of Justice Canada.<sup>26</sup></p> <p>The province has developed procedures whereby intake assistants can assess cases to identify those that could be referred to mediation and conciliation services designed to help parents arrive at agreements on recalculation. The agreements are formalized as consent orders under Supreme Court Rule 70. These procedures were to be implemented first in the Supreme Court (Family Division) and subsequently in three provincial Family Court judicial areas.</p>

### **Child Support Guidelines Software**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To install and maintain the <i>ChildView</i> software program.
<b>Description</b>	Nova Scotia installed <i>ChildView</i> software in 1998-1999. While it is widely available, the primary users are the judges of Family Courts and of the Family Division of the Supreme Court.

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<sup>26</sup> C. James Richardson, *Evaluation of the Nova Scotia Child Support Guidelines Intake Assistant Program* (Background Paper). Ottawa, Department of Justice Canada, Child Support Team, BP22E 2000.

### **Automated Information System**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To implement a system to meet the operational needs of courts.
<b>Description</b>	Nova Scotia began planning to enhance its court information system in 1997-1998. The system supports the following: document tracking, standard court forms and reports (e.g. support orders, notices and orders to file financial information) and data collection for research and management reports.

### **Self-help Areas**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To help clients prepare child support forms.
<b>Description</b>	The province is developing a self-help program that will include having workstations available for the public to complete court forms.

### **Supervised Access**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To develop options for supervised access services.
<b>Description</b>	Nova Scotia assigned Department of Justice officers to prepare a best practices manual and to work with community organizations offering child-centred services to develop options for delivering supervised access services. The supervised access program is being delivered in two areas served by the Supreme Court, Family Division.

### **Court Assistance Program**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To provide unrepresented clients with information about court procedures and ensure that they are aware of their responsibilities.
<b>Description</b>	Noting an increase in the number of unrepresented clients involved in family matters and the court time used to explain basic rules of procedure and evidence, the Supreme Court (Family Division) developed a court assistance program. The program will provide scheduled sessions designed to inform unrepresented clients about court procedures and show them how to prepare for court. It will also encourage clients to seek legal advice. The province produced an English-language video presentation that will serve as a core instructional aid for the sessions.

## PAA 5: SUPPORT ENFORCEMENT ACTIVITIES

### FOAEA Enhancements

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<b>Duration</b>	1997-2001
<b>Goal</b>	To create an electronic file transfer protocol to exchange case-related details with the Family Orders and Agreements Enforcement Assistance (FOAEA) system.
<b>Description</b>	Nova Scotia's Maintenance Enforcement Program began implementing a file transfer protocol in 1997-1998, and completed most of the design and installation work in 1999-2000. The program also uses the service available to make online inquiries to FOAEA.

### National Maintenance Enforcement Survey

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<b>Duration</b>	1999-2001
<b>Goal</b>	To build an interface and populate tables needed for Nova Scotia to take part in the National Maintenance Enforcement Survey.
<b>Description</b>	The province hired a consultant to work with the Canadian Centre for Justice Statistics to develop automated procedures to generate the data tables required for the national survey. The two phases of the project were completed on schedule, allowing Nova Scotia to deliver data monthly. In 2000-2001, the province made some minor adjustments to correct the formatting of two data elements.

### Direct Deposit and Electronic Transfer of Funds

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<b>Duration</b>	1998-2000
<b>Goal</b>	To improve client service by providing direct deposit and electronic fund transfer for clients.
<b>Description</b>	The Maintenance Enforcement Program introduced direct deposit and fund transfer options to improve client services. The work included hiring a consultant to produce a user requirement document. The province completed the business analysis and database design phase and the testing and implementation work in 1999-2000, and the system began operation in April 2000.

### Integrated Voice Response: Infoline

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<b>Duration</b>	1997-1998 and 2000-2001
<b>Goal</b>	To maintain and improve the enforcement InfoLine service.
<b>Description</b>	The Maintenance Enforcement Program maintains a telephone service that allows clients to obtain information about the status of their account. In 1997-1998, the province hired a consultant to prepare and implement new scripts incorporating information gathered through new and revised automated forms. In 2000-2001, the program planned a variety of enhancements and updates to the InfoLine. These included the Dial and Deliver feature, which allows clients to leave voice mail for staff. The changes were designed to reflect new enforcement powers and better meet client information needs, while freeing staff to focus on enforcement activities.

## PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING

### Public Information (Child Support Guidelines)

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<b>Duration</b>	1997-2000
<b>Goal</b>	To ensure that separating and divorcing parents and the general public are fully informed about the child support guidelines and tax reforms so they can make informed decisions about their support agreements or orders.
<b>Description</b>	Since 1997-1998, the province, in partnership with the Legal Information Society of Nova Scotia, has maintained a toll-free public enquiry line to provide information about the guidelines and how to obtain further assistance. The service was scaled back as demand decreased. The province and the Society have also distributed federal and provincial materials and held information sessions for the public, intermediaries and service providers. Further, the province delivered general information sessions designed for custodial and non-custodial parents as part of the parent education program. In 1998-1999, the province updated existing self-help kits for unrepresented parents to reflect changes in federal and provincial guidelines, and the Society completed a public information needs assessment project. More recently, the province contracted with the Society to develop fact sheets about the federal and provincial guidelines to complete the communications package.

### Public Information (Enforcement)

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<b>Duration</b>	1998-2000
<b>Goal</b>	To provide clients, legal professionals and others with information about the Maintenance Enforcement Program.
<b>Description</b>	In 1998-1999, the province produced, through Communications Nova Scotia, a video with descriptive information on three aspects of the Maintenance Enforcement Program: enrolment, payment processing and enforcement. The video was distributed to courts, transition houses, non-custodial parents' groups, professional associations, public legal education information sources and others. The province also published a newsletter for support recipients. In 1999-2000, the program produced a new brochure that provides clients with basic information about enrolling in the Maintenance Enforcement Program and how the Program works.

**For more information about Nova Scotia's services and programs, contact:**

Ms. Judith McPhee  
 Director, Court Services  
 Nova Scotia Department of Justice  
 PO Box 7  
 Halifax, Nova Scotia B3J 2L6  
 Telephone: (902) 424-3880



## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### Coordination

<b>Duration</b>	1999-2001
<b>Goal</b>	To plan for the implementation of child support guidelines in a manner appropriate to the needs of communities.
<b>Description</b>	<p>To facilitate planning, the Nunavut Department of Justice established a Family Law Working Group with representation from the judiciary, legal aid, the Department of Health and Social Services, the Public Trustee, and the Nunavut Social Development Council. The working group meets monthly to work on issues ranging from the court's ability to automatically generate support order forms, to access to legal aid services in family law matters.</p> <p>In 1999-2000, the department employed an outreach worker, located in the Maliiganik Tuksiiniakvik Legal Aid Clinic in Iqaluit, and a half-time lawyer to work on family law issues. The outreach worker is responsible for community contacts and follow-up, ensuring that unilingual Inuit and others are able to understand each other in the course of interviews and workshops, and making family law information available in high-quality Inuktitut materials. The lawyer is responsible for needs assessments, policy analysis, meeting reporting requirements and government liaison.</p> <p>In 2000-2001, the Department assigned the policy and coordination functions required by its Family Law Strategy to a legal policy counsel. The counsel's responsibilities include participating in federal-provincial-territorial planning and consultation processes and supporting the development and implementation of the Family Support Office program.</p>

### PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS ON FAMILY LAW

#### National Consultations on Custody, Access and Child Support

<b>Duration</b>	2000-2001
<b>Goal</b>	To participate in the federal-provincial-territorial consultation on child-centred family law issues.
<b>Description</b>	Consultations undertaken by the Nunavut Department of Justice on June 14, 2001, in Iqaluit (see PAA 7, page 91), were designed to address issues that will be part of the federal-provincial-territorial consultations on child support, custody and access.

### **PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS**

#### **Mediation**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To develop Nunavut-appropriate family mediation services.
<b>Description</b>	The Nunavut Bench and Bar Committee has undertaken the Inuit Qaujimagajatuqangit (Traditional Knowledge) Mediation Initiative with the goal of developing a mediation model that reflects the territory's cultural, geographic and economic realities. The first step in the development process was to bring together experienced mediators and Inuit who are well versed in traditional conflict resolution practices to develop a mediation protocol that will provide the foundation for expanded family law services in Nunavut. (Note: the Nunavut Bench and Bar Committee's long-term objective is to make mediation services available beyond the family law realm.) The immediate goal of the project is to train family law mediators who will be able to provide services to help couples within their own community.

#### **Family Support Office**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To provide one-stop information services for separated and divorcing couples.
<b>Description</b>	<p>The Nunavut Department of Justice is implementing a Family Support Office comprised of the Maintenance Enforcement Program and a new Family Support Program. The Family Support Office, located in the Court Services Division, will provide maintenance support and counselling services in Inuktitut.</p> <p>A Family Support Counsellor will provide family justice information and mediation services in Iqaluit, primarily in Inuktitut. In the future, the goal is to provide family justice information and mediation services in Inuktitut in all Nunavut communities.</p>

### **PAA 4: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO DETERMINE, VARY OR RECALCULATE CHILD SUPPORT**

#### **Child Support Recalculation**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To develop an accessible child support recalculation model.
<b>Description</b>	The Nunavut Department of Justice is developing a recalculation model that will be linked to the proposed legal aid changes intended to make legal service more readily available to family law clients. The model will require standardized forms, increased information services and assistance to clients needing help with document preparation.

## PAA 5: SUPPORT ENFORCEMENT ACTIVITIES

### **System Integration**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To decrease the time between when orders are issued and enforcement activities begin by eliminating major steps on the paper trail, and to decrease staffing costs by using existing court staff.
<b>Description</b>	The Nunavut Department of Justice, which will link its Maintenance Enforcement Program to court files and related computer records, hired a consultant to complete a needs assessment. The assessment provided the basis for a systems development proposal to the Nunavut government. The implementation of the system will require redesigning administrative procedures and creating additional systems support services.

