

JDG 4

IMPROVE FAMILY JUSTICE

4.1 OFFER A BROAD RANGE OF SERVICES

Provide targeted, free, accessible public legal education about frequent legal issues, different types of solutions and the process of enforcing rights.

4.3 INNOVATE

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

4.2 PROMOTE CONSENSUAL RESOLUTION

Foster legal capability so that people can spot legal issues early, get preventative or proactive help and anticipate, avoid or manage frequent legal issues.

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.

Projects advancing this goal



75

Organizations identifying this goal as their primary focus



8

HIGHLIGHTS

1180 people

served by the Legal Aid Manitoba's child protection duty counsel program

Positive Parenting from Two Homes

offered to PEI families in partnership between PEI and NS departments of justice

90 parents

were offered online resources by Justice Pro Bono's Porte 33 program in Quebec

New legislation in NB

centres the best interests of the child and reduces the time and complexity of family disputes.

What is JDG#4 About?

Family law continues to be a 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 2020, virtual clinics and empowerment tools supported self-represented litigants and people at the beginning of their family law issues. Courts, public legal education providers, clinics and students increased their focus on early resolution and conflict avoidance. The sector emphasized the best interests of the child through a variety of parental support and by increasing the profile of children at the centre of family issues. Changes to legislation nationally and provincially aligned the priorities of early resolution and the best interests of the child, ensuring that provinces, courts and service providers were empowered to meet family law needs.

Empowering People with Family Law Issues

Community Legal Education Ontario's Family Law Guided Pathways help people in Ontario to complete family law court forms. By year end, 39 family law pathways were available in both English and French, leading users to a total of 65 court forms and tip sheets. Each pathway takes users through a number of questions and their answers determine what additional questions they will be asked. At the end of each pathway, a user's answers automatically populate the requisite family law court forms. From April – December 2020, users completed over 6000 sessions and over 28,000 documents were created.

The **Public Legal Education Association of Saskatchewan** introduced Remote Self-Help tools for family law litigants. The project includes "How to" videos for people dealing with family breakdown without assistance from a lawyer and an online safety planning tool with a guided pathway for people experiencing intimate partner violence. The videos support user success by creating confidence in the use of the online planning tools.

In 2020, students working in the Family Law Clinic of **Legal Help Centre of Winnipeg** assisted 100 people to prepare to self-represent and working with court staff to assist unrepresented individuals.

The Law Society of Manitoba introduced a Family Law Hub in the library of the courts building. Law students, under the supervision of a family law lawyer, provide legal information and limited legal services to self-represented litigants. Early feedback indicated that the in-person presence in the courthouse was a positive move to address unmet legal needs. As a result of the pandemic, the Hub began to offer virtual services.

Pro Bono Students Canada, Epstein Cole LLP and **Legal Aid Ontario** partnered to launch the Family Justice Centre, hosting virtual legal clinics for Ontarians dealing with family law issues who are unable to afford a lawyer but may not meet the threshold for legal aid services. At the clinics, family law lawyers supervise law students in the delivery of unbundled legal services to self-represented litigants. The Centre also created public legal education resources to support self-represented litigation in navigating the family law process. 2020 was spent developing the Centre and client-facing work began in early 2021.

In 2020, Ontario's **South Asian Legal Clinic** provided help, including legal information, legal advice and emergency help, for victims of forced marriage in Canada.

Courthouse Libraries BC's Family Law Unbundling Program provided information to the public and the legal profession about family unbundling, including helpful retainer letter templates, checklists, flowcharts and more, to support self-represented litigants in family law.

Encouraging Early Resolution and Reducing Conflict

The **Court of Appeal in Alberta** launched a pilot to fast track all family law appeals. Case management officers schedule a mandatory appeal conference in all Family Law Fast Track Appeals, approximately two weeks after the Notice of Appeal is filed. The purpose of the pilot project is to increase access to justice and encourage resolution between parties of outstanding appeals in an effort to reduce family conflicts and expenses.

The **Yukon Family Mediation Service** was granted a two-year extension. The free service is an alternative to court

that helps parents resolve child-related matters when separating or divorcing. The Yukon Family Mediation Service works closely with the nearby Family Law Information Centre to support parents who are willing to work together to make decisions about parenting arrangements and the ongoing needs of children after separation or divorce.

At the **Quebec Superior Court**, the Parenthood/Conflict/Resolution Pilot Project (PCR-2) focuses on the best interests of the child and allocates one judge to one family from the start to the finish of the case. The judge is empowered with additional tools to intervene in family matters to re-establish communication and support a meaningful relationship between child and parents.

