

Just Facts

November 2022

Research and Statistics Division

Family Disputes and the Canadian Legal Problems Survey, 2021

This fact sheet is based on data from the 2021 Canadian Legal Problems Survey (CLPS) undertaken by Statistics Canada and commissioned by Justice Canada. The CLPS is a legal needs or legal problems survey; these surveys are done in countries around the world to measure the incidence of legal problems, how respondents attempt to resolve them, and the impacts of these problems. The CLPS reached people aged 18 years and older who could speak English or French. The final sample size was 21,170 people from 10 provinces and included an oversample of Indigenous people.

Note to readers: In the CLPS data, the percentage of those identifying as a gender other than male or female was very small. Statistics Canada made the decision to group the data into “male” and “not male”.

The CLPS and family disputes

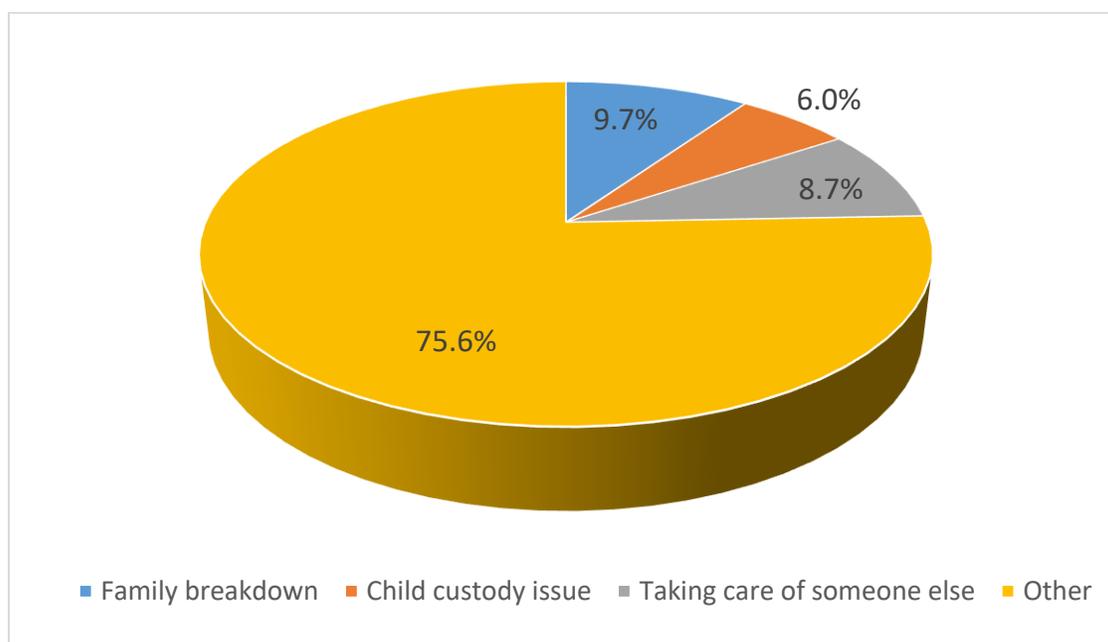
The Canadian Legal Problems Survey asked respondents whether they had experienced a serious problem or dispute relating to a range of different issues, such as family breakdown, housing or employment. If respondents replied “yes”, they were then asked if the problem was not easy to fix.

In 2021, approximately one-third (34%) of people living in Canada’s provinces reported experiencing at least one dispute or problem. Among those who experienced a dispute or problem, almost one in five (18%), or 5.5 million people in the 10 provinces, stated that the dispute or problem they experienced was serious and not easy to fix. Out of these respondents reporting a serious problem that was serious and not easy to fix, almost one in ten (9.7%) reported a breakdown of family or relationship, excluding child custody problems; a smaller proportion (6.0%) reported a problem or dispute relating to child custody¹ or other problems involving parental responsibilities; and 8.7% reported taking care of a will, or

¹ As of March 1, 2021, the *Divorce Act* no longer uses the terms “custody” and “access”. The court now makes “parenting orders” for decision-making responsibility and parenting time (previously custody) and parenting time (previously access) under the *Divorce Act*. Orders made under the *Divorce Act* before March 1, 2021 continue to use “custody” and “access”. A number of provinces amended their family legislation to mirror the new parenting terminology in the *Divorce Act*. Depending on the province or territory, orders may refer to “guardianship”, “custody”, “access” or “parental authority”.

taking care of financial or health issues for a person unable to do so for themselves (hereinafter “taking care of someone else”).

Figure 1. Most serious dispute or problem that was not easy to fix by type of problem (Canadians living in the provinces, N=5,500,000)



Source: Canadian Legal Problems Survey, 2021, Statistics Canada. Special request.