### **Printer Resources**

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<b>Duration</b>	1999-2000
<b>Goal</b>	To enable travelling court parties to issue standard orders in English and Inuktitut during the brief period the court is in the community.
<b>Description</b>	Nunavut purchased new printers capable of producing the forms and other documents required by the courts dealing with child support matters. The equipment has been installed in every community, permitting the courts to quickly issue standard orders in English and Inuktitut.

### **Auto-Orders**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To improve the efficiency and timeliness of court processes.
<b>Description</b>	The Family Law Working Group began planning for implementation of an auto-order system. The Group, which has taken advantage of Manitoba's experience, produced draft documents and submitted them to the courts for review and approval before a pilot project is undertaken.

## PAA 7: POLICY, RESEARCH AND EVALUATION

### **Community Survey**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To gather information about current and traditional responses to family breakdown, the extent to which private family law court procedures are used and the factors influencing the level of use, and the community's knowledge and perceptions of the existing family law system.
<b>Description</b>	The survey's goal was to obtain data that was relevant to Nunavut while being comparable with statistical data available in other jurisdictions. To this end, the project, using a survey instrument adapted from Statistics Canada's General Social Survey on Families, collected data from more than 400 respondents in five representative communities. In addition, the project gathered information about the formal and informal services available in each community to assist in cases of family breakdown.

## **Community Consultations**

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<b>Duration</b>	1999-2000
<b>Goal</b>	To identify community concerns about family law services, assess general knowledge about the system and explore opportunities for legal and program changes.
<b>Description</b>	Representatives of the Nunavut Department of Justice met with individuals, local groups and territorial organizations with interests in or related to family law. The key areas of concern identified were the parental and spousal rights and obligations of common-law couples, the appropriateness of child support obligations, and the role of extended families. The consultations also found that the underlying principles of the family law system are largely consistent with community norms and values, but that the absence of knowledge about the system and limited services for families involved in separation and divorce are significant barriers.

## **PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING**

### **Family Law Information Services**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To deliver family law information services at the community level.
<b>Description</b>	The Family Support Office provides information on child and spousal support, the rights and obligations of common-law spouses and maintenance enforcement to the public through in-person and telephone contacts and other public legal information delivery methods, such as pamphlets.

#### **For more information about Nunavut's services and programs, contact:**

Ms. Mary-Lou Sutton-Fennell  
Grants and Contributions Program Analyst  
Nunavut Department of Justice  
PO Box 1000, Station 500  
Iqaluit, Nunavut X0A 0H0  
Telephone: (867) 975-6172

Ms. Charlene Johnson  
Administrator, Maintenance Enforcement Program  
Nunavut Court of Justice  
PO Box 297  
Iqaluit, Nunavut X0A 0H0  
Telephone: (867) 979-6137



## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### Family Initiatives Project Team

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<b>Duration</b>	1998-2001
<b>Goal</b>	To ensure the effective coordination and integration of Ontario's family justice initiatives.
<b>Description</b>	Under the direction of the project director, this team is responsible for intergovernmental planning and collaboration, financial management and reporting, coordination of public information services, legal and policy advice, training for members of the bench and bar, and court staff. Since its inception, the team's responsibilities have been expanded to include management of Family Mediation Services and Family Law Information Centres, and expansion of the Unified Family Courts.

#### Project Support

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<b>Duration</b>	2000-2001
<b>Goal</b>	To ensure quality services and to support coordination activities.
<b>Description</b>	Family Responsibility Office staff liase with agency management, legal staff, federal officials and other provinces and territories, and monitor and evaluate the impacts of new initiatives on the Maintenance Enforcement Program. In addition, the Manager/Program Analyst analyzes and recommends improved procedures, operational processes and service improvements to reduce problems and maintain accepted levels of customer service.

### PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS ON FAMILY LAW

#### National Consultations on Custody, Access and Child Support

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<b>Duration</b>	2000-2001
<b>Goal</b>	To participate in the federal-provincial-territorial public consultations on child-centred family law issues.
<b>Description</b>	The Family Initiatives Project Team was a partner in the national paper-based consultations coordinated through the Family Law Committee. Federal officials, with IER Planning, Research and Management Services, undertook in-person sessions in Thunder Bay, Toronto, London and Ottawa between June 6 and June 22, 2001 with the participation of the Project Team.

### PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS

#### **Family Case Management Clerks**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To ensure that family law clients in the court system are aware of family court services and receive appropriate assistance with forms and procedures.
<b>Description</b>	Under the Family Law Rules, family case management clerks are required in the Ontario Court of Justice and in Family Court to ensure that all clients are made aware of Family Court services, including alternatives to litigation, and that they receive appropriate assistance with the court forms and proceedings. The 65 clerks vet cases to confirm that parties have filed the appropriate documents, advise them of alternatives to litigation, make referrals to community resources, and schedule a hearing or case management conference for cases that are ready to go forward. The case management clerks offer these services immediately after a case is filed and before a judge is involved, which gives the parties an opportunity to reconsider their dispute resolution and settlement options before the litigation process begins. The timing of these services distinguishes the work of case management clerks from that of Family Law Information Centre staff, who provide clients with options for resolving their disputes and organizing their case <i>before</i> their case is filed.

#### **Child Support Intake Services**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To meet the public's need for information about child support guidelines.
<b>Description</b>	Located at each court, intake clerks provide special assistance to clients whose cases involve a claim for child support or a variation application. The clerks distribute information kits, respond to enquiries, process court documents and requests for copies of orders, and gather statistics for monitoring activities. Intake clerks are being phased out, however, as Family Law Information Centres and case management clerks are brought on stream.

#### **Supervised Access Service**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To provide a safe, child-focussed setting for supervised visits.
<b>Description</b>	In 1999, Ontario began to make supervised access services available through non-profit organizations. The centres provide a safe, neutral setting for supervised visits between a child and a non-custodial parent or others, when there is concern for the safety of the child or the custodial parent. Centre staff will refer families to community services, but do not themselves provide counselling, mediation, assessment or other family services. The number of centres grew from 14 in 1999 to 36 in 2001 and will continue to grow until 2002-2003.

**Mandatory Information Program (Superior Court of Justice, Toronto)**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To provide information to divorcing and separating parents about the court process and alternatives.
<b>Description</b>	The Superior Court requires that all litigants in contested cases attend a family law information session before continuing the court proceedings. The sessions, offered by lawyers and mediators, provide information about separation and divorce, legal procedures, options for dispute resolution and community resources. The video <i>Separate Ways</i> is shown in the sessions. Planned as a pilot project to end in October 1999, the Court has continued to offer the service and, with financial assistance from the federal and provincial governments, is having it evaluated by an expert from York University. The evaluation was scheduled to be completed in 2001.

**Information Sessions (Ontario Court of Justice, Toronto)**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To provide information to divorcing and separating parents about the court process and alternatives.
<b>Description</b>	In 1998-1999, the Ontario Court (Toronto) and York University, with funding from the Donner Foundation, set up a program of evening information sessions for family law clients. The sessions cover issues related to family law, the court process, and the impact of divorce and separation on children. Since 1999-2000, the Ontario Ministry of the Attorney General and the Department of Justice Canada have contributed funding to the project to cover administration costs, an evaluation, and the development of a specialized session for high conflict families.

**Mediation Roster**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To help divorcing and separating parents attending mandatory information sessions locate qualified mediators.
<b>Description</b>	In addition to its information sessions, the Superior Court has established a roster of mediators available to parents who have attended the mandatory information sessions. The mediators are admitted to the roster based on criteria established by the bench, bar and the Ontario Ministry of the Attorney General. The mediators also receive some training on standards and policies. While the program was implemented without benefit of special government funding, the Ministry of the Attorney General and Department of Justice Canada did provide funding in 2000-2001 for support staff to develop and administer the roster.

### **Auto-Orders Pilot Project**

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<b>Duration</b>	1998-1999
<b>Goal</b>	To pilot test the automation of child support orders in family law proceedings in all court regions.
<b>Description</b>	The project tested the automated preparation of child support orders in family law proceedings. The use of auto-orders was expected to reduce the time required to issue orders and to ensure they could be effectively enforced. The results of the evaluation indicated that successful implementation would require the expansion of the project to all family orders so the Ministry of the Attorney General decided to defer consideration of such a project.

### **Dispute Resolution Officer Project**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To resolve cases without recourse to a judicial hearing.
<b>Description</b>	The services of dispute resolution officers are available at the Superior Court of Justice in Toronto. Lawyers receiving per diems meet with clients and screen cases with the goal of resolving them without recourse to judicial proceedings.

### **Guidelines Implementation**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To enhance existing services to meet the demand for child support variations.
<b>Description</b>	Ontario allocated federal resources to ensure that there were sufficient administrative, judicial and court services in place to deal with the increase in applications for variations in child support orders that followed the coming into force of the Federal Child Support Guidelines.

### **Kingston Mandatory Mediation Referrals Project**

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<b>Duration</b>	1998-2000
<b>Goal</b>	To provide clients with a more expedient and effective way of resolving issues related to child support variations.
<b>Description</b>	The Kingston pilot was designed to test whether it would be suitable to require litigants in support variation cases to attend a mediation and information session with a mediator. The sessions were designed to give parties a chance to learn about mediation and explore whether mediation would be appropriate in their circumstances. A government-funded family mediation service located at the Kingston Family Court provided the sessions. The project was completed in September 1999.

### **Family Court Rules**

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<b>Duration</b>	1998-1999
<b>Goal</b>	To implement new family court rules in all Unified Family Courts and Ontario Court of Justice Family Courts.

