



EVALUATION OF FEDERAL SUPPORT FOR FAMILY JUSTICE

Final Report

**Internal Audit and Evaluation Sector
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Department of Justice
Canada

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ACRONYMS

CFJF	Canadian Family Justice Fund
CRDP	Central Registry of Divorce Proceedings
CCSO-FJ	Coordinating Committee of Senior Officials – Family Justice
EFT	Electronic funds transfer
FLAS	Family Law Assistance Services
FOAEAA	<i>Family Orders and Agreements Enforcement Assistance Act</i>
FCY	Family, Children and Youth
FPT	Federal, Provincial and Territorial
GAPDA	<i>Garnishment, Attachment and Pension Diversion Act</i>
Gs&Cs	Grants and Contributions
IAID	Innovations, Analysis and Integration Directorate
IFMS	Integrated Financial and Material System
ISO	Interjurisdictional support orders
LGBTQ2	Lesbian, Gay, Bisexual, Transsexual, Transgendered, Intersexual, Queer, Questioning and 2-Spirited
MEPs	Maintenance Enforcement Programs
NGOs	Non-governmental organizations
O&M	Operating and Maintenance
PAAs	Primary Area of Activities
PEP	Parent Education Program
PT	Provincial and Territorial
PLEI	Public legal education and information
RCMP	Royal Canadian Mounted Police
RSD	Research and Statistics Division
SCD	Strategic Communications Division
SFI	Supporting Families Experiencing Separation and Divorce Initiative
SFF	Supporting Families Fund
TBS	Treasury Board of Canada Secretariat



EXECUTIVE SUMMARY

Introduction

This report presents the findings and conclusions of the 2019 Evaluation of the Federal Support for Family Justice. The evaluation covers the period from 2014-15 to 2017-18 and addresses issues related to relevance, effectiveness and efficiency.

Federal Support for Family Justice Profile

Family law is an area of shared constitutional jurisdiction. The federal government has jurisdiction over divorce and other related matters ancillary to divorce, such as parenting and child and spousal support. It plays an important role in the development of mechanisms that advance access to family justice nationally and internationally. Provincial and Territorial (PT) governments have jurisdiction over matters relating to unmarried couples who separate, and to married couples who separate but do not divorce.

The ultimate outcome of the Department of Justice (hereafter the Department) contribution is to increase access to family justice for Canadians. The federal government's legal and policy work, funding, programs, activities, information services and other supports benefit families who have experienced separation or divorce.

Budgeted support for Federal Support for Family Justice totalled \$96 million for the period covered by the evaluation, of which two-thirds related to grants and contributions (Gs&Cs). Through Budget 2017, the Department received a permanent mandate to continue its support of the family justice system.

Evaluation Scope and Methodology

The evaluation addresses questions specific to family law, its overall program delivery and operations, and the management and distribution of Gs&Cs. The evaluation was conducted between spring 2017 and fall 2018. Major lines of evidence included key informant interviews, surveys with family law practitioners and federal contacts, a focus group involving PT representatives, a series of research studies directed by the Department, and a detailed document and file review of Gs&Cs records. Monitoring data, such as exit and follow-up surveys with people who participated in education programs, training, mediation services and information centre services were also analyzed.



Evaluation Findings

Relevance

Ongoing federal support is needed to enable the family justice system to: meet the strong demand for services; respond to significant changes occurring in the environment in which it operates; address key issues; and pursue opportunities for improvement. Given its expertise in family justice and strong connections, well-established tools and services as well as funding, the Department is well positioned to align family justice activities with federal government priorities and respond to key issues.

Effectiveness

Federal Support for Family Justice activities have resulted in advancing family justice. The Department has supported the development of family law policy and legislation such as Bill C-78 and provided expert legal advice that is useful to decision makers. It has collaborated effectively with provinces and territories on matters specific to family justice, and worked with other federal departments and international bodies. Information, online tools, workshops and training activities developed, distributed and funded by the Department have increased awareness and knowledge related to family justice across a range of topics and target groups. However, the Department needs to build on progress made by increasing the availability of information targeted at specific sub-groups (e.g. materials targeted at youth, Indigenous people, immigrants and refugees, grandparents and non-traditional family structures) and tailor the materials more specifically to their needs.

Federal Support for Family Justice has also supported the development of new and improved approaches and processes, and increased access to family justice services, alternatives to the court and services targeted at underserved groups. However, further improvements are needed to continue to increase access to services for underserved groups.

Federal Support for Family Justice also provides important tools and resources that assist in the delivery of federal enforcement and divorce-related services and to provinces and territories and Canadians across Canada through the Department's Family Law Assistance Services group. Although significant progress has been made in the administration of these programs, certain factors have slowed down the progress (e.g. differences in priorities, programs, definitions, standards, processes and capacity across 13 jurisdictions) and further streamlining should be considered.



Efficiency

The Department has made efficient use of the available funding. The costs associated with administering Gs&Cs have declined over the past decade. Nearly all available funds were fully used, and efficiencies have been gained through making greater use of technology, streamlining processes, making changes to the administration of the Canadian Family Justice Fund, and collecting administrative fees to offset the costs of delivering some of the Department's enforcement programs. Current salary and operating and maintenance (O&M) funding is generally sufficient to effectively deliver core services with respect to Federal Support for Family Justice.

Conclusions and Recommendations

The evaluation concludes that there is an ongoing need for federal support to strengthen the family justice system and the Department is well positioned to fulfill this need. Findings also indicate that the Department has contributed to the overall effectiveness of the family justice system and Gs&Cs have been delivered efficiently. However, increased access to family justice could be strengthened to meet the needs of diverse and underserved populations.

In light of the findings of the evaluation, one key recommendation has been made. It is recommended that Justice Canada continue to provide support to programs and services that extend reach to diverse and underserved populations for the resolution of family law matters. More specifically, it is recommended that Justice Canada develop and implement a plan including:

- activities to support programs for diverse and underserved populations; and
- measures to determine the impact of these activities in increasing access to justice.



1 PURPOSE OF THE EVALUATION

This report presents the findings and conclusions of the 2019 Evaluation of Federal Support for Family Justice. The evaluation focuses on the relevance, effectiveness and efficiency of the federal contributions to family justice from 2014-15 to 2017-18 (the Evaluation Matrix is contained in Appendix A). The evaluation was conducted in accordance with evaluation requirements set out in the 2016 *Policy on Results* as well as the requirements of the *Financial Administration Act*.

