

»»»»»»»»»» Goal 4

Goal 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.

Improve Family Justice

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 addition to the specialized focus on judges and lawyers delivering these ongoing legal services, 2018 saw many new initiatives that strive to create more accessible paths to family law resolution.

Early Resolution of Family Disputes

Mediation was a focus of many new initiatives in 2018. Legal Aid Ontario introduced new certificates that provide people with legal help to pursue mediation or out-of-court early resolution of family issues. It also provided funding for Independent Legal Advice prior to signing a separation agreement. The BC Provincial Court piloted a program that lets judges refer families to four hours of free mediation. In Whitehorse, an alternative to court program helps parents resolve child-related matters while the Yukon Family Mediation Service offers families mediation support throughout the territory. In the Northwest Territories, the Family Law Mediation Program is available in person, by skype and by telephone, ensuring early resolution options are available in remote communities.

Integrated Services

The family law system is working with other professions to integrate services in periods of family transition. Alberta's Ministry of Justice is working with the Family & Counselling Services Society to pilot a Family Justice Navigator in two locations. This Navigator model offers counselling, parenting support, trauma-informed services and community supports throughout the separation and divorce process. BC's Locate Services matches people's needs with local resolution services. The Quebec Ministry of Justice financed a new *Protocole Parentalité-Conflit-Résolution* pilot that makes psychosocial services available at the courthouse. The Legal Information Society of Nova Scotia offered training to over 40 community service workers on 20 family law topics including how to fill out of family law forms. In BC, the *Skills for Changing Families* program offers skills development and psycho-educational counselling to families to avoid ongoing conflict and repeated court appearances. New initiatives focused on parenting and child support issues with programs to help parenting after separation were offered in many provinces and territories.

Indigenous Child Welfare

The Cowichan Tribes have started a project that will see Cowichan traditional laws applied in BC courts in child protection cases. Alberta's Reforming the Family Justice System project has sought guidance from Indigenous leaders and organizations in its approaches to family violence and child welfare as part of its response to the Truth and Reconciliation Commission's Calls to Action.

Educaloi worked with the First Nations of Quebec and Labrador Health and Social Services Commission to launch an Indigenous customary adoption project.

Supporting Self-Represented Litigants

New supports for self-represented litigants were launched in many jurisdictions. The Legal Services Society introduced a Dialogue Tool on *MyLawBC.com* that helps partners reach agreement on family matters. Community Legal Education Association in Ontario expanded its Guided Pathways to support family disputes. The Form Wizard on the Public Legal Education Association of Saskatchewan's website was expanded, helping people generate their family court forms. A new Family Law Forms Builder was also launched in Newfoundland and Labrador by PLIAN.

New videos about the myths and realities of family disputes were produced by Educaloi. Nova Scotia Legal Aid offered weekly online chats on family law to help people understand their conflicts. *SaskFamilyLawAdvisor.ca* offered legal coaching to self-represented litigants. Legal Aid Ontario's East Toronto Outreach Program now allows people to pre-book a meeting with a legal aid lawyer who will meet them in their neighbourhood to explain legal processes and assist with forms. The Family Justice Resource Centre, located in the Winnipeg Court Complex, offered in-person and telephone support to families throughout Manitoba. The Law Foundation of BC created a family law advocacy network composed of 20 new family advocates across the province. Quebec's Pro Bono Clinique Porte 33 offered Quebecers 45 minutes of time with a volunteer lawyer to discuss family separation issues.

The Public Legal Education and Information Service of New Brunswick held a *Do Your Own (Uncontested) Divorce* course. Community Legal Education Association offered a \$25 guide for uncontested divorces in Manitoba and delivered family law presentations at the Winnipeg Public Library. The National Self-Represented Litigants Project developed partnerships and resources to put its family law supports in public libraries in Windsor. The Regina Family Law Free Legal Clinic opened its doors in 2018, adding to Pro Bono Saskatchewan's family law services. Legal Aid Manitoba offered free Duty Counsel at the beginning of all child protection cases. BC's Unbundling Roster expanded the number of family lawyers willing to provide unbundled or partial legal representation.

Courthouse Changes

New Brunswick's Family Case Management Model was expanded to Moncton, providing a triage coordinator, case management, legal information personnel and lawyers. The family law reform initiative in Manitoba is providing an alternative service model with self-help technology, triage, and collaborative dispute resolution assistance. Alberta's Resolution and Court Administration Service offered intake, dispute resolution and parenting courses. In Nova Scotia, a pilot project offered online court hearings in family matters. The Quebec Court piloted an adapted judicial process that combines clinical intervention in cases of intensive conflict during separation. The Canadian Bar Association continued to advocate for unified family courts.

Changing Lawyers' Practice

As legal service delivery changes, so has the practice of law in family matters. The Canadian Bar Association developed a professional education toolkit for lawyers on parenting apart, based on experiences in BC, Alberta and Ontario. The BC Law Society has ensured that lawyers acting as family mediators or parenting coordinators have met advanced educational requirements. The BC Collaborative Roster Society offered pro bono collaborative practice as a non-adversarial alternative model. Law Societies in Manitoba and Alberta offered professional development for lawyers to learn new family rules or update their practice approach. The Law Society, the government and professional associations in BC are exploring the potential of paralegals offering family law services. Legal Aid Manitoba incentivized quick and final resolution of family matters through its tariff structure.

Legislative Changes

New Brunswick's new Intimate Partner Violence Act resulted in new training and implementation in the province. In BC, legislative changes allows a person's driver's license to be cancelled if they have substantial support payments arrears. Online access to family support information now makes it easier for individuals to access support payment information and integrate with online calculators and related services in BC. Throughout 2018 many legal organizations, including the Canadian Bar Association, participated in Justice Canada's efforts to amend the Divorce Act and related legislation, to better protect the best interest of the child and to simplify divorce proceedings.

Listening to Users

Over the course of the year, opportunities to listen to users of the family law system informed changes in every jurisdiction. In Quebec, the Chambre des Notaires conducted a Citizen's Commission on Family law, holding consultations in six cities. The BC Family Justice Innovation Lab launched its *Youth Voices* project, building young people's capacity to have their voices heard both by the justice system and by their parents. The Canadian Research Institute for Law and the Family organized a national symposium on children's participation in justice processes.

NUMBER OF PROJECTS BY PROVINCE/TERRITORY