<b>Description</b>	Ontario introduced new Family Law Rules in September 1999. The changes include rules and forms that are easier to understand and use, especially for self-represented litigants. The rules emphasize mediation and other alternatives to litigation and make support enforcement easier. The Ministry of the Attorney General trained some 450 court staff in the use of the new rules, while the Law Society of Upper Canada and Canadian Bar Association Ontario organized training for the family law bar, and Community Legal Education Ontario produced self-help kits for Family Court clients.
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**PAA 4: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO DETERMINE, VARY OR RECALCULATE CHILD SUPPORT**

**Family Law Information Centres**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To provide family court clients with a “single window” for information about the family justice system and family courts.
<b>Description</b>	<p>In Family Law Information Centres located in Unified Family Court sites, information and referral coordinators conduct individual needs assessments for clients and direct them to the appropriate court- or community-based resources. The coordinators are also responsible for keeping resource materials up to date, liaising with community service providers, making referrals to the court-connected mediation service, and organizing the parent information sessions connected with the unified courts.</p> <p>The Centres, which are open to all members of the public, are located in court sites across Ontario, usually in a dedicated space away from the court counter. In this setting, clients have access to resource materials (e.g. family law brochures, videos and kits), and can meet with coordinators or advice lawyers that Legal Aid Ontario has assigned to each centre. The advice lawyers provide summary legal advice to financially qualified clients only.</p> <p>Legal Aid Ontario has approved various initiatives to improve its family law services. In addition to the advice lawyers referred to above, it provides duty counsel in the Family Court of the Ontario Court of Justice and in the Unified Family Courts province-wide. Duty counsel services will also be made available for parents seeking variation orders in Superior Courts.</p>

**PAA 5: SUPPORT ENFORCEMENT ACTIVITIES**

**Infrastructure Development**

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<b>Duration</b>	1997-2000
<b>Goal</b>	To develop infrastructure to enhance client services and enforcement case management, improve the timeliness and effectiveness of case administration and enforcement activities, and complement a new cheque processing system.

<b>Description</b>	From 1997 to 1999, following a review of its business processes, the Family Responsibility Office developed a Windows-based interface for its mainframe case management system (MECA). This document management module allows users to attach case documents to MECA screens via desktop document scanning, and personal productivity tools reduce delays and allow users to generate letters and reports. These functions required infrastructure upgrades in order to enhance MECA, the network and security.
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### **FOAEA Upgrade**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To develop systems for the electronic transfer of Family Orders and Agreements Enforcement Assistance (FOAEA) data between the Family Responsibility Office and the Department of Justice Canada.
<b>Description</b>	In 1997-1998, the Family Responsibility Office implemented computer data transmission software and associated security and other communications protocols developed by the federal government. It was expected that this system would be augmented by overnight batch filing of FOAEA garnishments by file transfer protocol in 1999-2000, but a solution was not found because of federal Year 2000 issues. Instead, the Family Responsibility Office and the Department of Justice Canada's FOAEA office set up a procedure using encrypted e-mail.

### **Consultant Services**

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<b>Duration</b>	1997-2000
<b>Goal</b>	To retain a consulting firm to help with Project Front systems development requirements.
<b>Description</b>	The Family Responsibility Office, in 1997-1998, hired Unisys to develop and implement system upgrades and new applications in the first phase of a multiyear technology plan. Three new functions—a document management module, a graphical user interface, and personal productivity tools—were installed. In the following years, provision was made for enquiry access when the mainframe system is not available and there was the addition of desktop faxing, remote dial-in access, and file tracking capacities.

### **Computer-Telephony Integration (CTI)**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To reduce the time needed for client service associates to respond to client enquiries.
<b>Description</b>	The Family Responsibility Office began developing an application to integrate computers and the telephone in 1997-1998, with implementation and full integration with the Front system (the office's new technology solution) occurring over the subsequent two years. The system integrates call centre technology with desktop computers, allowing repeat calls to be routed to specific client service associates who have the relevant case information automatically displayed on screen.

## **National Maintenance Enforcement Survey**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To provide the required data tables for the National Maintenance Enforcement Survey being conducted by the Canadian Centre for Justice Statistics.
<b>Description</b>	Ontario allocated federal funds for the work required to automate the preparation of data tables for the National Maintenance Enforcement Survey database. That work included resolving definitional problems to reconcile Ontario data with the national requirements, scheduling issues for data production, concerns related to the Year 2000, and other problems encountered in Ontario's system, which is an old mainframe holding approximately 172,000 cases. The data extract, which forms the base from which the monthly tables are created, was completed in July 1999 and new monthly tables are now routinely sent to Statistics Canada. In 2000-2001, federal resources were allocated for ongoing data runs and the development, testing and maintenance of the interface.

## **Trace and Locate Activities**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To consider allowing access to three provincial government databases by locator services.
<b>Description</b>	Having found that access to government databases helped it trace defaulters, the Family Responsibility Office planned to negotiate similar arrangements with organizations such as the Ontario Motor Vehicle Industry Council, Teranet Land Titles/Land Registry, the Ontario Government pay and benefits plan, and OHIP. In each case, the Family Responsibility Office and the agency with the database have to negotiate Freedom of Information responsibilities and sign a Memorandum of Understanding. When agreements are reached, the Family Responsibility Office undertakes systems development work as needed to ensure compatibility for electronic access, and trains users.

## **Collection Agency Pilot Project**

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<b>Duration</b>	1998-2000
<b>Goal</b>	To test the use of private collection agencies with expertise in debt collection.
<b>Description</b>	This was a 12-month project to assess whether private debt collection companies could collect support payments in cases in which there had been no payment in at least three years. Ontario evaluated the project at the end of the pilot to determine whether the Family Responsibility Office would continue to use collection agencies to track down delinquent parents. Information gleaned from this project on enforcement activities and private-public partnerships is of significant interest to all provinces and territories. The project yielded positive results and the Family Responsibility Office moved to expand the project. Under the revised project mandate, companies selected through a bidding process seek to collect arrears in cases that have been delinquent for six or more months.

## **Training**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To enhance the Family Responsibility Office's accessibility, customer service and technical, legal and program expertise.
<b>Description</b>	The Family Responsibility Office trained staff in strategies for dealing with difficult clients and collection techniques and law. Systems support personnel and users were trained as new systems and applications were installed. The agency's policy and procedure guidelines were reviewed to ensure that staff have the latest program information and tools.

## **Remote Access for Panel Lawyers**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To provide panel lawyers throughout the province with timely access to case management information.
<b>Description</b>	The Family Responsibility Office hires private lawyers to act on its behalf in maintenance enforcement proceedings. To ensure that these panel lawyers, as they are known, have timely case management information throughout the province, the Office has developed a system that gives them access to support enforcement documents in court via remote dial-in access to the mainframe. This system required the development and installation of software and telecommunications solutions capable of ensuring the security and privacy of personal data.

## **Information Technology and Call Centre Upgrades**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To provide the equipment and hardware to maintain system infrastructure and to upgrade the automated telephone information line.
<b>Description</b>	<p>The Family Responsibility Office purchased upgrades for servers, desktop computers and three high-speed printers. It also installed a new trunk line, as the existing telephone lines were unable to handle the volume of incoming and outgoing calls, resulting in an unacceptable number of busy signals. The new line is dedicated to outgoing calls required for collection and enforcement.</p> <p>The Family Responsibility Office's 24-hour, 7-days-a-week automated telephone information line gives clients access to case-specific enforcement status and payment information, as well as information about enforcement legislation and child support guidelines. To improve the security of personal information on the automated line, the Family Responsibility Office is developing a PIN number system to limit who can gain access to case-specific information. The office has indicated that it will explore the possibility of a Web-based interface that would allow clients to access the case information they currently get on the phone or via the Internet.</p>

## **Vehicle Permit Suspension**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To prepare the Family Responsibility Office information management system for passage of legislation authorizing suspension of vehicle permits.
<b>Description</b>	In anticipation of the implementation of the vehicle permit suspension procedure, the Family Responsibility Office began planning for the significant changes to its information management system. The suspension procedures will also require changes to the system maintained by the Ministry of Transportation Ontario. System changes are necessary before the project can proceed.

## **PAA 6: RECIPROCAL ENFORCEMENT ACTIVITIES**

### **RESO Case Management**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To implement a new case management system for reciprocal enforcement cases.
<b>Description</b>	<p>In addition to its ongoing reciprocal enforcement of support orders (RESO) activities, the Family Responsibility Office undertook three projects.</p> <ul style="list-style-type: none"> <li>• The Office planned for a new case management system to better handle an estimated 12,500 active reciprocal enforcement cases (about 5,000 of these are requests received from other provinces and territories, and the balance are requests made to others). An up-to-date system will allow staff to work faster and with fewer errors to meet required timeframes for out-of-province files. The work started with the development of the case management service delivery model, based in part on a survey of staff and other stakeholders, and design of a detailed program delivery model. Work continues on this project.</li> <li>• The Office drafted a formal policies and procedures manual for the Reciprocity Unit based on current and best practices.</li> <li>• With the assistance of other provinces and territories, the office updated its database of Ontario residents paying support to people in other provinces and territories.</li> </ul>

### **Electronic Service Delivery**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To allow RESO payments from smaller jurisdictions (fewer than 200 payments) to be submitted electronically.
<b>Description</b>	In 1999, the Family Responsibility Office introduced E-CLIPS, which allows people and companies to remit support payments using a secure Internet-based program developed in partnership with the Royal Bank. Almost 300 companies now regularly remit payments this way, reducing errors and expediting payments to families. The Office is promoting the use of this application as a reciprocal enforcement interface to allow RESO cases in smaller provinces and territories (with less than 200 payments to remit) to send recoveries electronically to the Family Responsibility Office. The annual registration costs are minimal, approximately \$100 each for the five jurisdictions affected.

## PAA 7: POLICY, RESEARCH AND EVALUATION

### Child Support Research and Evaluation

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<b>Duration</b>	1997-2001
<b>Goal</b>	To monitor workload increases, evaluate the province's implementation plan and evaluate the guidelines themselves.
<b>Description</b>	The province hired a firm to develop an evaluation framework, and participates in the national Survey of Child Support Awards under the <i>Divorce Act</i> . The province also set up mechanisms to capture data related to the implementation and impact of the guidelines. In addition, it evaluated the auto-order pilot project (see page 96), the focussed assessment project (see below) and other family justice initiatives, while continuing to contribute to national research planning and development.