2 FEDERAL SUPPORT FOR FAMILY JUSTICE PROFILE

2.1 Context

Family law is an area of shared constitutional jurisdiction. The federal government has jurisdiction over divorce and other related matters ancillary to divorce, such as parenting, and child and spousal support. Provincial and Territorial (PT) governments have jurisdiction over matters relating to unmarried couples who separate, and to married couples who separate but do not divorce. Federal, Provincial and Territorial (FPT) roles are described in further detail in Table 1.



TABLE 1: FEDERAL, PROVINCIAL AND TERRITORIAL ROLES

FEDERAL ROLE	PROVINCIAL AND TERRITORIAL ROLE
<p>Marriage (capacity)</p> <ul style="list-style-type: none"> • <i>Marriage (Prohibited Degrees) Act</i>; • <i>Civil Marriage Act</i>. 	<p>Marriage (solemnization)</p> <ul style="list-style-type: none"> • Licences, justices of the peace, vital statistics.
<p>Divorce</p> <ul style="list-style-type: none"> • <i>Divorce Act</i> (includes child and spousal support, parenting) and its regulations, including the <i>Federal Child Support Guidelines</i>, Central Registry of Divorce Proceedings (CRDP). 	<p>Property and Civil Rights</p> <ul style="list-style-type: none"> • Family rights and obligations between individuals excluding divorce: intact families, never married or common law couples, married couples separating but not divorcing.
<p>Enforcement (to assist provinces and territories in enforcing family obligations)</p> <ul style="list-style-type: none"> • <i>Family Orders and Agreements Enforcement Assistance Act</i> (FOAEAA) (provision of tracing, garnishment and licence denial/suspension services). • <i>Garnishment, Attachment and Pension Diversion Act</i> (GAPDA) (includes garnishment of wages and pension diversion). 	<p>Administration of Justice</p> <ul style="list-style-type: none"> • Court rules and forms, and enforcement of orders. • Family justice services (such as mediation, recalculation services, parent education programs [PEPs], family law information centres, maintenance enforcement programs [MEPs], etc.) for both separating and divorcing couples (with assistance from federal contribution funding).

The Department of Justice (hereafter the Department) plays a vital role in developing and implementing federal family laws, policies and programs and also provides family law legal and policy advice to the federal government. Efforts to address family justice issues are coordinated through collaboration and information sharing among jurisdictions.

In addition, Federal Support for Family Justice activities are intended to help families make decisions related to separation or divorce by providing information about matters such as parenting, child support and spousal support; to help families resolve issues without going to court; to help families obtain and enforce child and spousal support; and to provide tools to help people, including children, deal with the impacts of separation or divorce.

Many family justice issues are complex and require collaborative action. The ultimate outcome of the Department's contribution is to increase access to family justice for Canadians. The federal



government's legal and policy work, funding, programs, activities, information services and other supports benefit families who have experienced separation or divorce. Additional benefits flow to others who work on family justice.

2.2 Description

Through Budget 2017, the Department received an ongoing mandate to continue its support of the family justice system. Prior to Budget 2017, the Department provided support for family justice through the Supporting Families Experiencing Separation and Divorce Initiative (SFI) which operated from 2009 to 2016. Federal contributions to family justice support include:

- **The provision of legal advice, analysis and policy development:** The Department is responsible for developing and implementing federal family laws, policies and programs affecting Canadian families, children and young people. The Department provides legal advice and policy expertise to the Minister of Justice, federal litigators, and other federal government departments (e.g. federal employee salary garnishment to enforce all civil orders - not just family support orders). The Department also contributes to the development of the federal position on family law and children's law issues in international fora.
- **Collaboration, engagement and information sharing:** The Department works closely with family justice representatives from the 13 PT governments across Canada through various bodies including the Coordinating Committee of Senior Officials – Family Justice (CCSO-FJ) and its sub-committees, working groups and task groups. These bodies are important mechanisms for family justice policy work, collaboration and information sharing. The Department also produces public legal education and information (PLEI) products as well as professional training materials, and delivers training and workshops on family justice topics.
- **Grants and contributions:** The Canadian Family Justice Fund (CFJF) and its predecessor program, the Supporting Families Fund (SFF), have provided up to \$16 million in funding annually, of which \$15 million has provided support for the development of PT government programs, services and information resources that assist families experiencing separation and divorce.

The remaining \$1 million in funding is used to support family justice projects undertaken by the provinces and territories or non-governmental organizations (NGOs). Under the SFF, \$500,000 in annual funding was allocated to provinces and territories for pilot projects, and \$500,000 was allocated for NGO projects. Under the CFJF, these two components have been merged into one. Other important differences between the SFF and CFJF are highlighted in Section 4.3.2.



The CFJF targets the following priorities:

- Fostering FPT collaboration to make improvements to the Canadian family justice system;
- Supporting the well-being of family members engaging with the family justice system;
- Extending the reach of family justice programs, services and information to meet the needs of diverse and underserved populations;
- Supporting alternatives to court for the resolution of family law matters; and
- Improving and streamlining family justice system links/processes to support the simplification of family court processes, information sharing between courts and family justice services, and improved coordination with other parts of the justice system (e.g. criminal justice system).

Under the CFJF, while the provinces and territories must address each of the five priorities, they determine the relative emphasis that they will place on each priority; under the SFF, the provinces and territories had less flexibility.

- **Delivery of federal enforcement and divorce-related services:** After separation or divorce, spouses and children are more vulnerable to poverty if they do not receive the financial support to which they are entitled. The Department assists the provinces and territories with their enforcement efforts through the administration of the FOAEAA and its regulations, as well as the administration of Garnishment Registries under Part 1 of the GAPDA and its regulations. The Department processes applications to trace individuals in default of a family obligation; garnishes federal payments to satisfy support orders and agreements; and suspends or denies certain federal licences and Canadian passports of individuals who are chronically behind in family support payments. The Department also administers the Garnishment Registries situated across the country and provides legal advice with respect to pension diversion under Part II of the GAPDA.