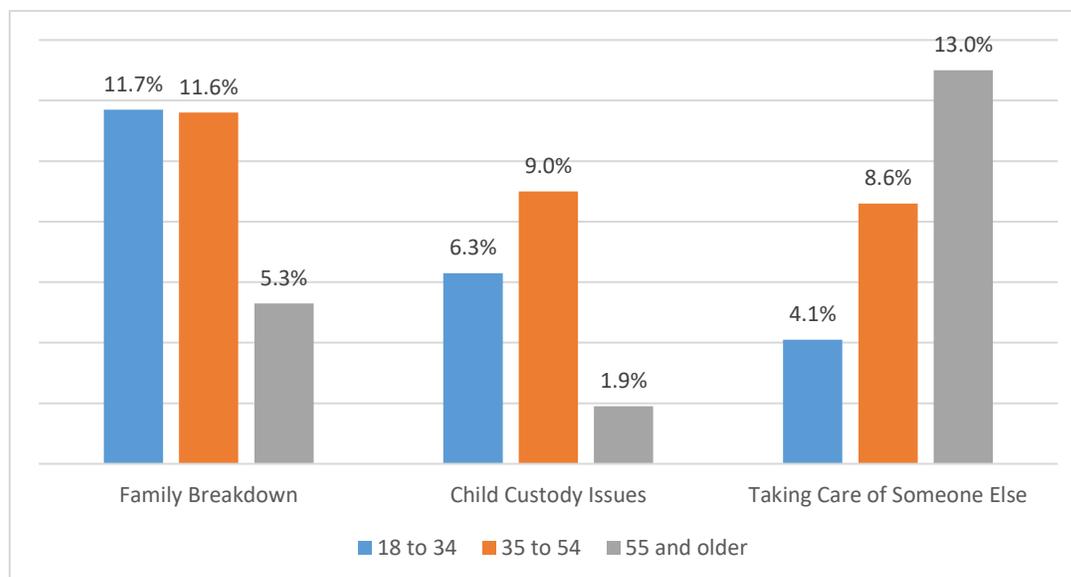
Males reported that they were less likely to experience a child custody issue than others.

When looking at child custody problems or problems involving parental responsibilities, men were less likely to have a serious problem or dispute (4.5%) when compared to those not identifying as male (that is, those identifying as female, or as neither male nor female) (7.6%).

Those aged 55 and older were less likely to report that they experienced a family breakdown or custody issues, but were more likely to have a problem related to taking care of someone in need.

As shown in Figure 1, compared to those aged 18-34 years, those aged 55 years and older were significantly less likely (5.3%) to experience a family breakdown problem, significantly less likely (1.9%) to experience a child custody problem, but significantly more likely (13%) to report a problem with taking care of someone else).

Figure 2. Serious problems or disputes related to family in the past 3 years, by age group (18 to 34 years; 35-54 years; 55 years and older), 2021.



Source: Canadian Legal Problems Survey, 2021, Statistics Canada. Special request.

Non-Indigenous people were less likely to report that they experienced a child custody problem.

When looking at ethnicity, self-reported child custody and problems relating to parental responsibility varied considerably. Non-Indigenous people were significantly less likely to report the experience of a child custody problem when compared to Indigenous people (5.8% compared to 10.5%).

Those who identified as a visible minority were less likely to report that they experienced a child custody problem.

In a different comparison, those who identified as a visible minority were significantly less likely to experience a problem relating to child custody than those who did not identify as a visible minority (3.8% compared to 6.8%). Additionally, significantly fewer respondents (6.2%) who identified as a visible minority reported a problem taking care of someone else compared to those not designated as a visible minority (9.5%).

Those unemployed in the last 12 months were more likely to report having a problem with taking care of someone else.

Employment status was not significantly associated with problems relating to a breakdown or separation of family, nor child custody issues. Those not employed in the previous 12 months were significantly more likely to have a problem taking care of someone else when compared to the referent group of employed persons (11.2% compared to 7.7%).

Sexual orientation, disability status, geographic location, household income² and education levels³ were not associated with having had a serious family dispute.

When looking at sexual orientation, this was not associated with having problems with the breakdown of a family, child custody, or taking care of someone else.

When comparing people with a disability to individuals who do not have a disability, disability status was not associated with a problem in any of the three family dispute categories.

Geographic location, such as living in a rural or urban setting, was not associated with experiencing a family dispute.

Serious problems relating to the three categories of family disputes were distributed equally among all education levels and household income categories.

² Household Income categories were: less than \$40,000; \$40,000 to less than \$80,000; \$80,000 to less than \$120,000; \$120,000 and over.

³ Education levels include: high school or lower, college or trade school, and University.