### Focussed Assessment Pilot

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<b>Duration</b>	1999-2001
<b>Goal</b>	To reduce the stress of access-based disputes for children, court delays and costs.
<b>Description</b>	<p>In October 1999, Ontario began a two-year pilot project to test a new approach to resolving the access-based disputes that occur in approximately 20 percent of separations and divorces. The primary aim of the study is to examine the effectiveness of two types of intervention:</p> <ul style="list-style-type: none"> <li>• focussed social work intervention, which seeks to identify the conflict that is underlying the dispute and help the parents come up with a parenting plan in the best interests of the children; and</li> <li>• focussed legal representation, which targets the legal issues before the court and provides a legal resolution in the children's best interests.</li> </ul> <p>The project was the subject of research using a randomized, future-oriented, quasi-experimental design to examine the effectiveness of the two interventions, as compared to traditional assessments. The preliminary research findings were positive.<sup>27</sup></p>

### Family Responsibility Office Survey Benchmarking

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<b>Duration</b>	2000-2001
<b>Goal</b>	To improve Family Responsibility Office services and products.
<b>Description</b>	The Family Responsibility Office reviewed recent client satisfaction surveys undertaken by federal and provincial governments to obtain better demographic information, better understand the reasons for default and compliance, and assess its client service. The survey design called for both focus group sessions and mailed questionnaires.

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<sup>27</sup> R. Birnbaum and D. Moyal, *Visitation Based Disputes Arising in Separation and Divorce: Differential Interventions*, Department of Justice Canada 2000.

## PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING

### **Inquiry Line**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To provide Ontario residents with access to accurate information about child support guidelines.
<b>Description</b>	The automated inquiry line provides toll-free services in English and French. The majority of the callers sought general information and information kits, which are mailed out on request. In the first six months of the line's operation (May to November 1997), an average of 1,850 people called for assistance each month. In the six months ending September 2000, the average had risen to slightly more than 4,000 calls a month.

### **Family Law Video**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To provide information about family law and processes and the emotional implications of separation and divorce, and to show parents ways of avoiding protracted disputes.
<b>Description</b>	In 1997, Ontario's Ministry of the Attorney General produced a 55-minute, broadcast-quality video that focusses on court processes and alternative dispute resolution in both child support and custody and access cases. The video, entitled <i>Separate Ways</i> , is accompanied by a booklet and brochure. The package was designed as a self-study tool and an aid in public information presentations made by family law professionals, such as those involved in the Mandatory Information Project at the Superior Court in Toronto.  The video is now available in seven languages in addition to English and French. Sign language and open-captioned French and English versions have also been released, as has a 20-minute sequel on mediation in family law cases.

### **Family Law Information Sessions**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To deliver public information sessions on child support guidelines, family law and the court process to people throughout the province.
<b>Description</b>	The Ministry of the Attorney General developed a curriculum and trained members of the bar to deliver family law information sessions, paying them an honorarium of \$70 per hour. The plan called for two train-the-trainer sessions, 24 pilot sessions and 270 presentations in 43 communities. The province promoted the sessions through pamphlets, newspaper advertisements, posters and public service announcements. The project trained 72 lawyers and delivered a series of pilot sessions in June 1997, then began regular sessions in October of that year. There were 230 sessions in 1997-1998. On the advice of the bar, the province discontinued the information sessions in 1998-1999, while providing similar services through the Family Law Information Centres.

## **Enforcement Communications and Outreach**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To better serve Family Responsibility Office clients and stakeholders.
<b>Description</b>	<p>In 2000-2001, the Family Responsibility Office took several steps to improve its outreach and client information services: it reviewed all its print and electronic materials for plain language, made letters, forms and public information materials available in eight languages, installed new equipment to increase letter production, and began distributing forms through its Web site. The Office has also established a staff committee to regularly review and update its Web site. The Family Responsibility Office also became more proactive in disseminating information about its programs to clients and stakeholders by having public information sessions in Thunder Bay, Ottawa, Sault Ste. Marie and Windsor, and making provision for clients to arrange meetings with Family Responsibility Office staff to discuss individual cases.</p> <p>Since 1998-1999, Family Responsibility Office representatives have met with members of professional organizations, such as the Family Law Association and the Canadian Bar Association Ontario, and new panel lawyers. It also distributes a guide for family law lawyers.</p>

## **Public Information Materials**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To develop and distribute public information materials on child support guidelines.
<b>Description</b>	<p>In the early phases of the implementation of child support guidelines and related enforcement measures, the Ministry of the Attorney General developed brochures, information kits and other print materials. These are distributed through the toll-free line, courts, government agencies likely to deal with affected parties, and other channels. The Ministry has continued to distribute these materials, updating and adding to them as necessary to acknowledge intervening developments such as the implementation of the province's new Family Law Rules in 1999-2000.</p>

### **For more information about Ontario's services and programs, contact:**

Ms. Risa Sheriff  
Senior Counsel  
Civil/Family Policy and Programs Branch  
Ontario Ministry of the Attorney General  
720 Bay Street, 2nd Floor  
Toronto, Ontario M5G 2K1  
Telephone: (416) 326-2464

Ms. Sharon E. van Son  
Executive Director  
Family Responsibility Office  
Ontario Ministry of Community and Social Services  
PO Box 220  
1201 Wilson Avenue  
Downsview, Ontario M3M 1J8  
Telephone: (416) 240-2477



## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### Coordination

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<b>Duration</b>	1997-2001
<b>Goal</b>	To coordinate provincial and federal-provincial planning and implementation of child support guidelines and enhanced support enforcement measures.
<b>Description</b>	The Office of the Attorney General assigned a project manager—the Family Law Coordinator—and support staff to help manage the interdepartmental and federal-provincial-territorial planning and administrative tasks required during implementation.

### PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS ON FAMILY LAW

#### National Consultations on Custody, Access and Child Support

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<b>Duration</b>	2001-2002
<b>Goal</b>	To consult family law professionals and other service providers about child support, custody and access issues.
<b>Description</b>	The Family Law Coordinator held consultation meetings with the judiciary, family law professionals and the public in Charlottetown, Montague and Summerside from June 4 to 6, 2001.

### PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS

#### Staff Training

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<b>Duration</b>	1997-1998
<b>Goal</b>	To prepare staff and family law professionals for implementation of the Guidelines.
<b>Description</b>	The province provided training for new and existing family court counsellors, maintenance enforcement staff, employees of the family and child support programs, Health and Social Services staff, lawyers and judges.

#### Systems Requirements

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<b>Duration</b>	1997-1999
<b>Goal</b>	To upgrade and modify computer systems to support child support initiatives.
<b>Description</b>	The province's Office of the Attorney General developed, purchased or modified applications

for ongoing operations and for monitoring child support initiatives during 1997-1998. The changes included modifying the court-case tracking system, starting to integrate family court and maintenance enforcement databases, and buying child support software. In the following year, the province met its needs through equipment leases.

### **Child Support Information Officers**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To inform parties of the child support guidelines and to help them file applications.
<b>Description</b>	Since 1997-1998, Prince Edward Island has had child support information officers available to provide parents with information about the guidelines and to help them file applications for variations or new orders. The officers also collect child support data to support research activities. The officers responded to increases in the number of variations and recalculations requested. This service was evaluated.

### **Financial Counsellor**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To provide the courts with professional accounting assistance.
<b>Description</b>	Prince Edward Island first hired an accountant to be a financial counsellor to help the court and court staff with income determinations in 1997-1998. Under the Rules of Court, the counsellor is available to assist in complex income determination cases. The counsellor also participates in training on the guidelines.

### **Parent Education**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To help separated and divorcing parents.
<b>Description</b>	Prince Edward Island developed a parent education curriculum in 1998-1999. Parents voluntarily participate in two three-hour sessions delivered by volunteers recruited and trained by the Office of the Attorney General. The program was the subject of an evaluation done in cooperation with the Department of Justice Canada. <sup>28</sup>

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<sup>28</sup> B. Bradford, *Positive Parenting From Two Homes: Final Report Evaluation of Pilot Parent Education Program in Prince Edward Island* (Background Paper), Child Support Team, Department of Justice Canada, BP28E 2000.

**Court Forms and Rules**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To update court forms and rules in light of the implementation of child support guidelines.
<b>Description</b>	Prince Edward Island has initiated a review of rules and forms through consultations with the family law Bench and Bar, and other personnel. The progress of this work is linked to progress made designing and implementing a new information management system for the province's courts. Once new and revised rules and forms have been approved, the province will look into the feasibility of introducing an auto-order procedure as has been done in Manitoba.

**PAA 4: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO DETERMINE, VARY OR RECALCULATE CHILD SUPPORT**

**Recalculation Clerk**

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<b>Duration</b>	2001-to be determined
<b>Goal</b>	To be determined.
<b>Description</b>	The province will be hiring a person to be responsible for recalculations, as part of setting up a reorganized Family Law Section of the Office of the Attorney General. This person will have authority to obtain personal financial information under section 25.1 of the <i>Divorce Act</i> .

**PAA 5: SUPPORT ENFORCEMENT ACTIVITIES**

**Information System Improvements**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To implement efficient information management systems to support the delivery of the Maintenance Enforcement Program.
<b>Description</b>	<p>With the aid of new software, much of it developed in-house, Prince Edward Island has improved its case management process, reduced delays in processing and delivering child support payments, and improved client services. Its efficient, non-commercial maintenance enforcement software, developed with the aid of federal contributions, is available to other small Canadian jurisdictions at no cost.</p> <p>In 1999-2000, the Program updated the accounting module of its application, allowing it to track arrears information more accurately. This also allowed the province to expand the amount of data it sends to the Canadian Centre for Justice Statistics for the National Maintenance Enforcement Survey. The implementation of the modifications required database design, testing, documentation writing and staff training.</p>

## **Direct Deposit and Preauthorized Payments**

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<b>Duration</b>	1998-2000
<b>Goal</b>	To increase the efficiency of the province's maintenance enforcement processes.
<b>Description</b>	In 1998-1999, Maintenance Enforcement Program client services were enhanced with direct deposit and pre-authorized payment options. These were tested and became operational in 1999-2000.

## **Automated Voice Response System**

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<b>Duration</b>	1998-2000
<b>Goal</b>	To provide an effective and efficient response to client enquiries.
<b>Description</b>	The Maintenance Enforcement Program introduced an automated telephone voice response system that allows clients to obtain information (e.g. account balance and date of last payment), freeing staff for other duties. When the automated system cannot provide the information they seek, clients can still reach staff directly or by leaving a message.

## **FOAEA Link**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To expedite the flow of action requests and data between the province's Maintenance Enforcement Program and the federal Family Orders and Agreements Enforcement Assistance (FOAEA) office.
<b>Description</b>	Prince Edward Island implemented online access to the Department of Justice Canada's FOAEA Section.