In addition, the Department houses the CRDP, a nationwide registry of divorce proceedings, which assists courts across Canada by detecting duplicate proceedings.

2.3 Governance and Structure

Federal contributions to family justice include the legal and policy work of the Department's Family, Children and Youth (FCY) Section and the program administration work of the Innovations, Analysis and Integration Directorate (IAID) within the Programs Branch, which administers the CFJF (and its predecessor the SFF). The Research and Statistics Division (RSD) and the Strategic Communications Division (SCD) support these effortsⁱ.

Family, Children and Youth Section

The FCY Section is the centre of expertise on family law, family justice and children's law within the Department. The Section is responsible for developing and implementing federal family laws, policies and programs affecting Canadian families, children and young people, and provides legal and policy advice and information to the federal government on these issues.

The FCY Section also administers federal support enforcement and divorce-related services to support provinces and territories and for the benefit of Canadians, and develops and disseminates PLEI for the benefit of Canadians, particularly unrepresented litigants.

The Section is accountable its overall development, direction, implementation and management. It contains four units: the Family and Children's Law Policy Unit; the Support Enforcement Law and Policy Unit; the Family Law Assistance Services; and the Administrative Unitⁱⁱ.

Innovations, Analysis and Integration Directorate

The IAID, within the Department's Programs Branch, is responsible for administering the grants and contributions (Gs&Cs) funds for the CFJF, and was responsible for its predecessor the SFF.

Through the CFJF, the Department is expected to facilitate access to the family justice system for families experiencing separation and divorce through the provision of funding to provinces and territories and NGOs for various services, programs and information resources. Family justice funding is expected to assist the provinces and territories to develop and provide family justice services and programs, such as parent education, mediation, support enforcement, and child support recalculation. Federal funding is also expected to assist NGOs in developing family law information and training resources or new strategies, models or tools intended to improve access to family justice.

Additional information on Federal Support for Family Justice activities, outputs and outcomes is provided in Appendix B.

2.4 Resources

Budgeted support for Federal Support for Family Justice totalled \$96 million for the four-year period (2014-15 to 2017-18) covered by the evaluation, of which two-thirds (67%) was related to the Gs&Cs awarded under the CFJF and SFF. Other budgeted expenses include salary and operating and maintenance (O&Mⁱⁱⁱ) expenditures associated with the FCY Section and the IAID. Research and communication services continue to be provided via a centralized model.

TABLE 2 : FEDERAL SUPPORT FOR FAMILY JUSTICE BUDGET*

Year	2014-15	2015-16	2016-17 ^{iv}	2017-18	Total	Percent
Gs&Cs	\$16,000,000	\$16,000,000	\$16,000,000	\$16,000,000	\$64,000,000	67%
O&M	3,589,821	3,640,960	2,383,945	2,582,632	12,197,358	13%
Salary	5,136,169	5,136,169	4,105,479	5,038,574	19,416,391	20%
Total	\$24,725,990	\$24,777,129	\$22,489,424	\$23,621,206	\$95,613,749	100%

Source: Department IFMS

* Budget = TBS + Existing Funds

3 EVALUATION SCOPE AND METHODOLOGY

3.1 Scope of the Evaluation

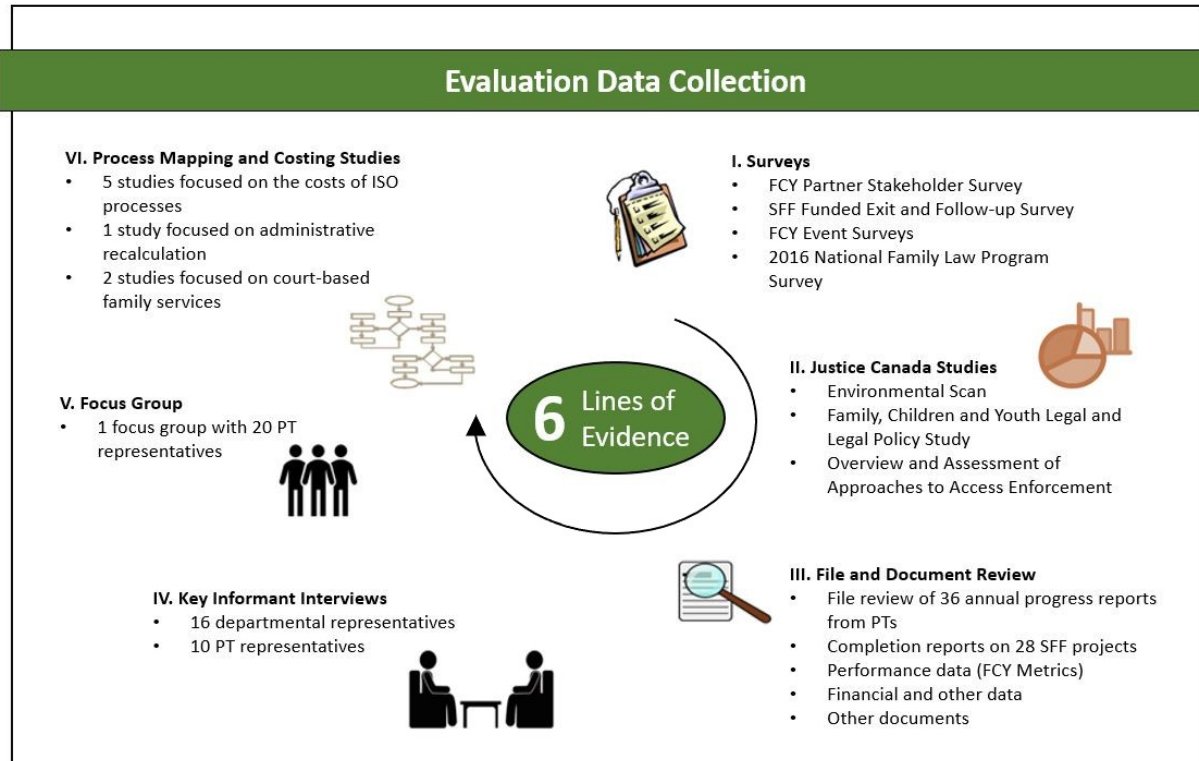
In preparation for the evaluation, an evaluation matrix was developed in consultation with an Advisory Committee consisting of representatives from the Department’s FCY Section, IAID and RSD. The matrix detailed several evaluation questions to align with the Treasury Board’s 2009 *Evaluation Policy*, which was originally intended to cover all areas of work undertaken by the FCY Section that extended beyond family justice^v. However, at the time that the evaluation began in 2017-18, the scope was calibrated to focus more exclusively on work in the area of family justice by the Department. This approach aligns with the requirements under the new 2016 *Policy on Results*.