The **Supreme Court of NS** (Family Division) and the **Unified Family Court NS** participated in an e-court pilot in Halifax to provide legal counsel the opportunity to engage in real time, online exchanges with a judge for dispute resolution. The program is the first online judicial dispute resolution service in the country and its goal is to eventually include access for self-represented litigants.

In 2020, **Manitoba Justice, Family Resolution** introduced a new single-window Family Resolution Service which consolidates and expands voluntary out-of-court services. Early Resolution supports were delivered by Family Guide specialists in intimate partner violence, safety planning, mediation, family law and court processes. A single Get Guidance email and telephone line offers a 'digital first but not digital only' focus, recognizing that some clients prefer or require phone or in-person support. The Family Law Manitoba website provides a one-stop authoritative source for family law resources and supports, including self-service tools. In 2020, 1700 people benefitted from the Family Resolution Service.

Supporting Children and Parents

As a part of the Interjurisdictional Support Orders Deputy Minister Working Group on Trace and Locate, Secured Electronic Documents, Bank Garnishments and Metrics, **Nova Scotia Department of Justice** led the Secured Electronic Documents and Bank Garnishments portions, seeking to increase the ability of bodies across Canada to enforce maintenance orders even when payors move to or live in other jurisdictions.

Legal Aid Manitoba expanded the child protection duty counsel program, making duty counsel available to all parents and families regardless of their financial

circumstances in many provincial and superior courts in Manitoba. Affected parents have in-court assistance with making representations on interim or temporary disposition of issues pending formal determination of apprehension proceedings. This program served 1180 people in 2020.

The coParenter Case Study is a collaboration between the **Calgary Women's Emergency Shelter, Reforming Family Justice Services and coParenter**. The Case Study started in October 2020, providing each individual at the shelter with a three month free license to the coParenter tool. The Study will provide an opportunity to gain experience with the coParenter tool in Alberta with a specific focus on family violence and abuse cases.

The **Departments of Justice and Public Safety of PEI** and NS have partnered to offer Island families the Positive Parenting from Two Homes course online. This free program can support parents to gain a greater understanding of their children's needs through the separation or divorce process.

Legal Aid NS's Child Protection Practice Group entered the second year of the pilot. The program provides wraparound services for child protection clients with a focus on early intervention. The team, which includes two lawyers, a navigator and a support assistant, provides enhanced services at the initial stage of the hearing and keeps all files that can be resolved collaboratively. The team also partnered with the judiciary and the Departments of Justice and Community Services to develop a pre-court judicial led conferencing model allowing parties in matters where a proceeding is foreseeable to address concerns without a court application. The model will be assessed for its application across the province. In 2020, the pilot benefitted 341 people.

In Quebec, **Justice Pro Bono's** Porte 33 program offered free meetings for parents with a family law lawyer and a community support worker, as well as an online resource. In 2020, the service went virtual and served 90 parents.

The Youth Voice Initiative, part of the **BC Family Innovation Lab**, aims to support the well-being and resilience of children and youth whose families have experienced separation or divorce. Using human-centred design process, Youth Voices created a platform to showcase stories from young people, designing education for system professionals and engage with young people and stakeholders through Instagram.

Aligning Legislation Across Canada

Federally, **Justice Canada** introduced amendments to the Divorce Act and federal support enforcement Acts (Bill C-78) to address the best interests of the child, family violence and the reduction of child poverty to come into force on March 1, 2021. Justice Canada developed a broad range of public legal education and information materials to help Canadians understand the changes to the law. Some of the materials will be available in multiple languages. A suite of professional training resources is also being prepared to support effective implementation.

In **New Brunswick, the provincial government** introduced new legislation to align the Family Law Act with the changes to the federal Divorce Act and to create a new recalculation service to help avoid court appearances. The new legislation replaces terminology of custody and access with the concepts of parenting time, decision-making responsibility and the terms parenting order and contact order. It introduces requirements specific to the relocation of children and for legal advisors to advise clients about using non-court options for dispute resolution. The best interests of the child criteria are updated and now include specific considerations around family violence and First Nations families.

In Ontario, the **Moving Ontario Family Law Forward Act, 2020** introduces modernized language, simplified appeal routes and improved the online child support service.

The **BC Provincial Court of Justice** introduced amended rules focusing on early resolution of family law cases, including case management, streamlined processes and new easier-to-use forms.

The **Family Law Modernization Act** established a framework to reform Manitoba's family law services and expand out of court options. The amended Arbitration Act facilitates private arbitration to resolve family law disputes and the enhanced authority and discretion of the Maintenance Enforcement Program prevents the need for court applications in certain circumstances. In 2020, Manitoba introduced the Child Support Calculation Service for initial child support and recalculation decisions outside of court and is establishing an administrative family dispute resolution service to make facilitated resolution and adjudication mandatory for all eligible common law families.