## **Maintenance Enforcement Survey**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To deliver the provincial data required for the national Maintenance Enforcement Survey.
<b>Description</b>	Prince Edward Island completed the necessary interface development between computer systems in order to remit data to the Canadian Centre for Justice Statistics for the priority tables of the National Maintenance Enforcement Survey. The project required modifications in the system's accounting components and subledgers to capture the information needed to prepare the data tables.

## **Arrears Audit Report**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To verify and classify arrears cases.
<b>Description</b>	Prince Edward Island's Maintenance Enforcement Program conducted a manual review and audit of all cases showing arrears to assess the magnitude of outstanding commitments and the extent of the problem of incorrectly stated arrears.

## PAA 6: RECIPROCAL ENFORCEMENT ACTIVITIES

### Feasibility Study: Interprovincial Information Exchange

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<b>Duration</b>	2000-2001
<b>Goal</b>	To review requirements for conducting business between the Maintenance Enforcement Program in Prince Edward Island and those in the other Atlantic provinces.
<b>Description</b>	The study focussed on possible technical solutions to problems associated with the exchange of case and client information across jurisdictions. It was planned to address current needs in Atlantic Canada while providing information that could be used in a national study. The work involved producing an inventory of current methods of exchanging information, the technology and applications used in the Atlantic provinces and their immediate development plans, and the methods and medium each Atlantic Maintenance Enforcement Program uses to communicate with other agencies. The study's final report will identify program needs from both client and management perspectives and the common information gathered and stored by jurisdictions.

## PAA 7: POLICY, RESEARCH AND EVALUATION

### Monitoring and Evaluation

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<b>Duration</b>	1997-2001
<b>Goal</b>	To monitor or evaluate implementation of guidelines activities and projects.
<b>Description</b>	Prince Edward Island monitors court and alternative dispute resolution approaches and has designed an evaluation framework for pilot projects. In accordance with the framework, the parent education program was evaluated and an evaluation of the information officer function was started.

## PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING

### Public Enquiry Line

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<b>Duration</b>	1999-2001
<b>Goal</b>	To give parents and others access to information about child support guidelines.
<b>Description</b>	Prince Edward Island allocated federal funds to support the public information telephone service run by the Community Legal Information Association. The province reports that the service experienced an increased demand for child support-related information early in 1999-2000.

**For more information about Prince Edward Island's services and programs, contact:**

Family Law Co-ordinator  
Office of the Attorney General  
PO Box 2000  
Charlottetown, Prince Edward Island C1A 7N8  
Telephone: (902) 368-6398

Ms. Debbie Conway  
Director, Maintenance Enforcement Program  
Office of the Attorney General  
PO Box 2290  
Charlottetown, Prince Edward Island C1A 8C1  
Telephone: (902) 368-6499



## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### **Federal-Provincial Planning (Enforcement)**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To share relevant information concerning support enforcement with other jurisdictions and participate in federal-provincial planning.
<b>Description</b>	The Ministère du Revenu du Québec allocated federal resources to allow its representatives to participate in meetings of the Federal-Provincial-Territorial Task Force, directors of maintenance enforcement programs and other federal-provincial-territorial work groups and committees. The department also allocated resources to planning and managing projects receiving federal funding.

### PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS IN FAMILY LAW

#### **National Consultations on Custody, Access and Child Support**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To participate in federal-provincial-territorial consultations on custody, access and child support.
<b>Description</b>	Quebec undertook a series of focus groups involving separated and divorced parents, and another set for youth who were younger than 18 when their parents separated or divorced. Non-profit organizations and other agencies involved in family justice matters then met June 8, 2001, for a conference in Quebec City.

### PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS

#### **Mediation Services**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To provide pre-hearing mediation services.
<b>Description</b>	Under provincial legislation, parents who have no agreement or are seeking a judicial ruling are required, with some exceptions, to participate in an information session about mediation paid for by the government. Private practitioners or Child and Youth Protection Centre personnel deliver the mediation services. Following mediation, the mediator files a report with the family mediation service. Between September 1, 1997 and December 31, 2000, 146,885 people took advantage of one or more mediation services. Of this number 36,578 (25 percent) participated in an information session with the other parent, and 17,738 participated in a group information

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session. More than 17,000 people (12 percent) were exempt for “serious cause” and 75,192 (51 percent) attended voluntary or required mediation.

**Guidelines Implementation: Enhancements and Training**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To provide the administrative support, infrastructure improvements and training required to implement the child support guidelines.
<b>Description</b>	In anticipation of the coming into force of the Quebec model of child support guidelines, the province designed and produced forms, guides and related documents. It also acquired and installed new computer applications, provided training to court staff and mediators, and delivered legal aid services.

**Administrative Enhancements**

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<b>Duration</b>	1999-2000
<b>Goal</b>	To provide the administrative support and technical infrastructure to implement the guidelines.
<b>Description</b>	The preparations for implementing the guidelines required a significant outlay of funds for computer and office equipment, mainly for the use of the Aliform-MJQ child support calculation software. In 1999-2000, the Quebec Department of Justice developed a database of all family-related cases involving the determination of child support and mediation.

**Special Court Clerks**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To ensure rapid processing of proposed child custody and support agreements filed with the court.
<b>Description</b>	Quebec’s special court clerks (greffiers spéciaux) ensure rapid processing of proposed child custody and support agreements filed with the court. All proposed agreements are sent directly to the clerks and do not require a hearing. Clerks review proposed agreements that involve separation or divorce matters that must be submitted for judgment, including applications for granting a separation or nullifying a marriage or divorce. Following a review, a clerk takes one of three actions. First, he or she may ratify the agreement. When the clerk has concerns that, for example, the agreement is not safeguarding the children’s best interests, he or she may ask for additional information from the parents or refer the application to the court.

## PAA 5: SUPPORT ENFORCEMENT ACTIVITIES

### Links to FOAEA

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<b>Duration</b>	1997-1998 and 1999-2001
<b>Goal</b>	To implement links with the federal FOAEA system.
<b>Description</b>	The province implemented an interface with the federal office in 1997-1998, allowing for online applications for licence denials and suspensions in cases of default. In 1999-2001, the Ministère du Revenu du Québec renewed its security and encryption licences and increased the number of sites within the Maintenance Enforcement Program. It also made a number of modifications and refinements to the system in light of an evaluation of the project that was completed in 1999-2000.

### Information System Improvements

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<b>Duration</b>	1997-2001
<b>Goal</b>	To respond to the Ministère du Revenu du Québec's information needs at all levels, including for integrated reports and operational indicators, to reduce response time, to increase collection rates, and to promote more regular and stable payments.
<b>Description</b>	The Ministère du Revenu du Québec's projects have brought about infrastructure improvements that allow staff and managers to generate data from the computer system to produce ad hoc and standard reports.

### Program Improvements

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<b>Duration</b>	1998-2000
<b>Goal</b>	To respond to the Ministère du Revenu du Québec's information needs at all levels, including for integrated reports and operational indicators, to reduce response time, to increase collection rates, and to promote more regular and stable payments.
<b>Description</b>	In 1998-2000, the Ministère du Revenu du Québec hired 12 recent graduates, 8 specializing in family law and 4 in accounting, to do outreach work with its departmental workers and clients through face-to-face meetings, telephone calls and other means. The outreach activities were intended to provide information on the Maintenance Enforcement Program, address concerns and gather suggestions for program improvements. The department also hired 186 new staff in 1999-2000 to reduce delays in the issuing of support payments to a level acceptable to the creditors. At the same time, the department began a study that identified the current system's deficiencies, defined client needs, examined work processes, evaluated the current structure and system, suggested solutions and proposed models. The project had three phases: a work process study, a short-term action plan and an implementation plan. Finally, the department conducted a study on the implementation of the Act concerning the payment of child support in order to evaluate whether the program meets its original goals.

### **Accounting Standards**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To ensure the Maintenance Enforcement Program's computer system meets accounting and audit standards.
<b>Description</b>	The work involved modifying the Program's financial system to ensure accurate reports and acceptable financial controls. The modifications were implemented in June 1998 and an evaluation assessed whether the project objectives had been met and identified deficiencies.

### **DPPPA Intranet**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To improve the delivery of work-related information to maintenance enforcement staff and management.
<b>Description</b>	The Direction de la perception des pensions alimentaires (DPPPA) continued to develop its Intranet, which it had begun the previous year. The Intranet offers DPPPA employees ready access to up-to-date user guides, procedures manuals, forms and the other material they require to perform their duties.

### **Increased Productivity**

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<b>Duration</b>	1997-2000
<b>Goal</b>	To control operational costs and minimize errors in calculating child support payments.
<b>Description</b>	The province's maintenance enforcement computer system was modified in 1997-1998 to provide for automatic calculation of support orders and variations and to provide staff with a consolidated report of relevant information from a number of data sources. The development work was completed in the fall of 1998 and an evaluation was done in 1999-2000.

### **Enhancements to the Maintenance Enforcement Computer System**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To improve the maintenance enforcement computer system.
<b>Description</b>	Enhancements to the system were put in place to respond to client needs and to improve information management. The enhancements will improve financial information in particular, officers' productivity and the quality of client service.

### **National Data Requirements**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To develop an interface between Quebec's maintenance enforcement system and the Canadian Centre for Justice Statistics's National Maintenance Enforcement Survey.
<b>Description</b>	Quebec allocated a portion of federal resources to modify its automated information management system to generate the data tables required for the national survey. The work program for this project called for development, testing and implementation of system improvements in stages over two fiscal years.

## **Pre-authorized Payments**

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<b>Duration</b>	1999-2000
<b>Goal</b>	To assess the feasibility of using pre-authorized payment for support collection.
<b>Description</b>	Given that pre-authorized payment arrangements could reduce collection costs and delays in payments to creditors, Quebec planned to conduct a study of the requirements for and costs of implementing such an approach.

## **International Monitoring**

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<b>Duration</b>	1999-2000
<b>Goal</b>	To learn from the experience of enforcement programs in other jurisdictions.
<b>Description</b>	Using the Internet, the Ministère du Revenu du Québec has been monitoring child support guidelines internationally. The department seeks to improve its Maintenance Enforcement Program through awareness of the latest developments in the field and the workings of a maintenance enforcement program worldwide.