3.2 Lines of Evidence

The evaluation relied on multiple lines of evidence to arrive at findings and conclusions. Data collection occurred throughout the period covered by the evaluation, although most of the work was completed in 2017 and 2018. In addition to document, literature and file reviews, eight studies assessing costs were undertaken. Interviews were conducted with 26 key informants, including 16 representatives from the Department and 10 PT representatives, and a focus group was held with a further 20 PT representatives. Surveys were conducted with other federal and PT counterparts who participated in various training sessions or webinars. Surveys were also conducted with participants benefiting directly from programs and services administered by provinces and territories and funded, at least in part, by the Department. This included surveys of 16,000 PEP participants and over 650 mediation service participants, as well as a longer term follow-up survey

with 283 people who participated in parent education, mediation, or family law and information centre services. The lines of evidence are summarized in the chart below (see Appendix C for more information).

FIGURE 1 : OVERVIEW OF THE LINES OF EVIDENCE



3.3 Evaluation Limitations and Mitigation Strategies

The timing of the evaluation did not allow for a detailed analysis of the impacts of the recently introduced CFJF, which replaced the SFF. To address this issue, the evaluation report describes the nature of the changes and considers the current context (related to the new permanent mandate, the recent introduction of the CFJF, and the bill introduced to amend the *Divorce Act*, the *Family Orders and Agreements Enforcement Assistance Act* and the *Garnishment, Attachment and Pension Diversion Act*) in the development of conclusions and recommendations.

Many interviewees were directly involved in federal family justice activities (i.e., providing support and services or benefiting from services), which can result in a positive response bias. In order to minimize bias, multiple lines of evidence (qualitative and quantitative) were used to triangulate findings and increase data reliability.

The wide range of activities, outputs and achievements reported by SFF recipients, combined with the structure of the reporting template, made it difficult to meaningfully aggregate and summarize results. To mitigate the impact, the evaluation incorporated an extensive file review to summarize the results reported by provinces and territories. The reporting requirements and templates have been strengthened with the implementation of the CFJF in 2017-18.

4 KEY FINDINGS

4.1 Relevance

4.1.1 Continued Need for Federal Support for Family Justice

Ongoing federal support is needed to enable family justice to: meet the strong demand for services; respond to significant changes occurring in the environment in which it operates; address key issues; and pursue opportunities for improvement.

Demand for Services

There is a strong demand for family justice services, driven in part by continuing high rates of divorce and separation, as well as increasing rates of litigants representing themselves. Family cases represent about 35% of all civil cases (310,000 active family cases were reported in 2017-18) and often require significant court time, particularly when parenting (custody, access) and child support are at issue or when litigants are unrepresented. In Canada, 40% of marriages end up

in divorce^{vi} and rates of self-representation have increased over time (court-reported estimates range from 64% to 74%)^{vii}. Families are looking for affordable, timely and alternative approaches to courts to resolve their issues and come to agreement. Unrepresented litigants report greater difficulties in understanding the family justice system rules, procedures, language and forms, resulting in repeated returns to court and document filings^{viii}.

Changes in the Environment in which Family Justice Operates

Family justice programs and services are under pressure to expand and evolve to respond to ongoing changes occurring in the environment in which they operate. An environmental scan identified numerous trends and sociodemographic changes that affect family justice, including increasing diversity in family structures (e.g. blended families, never-married parents, single parents, and same-sex parents), increasing diversity of ethnic and cultural backgrounds, and family dynamics. High rates of immigration (Statistics Canada reports that about one in five Canadians was born outside of Canada) contribute to a diversity of cultural and religious experiences and expectations related to family dynamics. These changing family structures and family dynamics affect the nature of the information and services required.

Federal Support for Family Justice has to respond to technological advancements, which will continue to affect how services can and need to be delivered. Technology has already created opportunities to improve the efficiency of service delivery and increase access to information and services. For example, technology has been used to streamline processes and electronically share data between governments. Services such as the provision of legal information, mediation, and parent education have been adapted for online delivery to complement the more traditional modes. Social media has been used to provide information and promote services. The rate of innovation is expected to accelerate. It is anticipated that new technologies, from communication technologies to machine learning, will have a major disruptive impact on all segments of the legal system over the next decade, including family justice.

Various opportunities for improvement were identified through an environmental scan and interviews with key informants. Some of these opportunities, which are further discussed in Section 4.2, include the need to strengthen alternatives to court, particularly when dealing with high conflict families, the need to more formally incorporate children's rights and voices into the process, and the need to further expand the reach of services and information to ensure that all families going through separation and divorce can understand the processes and access the family justice system.

4.1.2 Alignment with Federal Roles and Priorities

Federal Support for Family Justice roles and activities are aligned with federal government priorities.

Roles of the Federal Government

Under the system of shared jurisdiction, the Department works to bring about improvements in areas where it has jurisdiction and to influence innovation and regular improvement in complementary activities that are implemented at the provincial, territorial and international levels. According to key informants, the Department, through its FCY Section, IAID and RSD, is very well positioned to support the family justice system and promote innovation and continuous improvement given its:

- Expertise in family justice, which applies in providing legal and policy advice to the Minister in keeping with the Minister's responsibility for federal family laws, as well as in providing policy advice, legal advice, and litigation support in the area of family law to the federal government.
- Strong relationships with provinces and territories across Canada, within the Department, with other federal departments and international bodies. It regularly communicates, coordinates activities, and collaborates on legal and legal policy issues with representatives of provinces and territories, others in the federal government, and international bodies.
- Tools and services. The Department continues to improve the services it provides under the CRDP to detect duplicate divorce proceedings, and under FOAEAA and GAPDA, to assist PT MEPs which support enforcement.
- Gs&Cs funding. CFJF funding is used to support and improve family court processes, family justice and law information and education programs, alternatives to the court such as mediation and child support recalculation services, supervised access and supervised exchange programs, technological improvements, as well as research, policy development and evaluation. Key informants highlighted the important role that the CFJF plays in supporting new initiatives as well as improvements to existing processes and programs, the results of which can then be shared and used to inform the development of similar programming and processes in other provinces and territories.

