

JDG 4

IMPROVE FAMILY JUSTICE

4.1 OFFER A BROAD RANGE OF SERVICES - Make family law services easier to find, including triage, early intervention, integrated and collaborative processes, parenting and financial services.

4.2 PROMOTE CONSENSUAL RESOLUTION - Develop and expand proactive management of family issues and more consensual approaches and services, maintaining a focus on safety.

4.3 INNOVATE - Educate people about less adversarial approaches and experiment with new services and processes to create opportunities for consensus resolution.

4.4 RESTRUCTURE FAMILY COURTS - Locate all of the aspects of family law in the same place, including separation, custody and access, and divorce, ideally under one judge.

Family law continues to be major focus of access to justice efforts in Canada. The majority of self-represented litigants in Canadian courts are dealing with the legal aspects of separation and divorce, or are managing the ongoing custody and financial arrangements between parents.

Legal clinics and public legal information services have long focused on helping people understand the processes, forms and options in family disputes. Family courts, lawyers and mediators continue to provide direct legal services while alternative approaches work to reduce conflicts or avoid legal disputes altogether.

In 2019, the focus in family justice was on increasing the remote, in-person and online tools available to litigants, using legislation and policy to increase the potential for early resolution and to give strength to enforcement efforts, and affirming the the justice sector's commitment to the best interests of the child.

Organizations saying this is
their primary impact on A2J: **1**

Projects aligned: **57**

Empowering Family Litigants through Online Tools

The Public Legal Education Association of Saskatchewan launched the Interactive Agreement Platform: a comprehensive online tool for resolving family law issues by agreement. The project serves chiefly self-represented individuals who are able to resolve their family law issues by agreement. It provides an online platform for use by self-represented individuals to create an agreement document to resolve their family law issues. Topics that the parties agree on can be selected after users are provided with plain-language legal information about the differences between an agreement and a court order, and the law regarding agreements. A guided pathway concept is used and options are presented, combining standard clause options with flexibility to create unique clauses. Users may work at their own pace, with all progress automatically saved. On completion a ready-to-print document is provided, along with instructions on signing and witnessing. The agreement process can enhance family members' ability to negotiate and compromise to find solutions for everyone.

The Legal Services Society in BC redesigned the Family Law in BC website following extensive user-testing and co-design workshops with self-represented litigants and cross sector intermediaries. Features include:

- accessible design to help users in emotional distress or facing other barriers to processing complex information, e.g. comic strips for those with literacy issues, wellness tips for those under emotional strain, and W3C accessibility
- navigation that reflects how users identify legal issues and flow from simple to complex info
- less intimidating step-by-step guides and mobile friendly design

CLEO's Guided Pathways are online interviews which help people complete family court forms and tribunal forms. This project serves self-represented litigants - people with family law problems or tenants who have repair and maintenance problems. In 2019 CLEO created:

- Guided Pathways for the application process for divorce and separation, division of property, and spousal and child support, as well as other associated forms
- a Guided Pathway supporting tenants with maintenance and repair applications to make a T6 application to the Landlord and Tenant Board

The Website pour le Droit de la Famille project is aimed at serving francophone individuals in Saskatchewan who, for various reasons, are representing themselves in dealing with family law issues. The project has developed a French-language website to provide the same comprehensive, plain-language family law information that is provided in English on PLEA's Family Law Saskatchewan website (familylaw.plea.org). This French site, like the English site, has an interactive tool, allowing users to apply for a divorce in French without the assistance of a lawyer. This includes use of screening questions, creation of step-by-step plans, building fillable court forms, and instructions on what to do with completed forms.

The Family Resolution Centre project of the Legal Services Society in BC introduced free online mediation for parenting disputes. These disputes frequently recur and may involve any aspect of parenting including time with each parent, custody, guardianship or access. This service will help participants negotiate an agreement, and provide mediation if needed to resolve the issue. Because this is the first free ODR service in Canada for those with family law issues, the pilot will provide professional development opportunities for mediators, and will develop meaningful data that contributes to the relatively new field of online dispute resolution in family law.

Strengthening the Commitment to the Best Interests of the Child

On October 30, 2019, the Leadership Group of Access to Justice BC agreed to a Statement of Commitment to address the adverse impact on children of increased parental conflict and anxiety during separation. The Statement includes an Action Framework that includes three objectives: increasing parental capacity to manage conflict; enhancing children's resilience; and designing the justice system to reduce parental conflict and anxiety, and enhance children's resilience

The federal government introduced the Family Law Reform (Bill C-78). The bill's four key objectives are "to promote the best interests of the child, address family violence, reduce child poverty, and make Canada's family justice system more accessible and efficient" in the context of family breakdown. The bill is the first substantial revision of Canada's federal family law-related legislation in 20 years.

Referring to Article 33 of the Civil Code of Québec, the Porte 33 project by Justice Pro Bono aims to provide legal and psychosocial resources, focused on the best interests of the child, to families experiencing separation. The objective of the project is twofold: to improve access to family justice and to mitigate the impact of separation in the life of the child. Porte 33 has three components: Itinerant Legal Clinic, training and an electronic book.