### **PAA 6: RECIPROCAL ENFORCEMENT ACTIVITIES**

#### **Reciprocal Enforcement Improvement Planning Project**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To reduce delays in the handling of reciprocal enforcement files.
<b>Description</b>	Quebec's Maintenance Enforcement Program reviewed reciprocal enforcement files and procedures to identify problems, optimal work processes and system development requirements. This effort was intended to produce short- and long-term improvement plans.

### **PAA 7: POLICY, RESEARCH AND EVALUATION**

#### **Research and Evaluation**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To monitor the implementation and operation of child support guidelines and enforcement enhancements.
<b>Description</b>	In 1998-1999, Quebec's Minister of Justice announced the creation of committees to evaluate the family mediation program and the province's model for determining child support. The committees were to assess whether the province's legislative objectives had been met, as well as evaluate implementation of the guidelines and related services. In 1998-2000, the province allocated federal resources for research officers to provide technical support, develop and administer data collection tools and prepare reports. The report of a follow-up committee and a second report outlining the steps to implement mediation were presented to the Minister of Justice in March 2000 and June 2001, respectively. The reports are available at <a href="http://www.justice.gouv.qc.ca">http://www.justice.gouv.qc.ca</a> .

## PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING

### **Child Support Implementation Communications**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To provide the public and separated or divorcing parents with information about the child support guidelines.
<b>Description</b>	In 1997-1998, the Quebec's Department of Justice worked with the Ministère du Revenu du Québec to send brochures to 185,000 payors or receivers of child support and to place brochures in family mediation offices. Radio public service announcements were made on mediation processes and services. Information about the guidelines (e.g. regulations, forms and tables) is available at all court sites, regional offices of the Ministère du Revenu du Québec and Communications Québec, and on the Justice Québec Internet site. Throughout 1998-2001, the province continued to distribute information on child support and related programs.

### **Awareness Campaign (Enforcement)**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To improve understanding of maintenance enforcement among family justice professionals, organizations concerned with family law and the public.
<b>Description</b>	The communications and education campaign of the Ministère du Revenu du Québec used presentations at workshops, conferences and similar events to deliver information to lawyers, members of the judiciary, notaries, mediators, counsellors, community organizations and the public. In the course of the campaign, staff prepared inventories of concerned professional and community organizations in each judicial region of the province.

### **Communication Plan (Enforcement)**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To better inform clients, reduce workload and process files more quickly.
<b>Description</b>	The Ministère du Revenu du Québec produced and disseminated information to its clients on the objectives and content of the provincial support enforcement legislation and related measures. Communication plans aim to educate the public about the Maintenance Enforcement Program, focussing on parental responsibility for child support. Activities include the promotion of support enforcement services offered by the Ministère du Revenu du Québec, as well as the development of information tools for staff.

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**For more information about Quebec's services and programs, contact:**

Maître Pierre Tanguay  
Coordonnateur des matières familiales  
Direction générale des services de Justice  
Ministère de la Justice du Québec  
Gouvernement du Québec  
1200, route de l'Église, 7<sup>e</sup> étage  
Sainte-Foy (Québec) G1V 4M1  
Telephone: (418) 644-7706

Madame Lise Bernier  
Directrice principale par intérim  
Direction principale de la perception des pensions  
alimentaires  
Ministère du Revenu du Québec  
3800, rue de Marly  
Secteur 1-1-3  
Sainte-Foy (Québec) G1X 4A5  
Telephone: (418) 652-5225





## FAMILY JUSTICE INITIATIVES

### PAA 1: PROJECT COORDINATION

#### Planning and Coordination

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<b>Duration</b>	1997-2000
<b>Goal</b>	To ensure adequate and consistent awards for the benefit of children by coordinating the implementation of child support guidelines in collaboration with the federal government, other provincial and territorial governments, and professional and community stakeholders.
<b>Description</b>	Saskatchewan has maintained an interdepartmental committee structure and project support team to ensure that the province can actively participate in the federal-provincial-territorial planning and consultation process and meet its obligations for project management, funding and research initiatives. As the responsibility for child support guidelines crosses over several departments and a number of branches within Saskatchewan Justice, an interdepartmental committee was created to oversee the initiative. A project manager supports the committee. The chair of the interdepartmental committee, the project manager and others have been active participants in the Federal-Provincial-Territorial Task Force and other federal-provincial-territorial meetings.

#### Enforcement Project Coordination

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<b>Duration</b>	1997-2001
<b>Goal</b>	To manage the federally funded enforcement projects and activities.
<b>Description</b>	The duties of the part-time project manager, a position established in 1997-1998, include researching and drafting proposals and project reports, managing budgets, coordinating claims submissions and audits, and other activities associated with federally funded projects. The project manager also supports the province's participation in national planning and collaboration activities.  (Note: The Saskatchewan Maintenance Enforcement Office allocated federal funds available for coordination to offset travel costs associated with its participation in national and federal-provincial-territorial meetings.)

**PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS  
ON FAMILY LAW**

**National Consultations on Custody, Access and Child Support**

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<b>Duration</b>	2000-200
<b>Goal</b>	To ensure that Saskatchewan voices are heard in national consultations.
<b>Description</b>	The Interdepartmental Family Justice Committee planned several invitational workshops spread across urban, rural and northern areas. These were delivered in Yorkton on April 10, 2001, in Regina on April 11, 2001, and in Saskatoon on May 11, 2001. On the Committee's recommendation, workshops were also held in Aboriginal communities and with youth.

**PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS**

**Enhanced Court Services**

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<b>Duration</b>	1997-1999
<b>Goal</b>	To ensure that the family court system could respond to an increased volume of variation applications.
<b>Description</b>	The province assigned an additional eight court clerks to deal with increased workloads beginning in 1997-1998, but did not create specialized child support guidelines positions. Rather, the responsibilities of all clerks were modified to include providing information about the guidelines and making applications for original or varied support orders, helping people using the variations kit, and accepting filing documents and preparing files for consideration by judges. The clerks also collect statistics on child support cases to support research on the implementation of the guidelines.

***ChildView* Licences**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To ensure that the family court system can respond to an increased volume of variation applications.
<b>Description</b>	Saskatchewan allocated 1999-2000 federal resources to maintain its licences for the <i>ChildView</i> software that is used by departmental and court personnel, judges and legal aid lawyers.

## Lawyer Referral Line

<b>Duration</b>	1997-2000
<b>Goal</b>	To help low- and middle-income people who are not eligible for legal aid services pursue variations.
<b>Description</b>	The Law Society of Saskatchewan, with financial assistance from the province, maintained a toll-free line that provided callers with a list of family lawyers in the area who offered half-hour consultations for a nominal fee (approximately \$25). A part-time Law Society staff member responded to an average of 16 calls per month from April 1997 to January 1998. Subsequently, the demand for service dropped to one to five calls per month. As a result, the use of a special line was abandoned in 1998-1999, and the service has since been managed through the Society's general enquiry line.

## Training

<b>Duration</b>	1997-1999
<b>Goal</b>	To ensure that court and Family Law Division staff and family lawyers have the knowledge and skills they need to discharge their responsibilities.
<b>Description</b>	In 1997-1998, the Saskatchewan Legal Education Society provided training opportunities for lawyers practising family law. The province delivered general training for all court and government staff through regional sessions. It also organized additional training for groups such as the information line operators. Further, to inform community professionals about the separation and divorce education services offered by Saskatchewan Justice, sessions were held in nine communities around the province. Local lawyers, aided by a facilitator's manual, led the two-hour sessions. In 1998-1999, Saskatchewan Justice used Law Society mail-outs to inform lawyers of matters such as legislative developments and amendments, and the availability of a child care tax bulletin.

## Parent Education

<b>Duration</b>	1997-2001
<b>Goal</b>	To help parents decide whether to continue existing arrangements, elect a different tax treatment, enter into an agreement or start variation proceedings.
<b>Description</b>	<p>The province began offering an information program for parents in 1997-1998. The original program focussed on child support guidelines, but in 1998-1999 the subject matter and format of the sessions was expanded to three two-hour sessions covering resolving disputes, child support guidelines, stages of separation and divorce, children's reactions and parenting after divorce. The sessions are co-facilitated by staff from Family Law Support Services and Mediation Services and are normally delivered on separate evenings, but in some centres they are delivered in a single six-hour session.</p> <p>Participation in the sessions is voluntary and the province distributes posters and other materials through Department of Social Services offices, churches, libraries, the courts, law offices and other offices and locations to promote participation. The program benefits from participant feedback obtained through questionnaires distributed at the end of the sessions. Generally, participants have been positive about the program, especially the modules dealing with children's reactions to family break-up, separation and divorce. Participants' comments and suggestions have led to revisions in the facilitator's guide to include core modules and optional modules so the sessions can be tailored to address the specific needs of individuals or</p>

communities. Further planned changes include piloting a mandatory program, arranging for delivery of sessions in rural communities through community groups, and adding a module dealing with high conflict relationships.

### **Children's Education**

<b>Duration</b>	1997-2001
<b>Goal</b>	To help children experiencing separation and divorce.
<b>Description</b>	In 1997-1998, the province developed a curriculum and produced facilitator's guides for education sessions designed for children in three age groups (6 to 9 years, 9 to 12 years and 12 to 16 years) to give them information about the legal process as well as the emotional experiences and changes in relationships that may occur following their parents' separation or divorce. In 1998-1999, the curriculum was revised to include activities more relevant to high conflict families and multiple partner families. The province continues to make the curriculum, facilitator's guide and supporting materials available to community groups that organize and deliver sessions for children.