Alignment with Government Priorities

Key informants noted the contribution of the Department to the development of important family law legislation and amendments that align closely with federal government priorities. For example, on May 22, 2018, the Minister of Justice introduced Bill C-78, legislation to amend the FOAEAA and the GAPDA. This represents the first substantial update of Canada's federal family laws in 20 years. Key informants noted that Bill C-78 aligns with government priorities related to access to

justice and poverty reduction.

The Department supports family justice activities across Canada with federal government priorities by collaborating closely with provinces and territories and providing funding that directly influences the development and delivery of programs, services and initiatives.

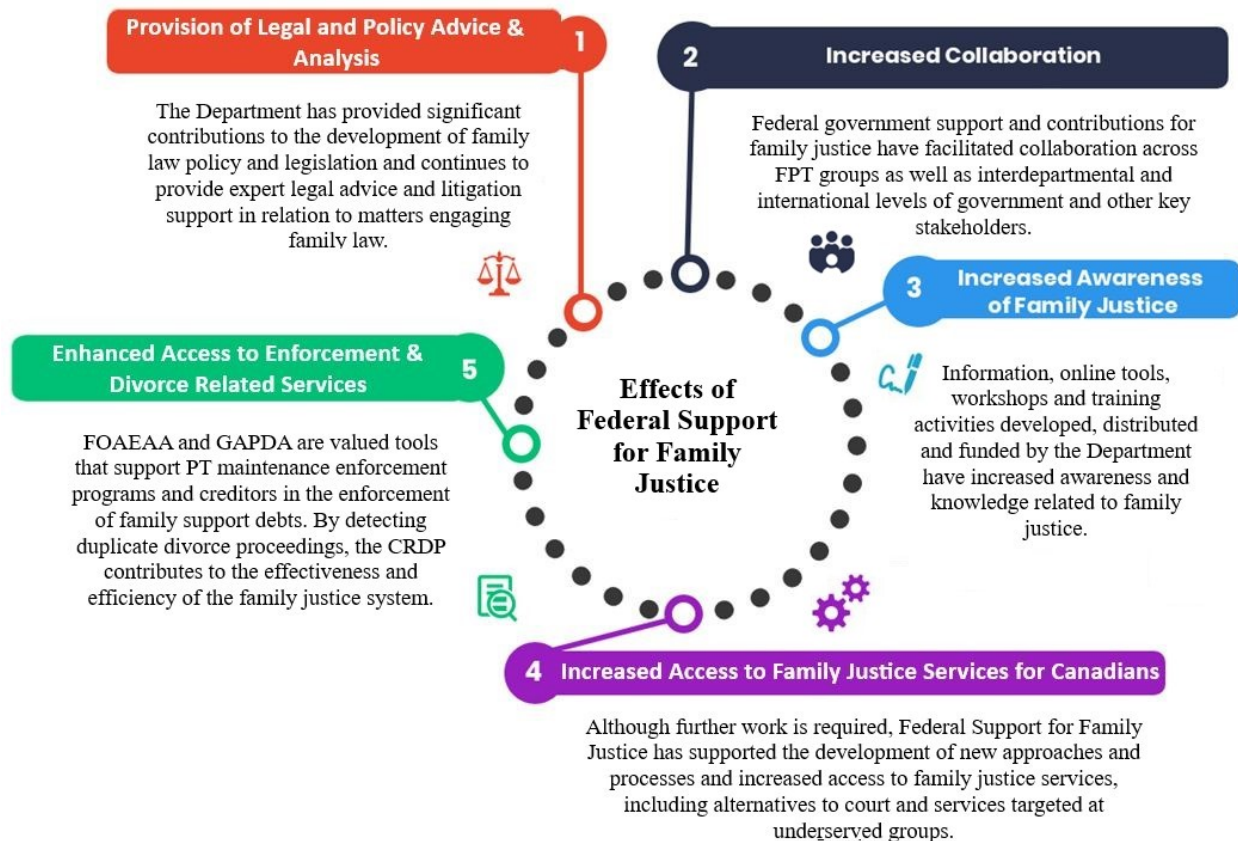
The Department has also contributed to government priorities regarding the advancement of gender equality, which is supported by implementation of Gender-based Analysis Plus across all federal departments and agencies. The ability of people to access services and the manner in which they experience those services can vary widely by gender as well as race, ethnicity, age, ability, geographic location and education. Federal Support for Family Justice enables the development of legislation, policies, services and resources that are tailored to meet the needs of particular target groups, address gaps, and reach under-represented groups.



4.2 Effectiveness

Federal support has resulted in improvements to the family justice system as illustrated in Figure 2 below.

FIGURE 2 : EFFECTS OF FEDERAL SUPPORT FOR FAMILY JUSTICE



4.2.1 Provision of Legal and Policy Advice and Analysis

The Department has provided significant contributions to the development of family law policy and legislation and continues to provide expert legal advice and litigation support in relation to matters engaging family law.

The FCY Section in the Department is a centre of expertise on family and children's law and a source of information on best practices. Evaluation findings show that the Section provides expertise in the field of family law and children's law in relation to both legal and policy matters and continues to offer advice to decision makers.

Contribution to Legal Policy and Legislation

The Department has contributed to the development of important family law legislation and amendments, the most significant of which is proposed legislation (Bill C-78) to amend the *Divorce Act*, FOAEA and GAPDA. Changes proposed in this bill are intended to better protect families, particularly children, from the negative outcomes often related to separation and divorce. The proposed legislation aims to advance four key goals: promoting the best interests of the child; addressing family violence; reducing child poverty, and making Canada's family justice system more accessible and efficient.

In 2017, the Department updated the Federal Child Support Tables included under the *Federal Child Support Guidelines* (Regulations under the *Divorce Act*) to reflect more recent tax rules. Consultation and collaboration took place between FPT governments in developing these federal tables, which are updated approximately every five years.