The Reforming the Family Justice System (RFJS) initiative in Alberta is a systems-change initiative that has adopted a culture shift which is leading to a transformation in the family justice system in the province of Alberta. The theory is that families will thrive when family justice issues are recognized as primarily social, relationship, parenting and financial, that contain a legal element. In 2019, the RFJS launched the Family Justice Navigator Pilot in the County of Strathcona. Staff were trained in brain science and trauma-informed practice and made referrals to non-legal supports for families. RFJS also developed an Outcomes Framework to increase communication, ensure a deliberate approach to priorities and accelerate desired changes. In the area of family violence, the RFJS collaborated through a province-wide collective impact initiative known as Impact. The RFJS began to work with Indigenous organizations in Alberta to support healing required to achieve improved outcomes for Indigenous families and communities dealing with child welfare and family violence.

Encouraging Early Resolution and Strengthening Enforcement Options

Legal Aid Manitoba implemented the Out of Court Family Resolution Project, in which families are given legal aid coverage to resolve their family matters using an out of court resolution process. This approach to resolving family disputes keeps the focus on the best interests of children and families and aligns with the new approach taken by the Manitoba Court of Queen's Bench to family justice.

Legislative amendments to the Family Maintenance Enforcement Program include allowing the Insurance Corporation of BC (ICBC) to cancel the driver's licence of a person with substantial arrears. This change will improve the effectiveness of child and spousal support enforcement by taking immediate action against those with more than \$3,000 in arrears, encouraging negotiation to resolve payment arrangements. A second amendment replaces a requirement to file the entirety of an order or agreement related to child or spousal support in the Land

Titles Registry, with a simplified requirement to submit pertinent information only. This change will streamline processes and help prevent the unnecessary public disclosure of sensitive information.

The Nova Scotia Department of Justice introduced changes to the Maintenance Enforcement Program (MEP) including a new portal leveraging the online and electronic channels available to MEP clients. MEP online allows users to access information about their account, including:

- the status of their case;
- information about payments, including the most recent payments and any payments that are in arrears (past due); and
- any enforcement actions that are in place.

MEP online also allows users to send a message to MEP staff, change their address and sign-up to receive notifications about payments.

The Victoria Early Resolution and Case Management Prototype is testing a new process in the BC Provincial Court Rules. This model is designed to encourage parties to resolve family disputes by agreement or to help them obtain just and timely decisions in Provincial Court. The new process applies to issues under the Family Law Act and introduces early resolution requirements for family law matters proceeding through Provincial Court in the Victoria registry. In addition to the early resolution requirements, the new process introduces a family management conference which will replace first appearance and provide increased case management. This will help with further dispute resolution and help ensure parties are prepared if they need to proceed to trial. There are a number of other changes including new, more user-friendly forms and improved processes for things like orders by consent and case management orders.

Increasing the Reach of Family Law Support Services

During the Family Law Workshop initiative of the Public Legal education and Information Service of New Brunswick, lawyer volunteers delivered 23 workshops to 276 participants across the province over a seven month period. Approximately 5,000 family law publications were distributed to the participants in their information kits.

Family Law Workshop initiative by Public
Legal education and Information
Service of New Brunswick



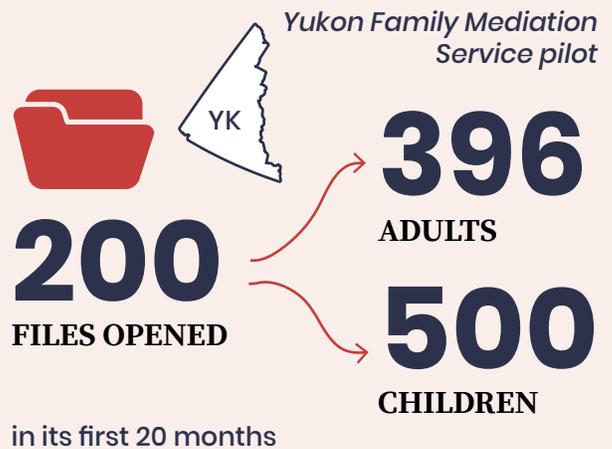
Lawyer volunteers delivered

23 WORKSHOPS → **276** PARTICIPANTS

The Child Protection Practice Group (CPPG) of Nova Scotia Legal Aid focuses on provision of legal services for families engaged with child protection incorporating non-lawyer staff at the earliest opportunity and in strengthening community outreach. The goal is to improve use of court time, reduce unnecessary court appearances, decrease the number of self-represented parties at the 5 day and 30 day interim hearings, and provide information and navigation support to parties and affected non-parties alike. By focusing on early intervention the objective is to deliver a full range of timely legal services that is culturally appropriate and trauma informed by supporting families at the earliest opportunity, collaborating with case planning and developing early and appropriate placement options and working collaboratively with the Agency and their counsel to address risk and develop better connections with Indigenous and ANS communities.

The Parents Legal Centres (PLCs) run by the Ministry of the Attorney General in BC promote early resolution of child protection matters and are consistent with recommendations made in a recent report on Indigenous child welfare. PLCs provide services to people who are at risk of having their children removed from the family home, and focus on early collaborative processes and helping with underlying issues such as housing and addictions. In 2019, additional PLCs were opened in Campbell River, Duncan, Prince George and Smithers/Hazelton.

The Yukon Family Mediation Service pilot project, a one-year project offering free mediation for parents to resolve child-related matters, was granted a two year extension. During its first 20 months, the program opened more than 200 files, representing more than 396 adults and 500 children.



The New Brunswick Toll-free Family Law Information Line - 1-888-236-2444 assisted 2046 unique callers this past fiscal year.

New Brunswick Toll-free Family Law
Information Line



2046
UNIQUE CALLERS