### **Children's Video**

<b>Duration</b>	1997-1999
<b>Goal</b>	To help children whose parents are separated or divorcing understand the process and their involvement in it.
<b>Description</b>	In 1997-1998 and 1998-1999, the province produced videos for three age groups. A young girl who lives with her father but may be in joint custody arrangement narrates <i>It's Different Now, But That's OK</i> , which is written for 6-to 9-year-olds. A pre-adolescent boy, who speaks of not seeing his father as often as he would like and the role that his extended family plays, narrates the video for 9-to 12-year-olds. A teenage girl narrates the video for 12-to 16-year-olds. It touches on situations in which siblings are separated as a result of the custody arrangements and addresses issues that arise when a parent starts a new relationship. Each of the videos features a family lawyer, a family law judge and a social worker who prepares custody and access assessments, who explain the legal process of separation and divorce as well as common feelings, reactions and relationship changes that occur after separation and divorce.  The videos were distributed to Family Law Support Services offices, regional library branches, the Department of Social Services, youth facilities, district health boards and interested community agencies. The productions have been well received. Some judges have ordered parents to watch the video as a prerequisite to formal proceedings.

### **Hearing Children's Voices**

<b>Duration</b>	2000-2001
<b>Goal</b>	To develop a mechanism to ensure that children's wishes are made known and proceedings focus on the best interests of children.
<b>Description</b>	Saskatchewan introduced special custody and access assessments in 2000-2001 that focus on the children's perspective in separation and divorce. <i>Children's Voices</i> reports are completed more quickly than full custody and access reports because the assessor only interviews the children. The <i>Children's Voices</i> reports were developed in response to a recurring request in both national and provincial public consultations held in Saskatchewan to hear the perspectives and opinions

of children who are the subjects of custody and access disputes. The reports are only available by court order and involve a social worker interviewing the children and preparing a written report for the court expressing the children's views. These assessments are designed for families whose children are of an age or maturity level that they can accurately express their opinions. The speed with which the reports are available benefits both the families and the courts.

### **Professional Education**

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<b>Duration</b>	1998-1999
<b>Goal</b>	To raise awareness about child support guidelines and to encourage professionals to make referrals to the parent education program.
<b>Description</b>	The half-day professional education sessions are designed for clergy, lawyers, teachers, health care staff, community workers, employee assistance program providers and others likely to have professional contact with families experiencing separation and divorce. In 1998-1999, eight such sessions, attended by 140 people, were held at various locations around the province. Two sessions were held the following year and more were requested.

### **Self-help Kits**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To help individuals who wish to obtain or vary a support order without legal representation.
<b>Description</b>	A self-help kit was developed by Saskatchewan Justice and distributed, free of charge, through court and government services locations. Approximately 2,000 copies were distributed in 1997-1998. The province continues to distribute the kits.

## **PAA 4: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO DETERMINE, VARY OR RECALCULATE CHILD SUPPORT**

(See Dispute Resolution Clerk, page 127.)

## **PAA 5: SUPPORT ENFORCEMENT ACTIVITIES**

### **FOAEA Enhancements**

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<b>Duration</b>	1997-2000
<b>Goal</b>	To establish online access to the Family Orders and Agreements Enforcement Assistance (FOAEA) system to enter tracing, interception and licence-denial applications and affidavits.
<b>Description</b>	In addition to purchasing the required encryption software and computers, the Maintenance Enforcement Office designed new forms and integrated them into its system during 1997-1998. From 1998 to 2000, the Office hired additional staff to handle the workload that resulted from the centralization of work processes made necessary by the FOAEA enhancements and the online. The province also allocated federal funds to purchase additional workstations, implement a file transfer protocol application for the transfer of information to the FOAEA office in Ottawa, purchase encryption-security software licences, and upgrade the system for the electronic transfer of funds collected from federal sources.

## Credit Bureau Reporting

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<b>Duration</b>	1998-1999
<b>Goal</b>	To implement provincial legislation allowing the Maintenance Enforcement Office to report defaulters to the credit bureau.
<b>Description</b>	Prior to completing an implementation plan in 1998-1999, project managers consulted with officials in Manitoba, where the credit bureau reporting remedy had been introduced previously. The implementation work included modifications to the database to facilitate reporting to the credit bureau.

## Licence Withholding

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<b>Duration</b>	1997-1998
<b>Goal</b>	To improve the administration of the licence-withholding process.
<b>Description</b>	The Maintenance Enforcement Office created a new licence-withholding clerk position to control the withholding function for two of the three officer teams. The clerk monitors case files to identify default payors who meet the criteria for licence withholding, prepares notices and initiates withholding action as appropriate. It was found that, during the assessment period, the teams supported by the clerk used licence withholding more frequently than the team that was not supported by a withholding clerk. Specifically, parents whose cases were being handled by a team with the support of the clerk were 223 percent more likely to receive a first notice of driver's licence withholding, 203 percent more likely to receive a second notice and 214 percent more likely to have a licence withheld.

## Electronic Banking

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<b>Duration</b>	1999-2001
<b>Goal</b>	To improve the administrative efficiency of the Maintenance Enforcement Office.
<b>Description</b>	The Saskatchewan Maintenance Enforcement Office established and evaluated an electronic link with its bank to allow pre-authorized payment arrangements for respondents and direct deposits to claimants' accounts.

## System Enhancements

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<b>Duration</b>	1997-2001
<b>Goal</b>	To enhance the Maintenance Enforcement Office's computer network and applications.
<b>Description</b>	The office bought additional equipment and computer applications in 1997-1998. Further, it implemented system reviews and modifications to ensure Year 2000 compliance, to improve its table maintenance capabilities, and to perform a number of new functions needed to accommodate legislative changes or to improve the efficiency and reliability of the system. The following year, 1998-1999, the office purchased additional desk units and applications to provide more officers with direct access to case management systems and external databases. It also designed and installed new forms and continued overall system enhancements including installation of a network hub for use in accessing the FOAEA system in 1999-2000. In 2000-2001, the office made system improvements affecting preparation of reports to the Canadian Centre for Justice Statistics and automated the direct deposit procedures to Alberta accounts to eliminate the risk of hand-input error.

## **System Support Analyst**

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<b>Duration</b>	1999-2001
<b>Goal</b>	To provide information technology services.
<b>Description</b>	The Maintenance Enforcement Office employed a systems analyst to identify systems improvement needs and opportunities and to plan and coordinate contracted work. The analyst is also responsible for staff training.

## **Client Service Representatives**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To improve client satisfaction rates.
<b>Description</b>	The Maintenance Enforcement Office employed two client service representatives whose responsibilities include routinely contacting new registrants to ensure that they are familiar with the Office's services and procedures. The client service representatives also respond to questions and complaints raised by clients.

## **PAA 6: RECIPROCAL ENFORCEMENT ACTIVITIES**

### **Legislative Reform**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To facilitate reciprocal enforcement of support orders.
<b>Description</b>	Representatives of the Maintenance Enforcement Office participated in drafting the <i>Reciprocal Enforcement of Maintenance Orders Act</i> and prepared for the introduction and implementation of the legislation.

## **PAA 7: POLICY, RESEARCH AND EVALUATION**

### **Monitoring and Evaluation Activities**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To track the impact of the child support guidelines on services and programs to help with program and policy development.
<b>Description</b>	In addition to participating in national planning and data collection activities (national Survey of Child Support Awards), the province established a five-year framework for monitoring and evaluating new and enhanced activities. Further, the maintenance enforcement database was enhanced to collect information on variations, and judgments are reviewed on an ongoing basis to monitor increases and decreases in original orders and examine arguments related to issues such as extraordinary expenses, undue hardship and income determination. The province has identified a number of evaluation issues falling in two broad categories: the impact of child support guidelines and the new tax treatment, and the impact of the provincial implementation strategy. In 1998-1999 and 1999-2000, the province conducted a survey of maintenance enforcement clients to, in part, assess their awareness of and opinions about child support

guidelines. The province also published a review of its mediation services<sup>29</sup> and planned to survey family law professionals and judges about maintenance enforcement and child support guidelines.

In the fall of 2000, Saskatchewan held a series of multidisciplinary workshops to identify priorities for services and programs to be delivered by communities in relation to custody and access issues. The series included workshops in Aboriginal communities, for youth and for the Bench and Bar.

## PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING

### Public Information and Education

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<b>Duration</b>	1997-1998
<b>Goal</b>	To provide information to the public about new and established maintenance enforcement procedures and provisions.
<b>Description</b>	In 1997-1998, the Maintenance Enforcement Office delivered two-hour information sessions in eight centres and offered one-on-one sessions with a maintenance enforcement officer. The group and individual sessions were advertised in newspapers and cheque mail-outs. In the individual sessions, which proved very successful, officers with documents and a summary of enforcement actions dealt with specific cases as well as general issues. The group sessions were generally well attended, and 152 individual sessions were conducted.

### Promotion and Print Materials

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<b>Duration</b>	1997-2001
<b>Goal</b>	To inform the public about the guidelines and related services.
<b>Description</b>	Since 1997, the province has been distributing provincial and federal posters, variation kits, self-help materials and other printed information packages through the courts, recreation centres, Family Law Support Services offices, social service offices and other locations.

### Toll-free Information Line

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<b>Duration</b>	1997-2001
<b>Goal</b>	To provide information about Saskatchewan's provincial legislation and guidelines services, complementing the Department of Justice Canada's toll-free line.
<b>Description</b>	The toll-free line provides general information about the guidelines and services such as the lawyer referral line, education sessions and self-help kits. In the first year of operation, the line handled 2,771 calls. The following year, the line received 1,384 calls, 313 of which were referred to other agencies (Revenue Canada, the Saskatchewan Maintenance Enforcement Office, the lawyer referral line, legal aid and others). In 1999-2000, there were 1,004 calls and 338 referrals. In addition to providing immediate responses to callers' questions, information line staff also mail variation kits, self-help materials, and other information packages to callers requiring such materials. About two thirds of the callers are women.

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<sup>29</sup> Elizabeth A. Wilkie, *Historical Reflections and Future Directions: Saskatchewan Justice Mediation Services, Family Programs Evaluation*, January 2000.

## INCENTIVE FOR SPECIAL PROJECTS

### Dispute Resolution Clerk

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<b>Duration</b>	2000-2001
<b>Goal</b>	To provide administrative alternatives for the variation and recalculation of child support amounts.
<b>Description</b>	Saskatchewan plans to develop an administrative mechanism to determine variations and other recalculations of child support through a dispute resolution clerk operating out of the Maintenance Enforcement Office. Currently, parties seeking a recalculation must hire a lawyer or use a self-help kit. The dispute resolution clerk, or conciliator, would receive referrals from the Maintenance Enforcement Office and travel to each judicial centre on the same day each month. The conciliator's duties would involve administrative assessment of changes in the parties' financial circumstances or the custody and access of the children, and the impact of these changes on existing orders or agreements. Conciliation and mediation services would also be offered to clients to help them arrive at their own agreement. In cases in which custody or access are issues, the conciliator could provide mediation when possible, or refer parties to Mediation Services. The service would be accessible by toll-free line and by mail. The program will be evaluated.