Litigation and Legal Policy Advice

The Department is regularly called upon to provide legal and policy expertise to the federal government, including in litigation cases challenging federal family law legislation or involving matters of family justice.

The FCY Legal and Policy Study (2015) reported that most respondents (88%) find the Department's legal and policy outputs to be either very useful or useful. More specifically, the FCY Section is perceived as a centre of expertise on family and children's law and a source of information on best practices. Key informants also noted that the Department provides critical support to the provinces and territories in developing policy on legal matters, identifying emerging issues, and coordinating cross-jurisdictional information sharing.

In a recent survey (2018), partners and stakeholders expressed satisfaction with the legal and legal policy advice received from the FCY Section, rating responsiveness and usefulness as excellent.

Partners noted that their inquiries were acknowledged and responded to in a very timely manner. Similar sentiments were expressed by key informants interviewed as part of this evaluation. Of those key informants able to comment (n=10), all reported that the FCY Section was very effective in providing high quality legal policy advice on national and international family law. The Department has developed strong linkages with other federal departments when addressing many difference areas, such as child support enforcement.

The FCY Section has frequently provided assistance to other federal departments and agencies with respect to their litigation and family law matters related to public and private international law. In addition, it has provided assistance with the interpretation of statutes, regulations, case law and policies, and with preparation of court documents.

The FCY Section has also provided support related to the litigation of cases covering matters ranging from intervention, child protection and deportation, child custody in an immigration context, recognition of foreign divorce, and “age of majority” related issues. For example, the Department provided significant litigation support in the case *Robert Strickland et al. v. Attorney General of Canada*, concerning a challenge to the legal validity of the *Federal Child Support Guidelines* before the Federal Court, the Federal Court of Appeal, and the Supreme Court of Canada. The Section also contributed to the successful defence of a Charter challenge to the passport suspension provisions in Part III of the FOAEAA.

4.2.2 Increased Collaboration

Federal government support and contributions for family justice have facilitated collaboration across FPT groups as well as interdepartmental and international levels of government and other key stakeholders.

Key informants identified, as a strength of the Department, the ability to bring together knowledge, expertise and perspectives of representatives from different departmental units, the provinces and territories, and other government departments and organizations. Given shared jurisdiction, the complexity of the justice system, intersectionality of family justice and other social and economic issues, as well as the large numbers of partners and stakeholders, collaboration is an essential factor for an effective family justice system.

Collaborating with Provinces and Territories

The Federal Support for Family Justice governance structure and collaboration mechanisms have proven to be effective in matters specific to legal and policy work, such as enforcement, child support and recalculation, parenting arrangements, research^{ix}, and others. Both key informants and the Legal and Policy Study highlighted the role of the CCSO-FJ, including its sub-committees and working groups in enabling members to keep up-to-date on issues, identify innovative approaches,

navigate areas of intersection (e.g. between the family and criminal justice systems), share best practices and tools, create partnerships, collaborate and advance particular files. Discussions with provinces and territories are critical to helping the federal government understand key issues facing them and how those issues vary across regions. The Department participates with provinces and territories and other counterparts in various committees particularly, the CCSO-FJ sub-committees and working groups (see Appendix D).

Funding from the SFF and more recently the CFJF has supported the participation of provinces and territories in the sub-committees and working groups. Most of these jurisdictions have used the funding to participate in FPT sub-committee meetings and working groups. PT representatives reported that, through these meetings and working groups, they were able to share information, provide input on key issues, and learn about changes proposed for the family justice system, best practices, and initiatives delivered in other jurisdictions. Topics covered a wide range of issues from legislative or policy changes to the results of programming and research. These exchanges provided PT representatives with opportunities to discuss issues affecting family justice, define common priorities (e.g. areas that would be targeted under the CFJF), work towards collaborative solutions, and encourage greater consistency in the delivery of services across Canada.

Collaboration with provinces and territories is also facilitated through shared research activities. Key informants recognized the role of the FPT Research Sub-Committee and the research supported by the federal government as a key component of strengthening the family justice system, which facilitates an evidence-based approach to improving the design and delivery of programs and services.

SFF funding also enabled provinces and territories to participate in various surveys (e.g. multi-year Survey of Selected Family Courts, surveys of participants in PEPs, training programs, and mediation services) as well as undertake their own research and evaluations. Under the CFJF, there is a requirement that at least 5% of the funding provided to the provinces and territories go towards research and evaluation activities.

Collaborating with Federal Government Departments and Other Organizations

The Department collaborates with a cross-section of federal government departments, NGOs and other counterparts on family justice issues through presentations, meetings, discussions, conferences and consultations.

Furthermore, the Department represents the federal position on family law and children's law issues. The FCY Section, in conjunction with the Constitutional, Administrative and International Law Section of the Department, represented Canada at two Special Commissions dealing with the 1996 Hague Convention on Child Protection.



The Department also liaises with Statistics Canada, and specifically with the Canadian Centre for Justice Statistics, with respect to survey development and areas for analysis. It also liaises on the General Social Survey and the Census for obtaining data and information relevant to family law issues.

A challenge for the Department, other CCSO-FJ members, and others involved in family justice is keeping up to date with recent research, trends and the results of new initiatives, so that lessons learned can feed into decision making at the national and regional levels. The CCSO-FJ serves as a mechanism for communicating the results of some of the research undertaken at both the PT level and federal level. However, given the scope of issues discussed, there are limits with respect to how much information can be shared through that venue, and additional avenues may be needed.

A few key informants also noted the importance of developing performance measures that can better report on outcomes of the supported activities, not just the numbers of funded activities. This theme was also reflected in the recent 2017 audit of Family Law Assistance Services (FLAS), which identified a need for the unit to revise its performance metrics to better report on its performance (how well the work is being done, not just how much is being done). The file review of 36 annual activity reports submitted by provinces and territories found that the annual activity reports prepared for projects funded under SFF tended to focus mostly on activities and outputs rather than on outcomes. In addition, data was not presented in a standardized manner, making it very difficult to roll up information. However, the reporting template has since been revised and strengthened with the implementation of the CFJF in 2017-18.

4.2.3 Increased Awareness of Family Justice

Information, online tools, workshops and training activities developed, distributed and funded by the Department have increased awareness and knowledge related to family justice.