**For more information about Saskatchewan's services and programs, contact:**

Ms. Betty Ann Pottruff, QC  
Director, Policy, Planning and Evaluation Branch  
Saskatchewan Justice  
1874 Scarth Street, 4th Floor  
Regina, Saskatchewan S4P 3V7  
Telephone: (306) 787-8954

Mr. Lionel McNabb  
Director, Maintenance Enforcement Office  
Saskatchewan Justice  
100-3085 Albert Street  
Regina, Saskatchewan S4S 0B1  
Telephone: (306) 787-1650





## **FAMILY JUSTICE INITIATIVES**

### **PAA 1: PROJECT COORDINATION**

#### **Project Coordination**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To facilitate planning for and implementation of child support guidelines.
<b>Description</b>	The Yukon Department of Justice appointed a project officer to facilitate planning for implementation of child support guidelines. Reporting to the Director of Court Services, the officer is responsible for project development, federal-provincial-territorial activities, training, public education, communications, research planning and related activities. In 1999-2000, Yukon began the transition from project to continuing operational status and scaled back the responsibilities of the project officer. Court Services, the Yukon Public Legal Education Association and the Women's Advocate help the officer with the distribution of child support public information materials. Yukon continued to participate in federal-provincial-territorial planning and consultation processes dealing with child support, enforcement and other family law issues.

### **PAA 2: FEDERAL-PROVINCIAL-TERRITORIAL CONSULTATIONS ON FAMILY LAW**

#### **National Consultations on Custody, Access and Child Support**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To coordinate family law consultations in Yukon.
<b>Description</b>	The Yukon Department of Justice undertook consultations allowing a cross-section of the territory's population to participate in the discussions regarding family law matters in Whitehorse on June 11, 2001.

### PAA 3: FAMILY JUSTICE ENHANCEMENTS AND INNOVATIONS

#### Training

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<b>Duration</b>	1997-2001
<b>Goal</b>	To prepare staff for implementation of child support guidelines.
<b>Description</b>	All affected staff received training in 1997-1998. Special training was provided to the staff who had responsibility for the Child Support Guidelines Information Office and phone line. Training was provided before implementation of the guidelines, and follow-up training is given when needed. The territory continues to issue periodic information bulletins for family law professionals and service providers about new procedures and developments, as well as delivering training to Court Services staff as required.

#### Territorial Guidelines Review and Amendments

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<b>Duration</b>	1998-2000
<b>Goal</b>	To develop, adopt and implement the Federal Child Support Guidelines in territorial legislation.
<b>Description</b>	The Yukon government began planning for amendments to the <i>Family Property and Support Act</i> to provide for adoption of the Federal Child Support Guidelines in cases under territorial jurisdiction in 1997. The resulting amendments were adopted and came into force on April 1, 2000. The implementation work included public information sessions, the distribution of communications materials, training and information sessions for judges, the legal profession and others, and the revision of court forms.

#### Child Support Guidelines Information Office

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<b>Duration</b>	1997-2000
<b>Goal</b>	To provide information to the public on the guidelines and to help parties with variation applications.
<b>Description</b>	In 1997-1998, the Yukon Department of Justice established the Child Support Guidelines Information Office in the Whitehorse courthouse and set up a dedicated phone line. A part-time clerk was assigned to the office and phone line and was responsible for answering inquiries, making referrals to other services and preparing and distributing information packages. A Child Support Information Officer was also available on a part-time basis to provide information to the public on the Guidelines, tax changes and settlement options, and to help parties with variation applications for child support consent orders. This position was discontinued after two months due to limited demand. Since 1999, information has been available from the project officer and through the Maintenance Enforcement Program office in the Whitehorse courthouse.  Information on the guidelines is also available from the Yukon Public Legal Education Association and from the Women's Advocate at the Victoria Faulkner Women's Centre in Whitehorse. Information on the guidelines is also distributed to a number of service providers in communities throughout Yukon.

**Parent Education**

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<b>Duration</b>	1998-2001
<b>Goal</b>	To help parents better understand the impact of separation and divorce on their children.
<b>Description</b>	In 1998-1999 the Department of Justice, in partnership with the Women’s Directorate and the departments of Health and Social Services and Education pilot tested a parenting after divorce program using the Manitoba model. The Department of Justice now contracts with Partners for Children, a local service organization, to organize and facilitate the sessions and to train additional facilitators from other organizations to deliver the program outside of Whitehorse.

**PAA 4: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS TO DETERMINE, VARY OR RECALCULATE CHILD SUPPORT**

**Court-connected Mediation**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To establish a framework for introduction of a court-connected mediation service.
<b>Description</b>	The Yukon Department of Justice is considering a pilot project to provide “court-based, court-connected” mediation services to parents dealing with child support, custody and access issues. The Department hired a contractor to develop a framework dealing with issues such as the connection between the court and the mediation service, administrative arrangements, costs to users, the selection and assignment of mediators, the fee structure, and mediator qualifications. The report has been received and Yukon will undertake further internal discussions before deciding when and how to initiate the pilot project.

**Variation Application Assistance Initiative**

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<b>Duration</b>	2000-2001
<b>Goal</b>	To provide assistance and information to parents making variation applications.
<b>Description</b>	Some parents seeking to vary child support orders are unable, for various reasons, to obtain legal services or alternative assistance. In the absence of legal representation, some parents have difficulty proceeding with applications and often consume court time with matters that could have been readily resolved outside of court. To address this issue, the Yukon Department of Justice hired a family law lawyer to review the law and the current resources available to parents and to propose a project to develop a child support variation program that is cost effective and accessible to Yukoners. The consultant’s report included the project outline, scope, guidelines, options and evaluation criteria for the implementation of the Support Variation Assistance Initiative. Yukon is in the process of reviewing the options put forward by the consultant and is attempting to establish partnerships with various organizations to undertake the pilot project in 2001-2002 to provide parents in these circumstances with individualized information and assistance. The initiative will be evaluated.

## PAA 5: SUPPORT ENFORCEMENT ACTIVITIES

### **FOAEA Enhancements**

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<b>Duration</b>	1997-1998 and 1999-2000
<b>Goal</b>	To establish online access to Family Orders and Agreements Enforcement Assistance (FOAEA) enhancements.
<b>Description</b>	The territory purchased hardware and applications to establish access to the FOAEA system in Ottawa, but has had difficulties establishing fully satisfactory access due to the territory's computer firewall. Until this problem is resolved, maintenance enforcement officers must rely on a central computer to obtain required data.

### **Pilot Innovative Approaches to Improving Collection Mechanisms**

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<b>Duration</b>	1997-1998
<b>Goal</b>	To improve collection mechanisms.
<b>Description</b>	Yukon created a tracking investigative officer position to reduce collection problems associated with the seasonal nature of the Yukon workforce. The officer, who also served as a deputy sheriff, used government databases and field investigations to locate defaulters.

### **National Maintenance Enforcement Survey**

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<b>Duration</b>	1997-1998 and 1999-2001
<b>Goal</b>	To implement information system applications to deliver data for the National Maintenance Enforcement Survey.
<b>Description</b>	In 1997-1998, the territory determined that it was not feasible to adapt its existing information system to meet Canadian Centre for Justice Statistics' requirements for the national survey. It is now working toward implementation of a replacement system (see below) that will provide, among other things, a capacity to contribute data to the survey.

### **Maintenance Enforcement System Development**

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<b>Duration</b>	1997-1998 and 1999-2001
<b>Goal</b>	To review and recommend a replacement for the Maintenance Enforcement Program's computer system.
<b>Description</b>	Since 1997-1998, the program has been attempting to identify a cost-effective replacement for its existing mainframe information system. One of the options identified for consideration involved customizing a system from another jurisdiction. However, a requirements analysis and other assessments of that option, completed in 1998-1999, demonstrated that the cost of modifying such an application would have been more expensive than building an entirely new one. Accordingly, the Department of Justice has let a contract for the development of a new information system that will meet the program's needs as identified by the requirements analysis.

## **PAA 7: POLICY, RESEARCH AND EVALUATION**

### **Monitoring Impacts**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To monitor the impact and effect of the legislative changes in family law.
<b>Description</b>	Yukon participates in federal-provincial-territorial research and evaluation activities. It has also developed a research and evaluation strategy for the Yukon Child Support Guidelines and continues to collect data for the national Survey of Child Support Awards.

## **PAA 8: PUBLIC AWARENESS AND PROFESSIONAL TRAINING**

### **Communications and Public Information**

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<b>Duration</b>	1997-2001
<b>Goal</b>	To provide information on child support guidelines to the public.
<b>Description</b>	Since the spring of 1997, Yukon has maintained a proactive public and professional information program. It has produced and distributed information bulletins, mail-outs and press releases. It has also made information available through the print and broadcast media, including public service announcements in Kaska and Gwitch' in. In 1997, the government established a public enquiry line. Since 1999, telephone questions about the guidelines have been directed to the project officer. Information can also be obtained from the Maintenance Enforcement Program office, the Yukon Public Legal Education Association (YPLEA) and the Women's Advocate in Whitehorse. YPLEA and the government have also produced an updated guide for family practice lawyers. Other communications and information services directed to family law professionals and service providers include guidelines bulletins covering recent developments and changes, a child support resources binder for service providers and an annual workshop on family law and child support issues for service providers.

### **For more information about Yukon's services and programs, contact:**

Mr. Paul Cowan  
Acting Director, Court Services  
Yukon Department of Justice  
PO Box 2703  
2134 Second Avenue  
Whitehorse, Yukon Y1A 2C6  
Telephone: (867) 667-5365

Ms. Lori Whitson  
Manager, Yukon Department of Justice  
PO Box 2703  
2134 Second Avenue  
Whitehorse, Yukon Y1A 2C6  
Telephone: (867) 667-3038