The Department has increased awareness and knowledge by developing its own PLEI products and professional training materials, and maintaining a family justice website and information line. It has also provided SFF and CJFJ funding to support the development and distribution of new or updated materials, workshops and information sessions involving a wide range of topics, target groups, media and languages. Key informants, participants in the education and information programs, and project proponents reported improved understanding of the issues presented (e.g. the family justice system, alternatives to court, child support guidelines, guidance to families going through separation or divorce, and planning for parenting after divorce, custody, access and parental responsibilities).

Public Legal Education and Information Products and Professional Training Materials

A survey of parents found that the Department's most commonly used PLEI products by its respondents were the *Federal Child Support Guidelines: Step-by-Step* (identified by 33% of parents); *Making Plans: A Guide to Parenting Arrangements after Separation or Divorce* (22%); and the *Parenting Plan Checklist* (20%). Over a three-year period (2015-16 to 2017-18), the Department reported development of 24 PLEI publications and six professional publications to help families and professionals understand the law and better enable the public to access family legal and policy information and tools. Examples include a fact sheet and a Canadian Bar Association article introducing updates to the Federal Child Support Tables and the Interactive Parenting Plan Tool. The FCY Section also reported 34 training sessions, workshops or conferences such as annual workshops with prosecutors, police and service providers.

Website and Family Children and Youth Information Line

The Department produces PLEI fact sheets, family law publications for professionals, and other information available from its website at <http://www.justice.gc.ca/eng/fl-df/pub.html#flrp>. Over the past four years, the number of the Department's English webpage visits varied between 1.95 million and 2.25 million, while the number of Department's French page visits ranged from 122,000 to 135,000. The most popular page is the Child Support Look-up Calculator; its share of the number of page visits has steadily increased from 45% in 2014 to 71% in 2018 (updates to the Federal Child Support Tables came into effect in November 2017).

The FCY Information Line provides information services on family law to the general public by way of email and telephone, and distributes PLEI publications. In 2017-18, the Information Line received 1,370 calls and 910 email enquiries were addressed by the information officer. The Information Line also supports distribution of publications in hard copy (64,462 publications were distributed in 2017-18).

Supporting Families Fund and Canadian Family Justice Fund Projects

According to key informants, project funding provided by SFF and CFJF enabled provinces and territories and NGO partners to develop materials, training and services specific to their regions and programs. Projects have focused on the development and dissemination of PLEI, as well as training to professionals directly involved in family law, divorcing and separating parents, or the court system. According to a file review of annual performance reports, SFF project funding was used for a variety of purposes including the development of new tools, online resources or curricula, as well as updates to existing materials, the delivery of workshops or information sessions, and increasing access to information or services for particular target groups (e.g. translation of materials into French and other languages or services and materials targeted specifically at service providers, children, youth or newcomers to Canada) or regions (e.g. rural, remote or hard to reach areas). According to the file review, 82% of proponents reported that their

SFF projects achieved their objectives, with proponents noting impacts such as increased access to information, improved understanding of family law issues, increased support for children and families undergoing separation and/or divorce, as well as enhanced skills among service providers. Examples of effective workshops cited by key informants included custody workshops for those interested in conducting custody evaluations, and workshops for family law information providers on differences between legal information and legal advice.

Public Education Activities Undertaken by Provinces and Territories

During the last three years of the SFF, provinces and territories invested federal funding in public education activities, including PEPs^x. Provinces and territories used the funds to support the development and distribution of new or updated materials targeted at a wide cross-section of topics, media and languages. With the help of SFF and CFJF funding, PT partners also developed training materials specific to their regions and programs. Each province and territory also reported delivering training, workshops and information sessions to create awareness and provide guidance to families going through separation or divorce. Sessions were targeted at adults, children, youth or young adults, professionals/service providers or specific sub-groups (e.g. harder to reach communities or regions, unrepresented litigants, people in high-conflict situations, immigrants, refugees, and newcomer families).

In an exit survey of parents who participated in education and information programs, more than 80% reported improved understanding of justice systems, alternatives to court, and parental responsibilities with respect to child support, custody and access, and decision making. Key informants reported that workshops and online tools, symposia and training activities contributed to increased knowledge of topics such as federal regulations and intersecting issues (e.g. immigration and family law). Online follow-up surveys conducted with PT participants six months to two years after participation in PEPs found that 89% of the 300 participants retained information about the impact of separation and divorce on children.

Federal support, particularly the SFF and now the CFJF, has enabled the development and distribution of new or updated materials, workshops or information sessions involving a wide range of topics and target groups. Key informants highlighted the need to build on the progress made by increasing the availability of information targeted at specific sub-groups (e.g. materials targeted at youth, Indigenous people, immigrants and refugees, grandparents and diverse family structures) in multiple languages, making more information available through a mix of media (including interactive information tools and websites as well as printed material), and continuing efforts to simplify processes and language.



4.2.4 Increased Access to Family Justice Services for Canadians

Although further work is required, Federal Support for Family Justice has supported the development of new approaches and processes and increased access to family justice services, including alternatives to court and services targeted at underserved groups.

The Department plays an important role in supporting the development and delivery of family justice related services across Canada. Federal investments not only increase access to programming but also increase the usefulness of that programming. Focus group participants noted the link between the growing demand for services and the effectiveness of family justice programming at the PT level: “Programs are being used increasingly by the population because they are useful.”

As illustrated in the Logic Model in Appendix B, the ultimate outcome of Federal Support for Family Justice is increased access to family justice for Canadians. Two-thirds of judges and approximately half of lawyers surveyed indicated that they agreed or strongly agreed that family justice programs, services and activities have helped to increase access to justice for families experiencing separation and divorce^{xi}. Key informants noted that, without the federal contribution, access to programs and services would be reduced and, in some regions, certain programs would disappear. This would make the entire system less efficient and accessible, and less consistent across regions. In particular, key informants noted the impact of Federal Support for Family Justice in supporting the testing, refinement and further deployment of new approaches and processes, as well as in increasing access to alternatives to court. Key informants also noted that progress has been made in access to services for underserved groups, although more progress is needed.

Development of New Approaches and Processes

The environment in which family justice services are delivered is constantly evolving, requiring ongoing changes in the design and delivery of these services. Key informants highlighted the important role that the SFF played, and that now the CFJF in enabling the development of new approaches and process improvements, the results of which can be shared and used to inform the development of similar programming and processes in other regions. Activity reports and project completion reports submitted by the provinces and territories illustrate that SFF funding was used to develop, test and implement a variety of pilot projects, new initiatives and innovative strategies (e.g. triage centres, Justice Access Centres, supervised access and supervised exchange programs, collaborative dispute resolution processes, incorporation of software and communication technologies into service delivery, development of programs targeted at particular segments, co-mediation, child support wizards, income-scaled financial assistance, etc.).

Increased Access to Alternatives to Court

Federal contributions, particularly SFF and CFJF funding provided to the provinces and territories, have supported the development and delivery of dispute resolution mechanisms such as mediation, family case conferences, and administrative recalculation programs and resources. In addition, some progress has been made regarding triage models that better link families with legal and non-legal information and services (e.g. counselling, procedural information, mediation, document preparation assistance, legal advice, etc.) earlier in the process. Both the literature and key informants highlighted the benefits associated with early identification of family issues through screening and providing referrals to appropriate mediation or other services (e.g. counselling).

Alternatives to the court can improve outcomes and reduce costs for both users and the system. For example, most provinces and territories offer mediation services for parents who cannot agree on issues such as custody and child support. A survey of lawyers reported that most (70%) often or almost always refer their clients to mediation services^{xii}. A series of follow-up surveys, conducted as part of the evaluation, found that most participants agreed or strongly agreed that mediation was useful in resolving issues and conflicts, trying to find an agreement, and learning about children's needs during separation. In most cases, mediation led to a full or partial agreement. Overall, most participants were satisfied with the services^{xiii}.

Most provinces and territories have also established administrative child support recalculation services to facilitate reviews of court-ordered child support. These services are intended to help parents keep child support levels in line with their ability to pay, and should result in more payments being made (either full or in part) and reduced accumulation of arrears. A study focused on administrative recalculation that was conducted in provinces and territories as part of the evaluation found that there were cost savings associated with using an administrative recalculation program to vary a child support order rather than returning to court. The study found that the direct costs to the system of using the administrative program were estimated at approximately \$110 to \$120, as compared to \$206 to \$301 for obtaining a court-ordered recalculation for the same case.

Increased Access to Services for Underserved Groups

Federal contributions have helped to increase access to services for underserved groups (e.g. people in rural areas, immigrants and refugees, Indigenous people and youth) by supporting the development of new targeted services, expanding existing services, and making changes in how services are being delivered to broaden access (e.g. facilitating a shift to more online services and resources).

Examples of SFF funded PT targeted projects include an Alberta project that provides information, guidance and advocacy to Chinese families facing separation and divorce; sessions about self-care and separation that are specifically designed for youth and delivered through schools; services that better enable children's voices to be heard and interests to be protected (e.g. emphasizing the

emotional well-being of children in education sessions and parental mediation); an interactive website with videos targeted at young people aged 11 to 16 years; a Manitoba family justice triage service targeted at remote communities that will assist self-represented litigants experiencing separation and divorce to navigate forms and processes; and a virtual service that is targeted at clients living in remote and rural areas of British Columbia.

Given the dynamic environment in which family justice operates, there is a continuing need to make ongoing improvements in the design and delivery of family justice services for Canadians. Key informants highlighted three areas that need further improvement: increasing access to services for high-conflict families; finding ways to more fully incorporate child rights and children's voices into the family justice processes; and continuing to increase access to programs and services for underserved groups.

The Family Justice Follow-up surveys (2014 to 2017) suggest that dispute resolution techniques tend to be less effective in high-conflict cases and cases where one partner is non-cooperative or non-responsive. The *Overview and Assessment of Approaches to Access Enforcement: An Update* report (2017) and key informants identified the need for appropriate triage and early screening to identify high-conflict families, make appropriate custody decisions (e.g. need for supervised access), or make referrals to appropriate mediation or other services. Recent interjurisdictional support orders (ISO) studies conducted by the Department illustrate that finding ways to reduce conflict early in the process can have a significant impact on both the system costs and costs to participants.

There is also recognition of the continuing difficulties certain groups face in accessing services. Most key informants identified a need to broaden the range of services and materials available to ensure that all families going through separation and divorce can understand relevant processes and access the family justice system. Members of poor and vulnerable groups are particularly prone to having legal problems quickly turn into multiple legal problems carrying heavy social and economic costs. Some key informants noted the family justice system is particularly difficult to navigate for new Canadians, refugees and those living in rural and more remote communities. There is increased recognition of the specific challenges faced by Indigenous families, some of whom may be particularly vulnerable to the cycle of poverty, lower education and health outcomes, and family violence. Key informants also noted a need for more services that are tailored to diverse family structures and specific segments (e.g. youth and grandparents).

4.2.5 Enhanced Access to Enforcement and Divorce-related Services

FOAEAA and GAPDA are valued tools that support PT maintenance enforcement programs and creditors in the enforcement of family support debts. By detecting duplicate divorce proceedings, the CRDP contributes to the effectiveness and efficiency of the family justice system.

CRDP, FOAEAA and GAPDA provide important assistance to provinces and territories and Canadians across Canada. Although significant progress has been made in the administration of CRDP, FOAEAA and GAPDA, there are opportunities to achieve further streamlined processes.

Support for Provinces and Territories Maintenance Enforcement Programs

FOAEAA provides valuable tools that are used extensively by PT MEPs and creditors in the enforcement of family support debts. The Department provides three services: tracing of individuals in default of a family obligation; the garnishment of federal moneys for the benefit of support creditors; and the suspension or denial of certain federal licences and Canadian passports of individuals who are in persistent arrears of family support payments. In 2017-18, the Department processed more than 30,000 applications to trace individuals, over 60,000 applications for garnishment of federal moneys, and more than 10,000 applications for licence denial.

The Department also supports PT maintenance enforcement by administering applications for garnishment of salaries and payments to federal employees and contractors under Part I of the GAPDA to satisfy civil debts, including support debts. The Department operates Garnishment Registries across Canada. On an annual basis, the Garnishment Registry for the National Capital Region, which processes documents from the National Capital Region, New Brunswick, Newfoundland and Labrador, as well as those relating to the Department's employees, receives about 100 applications related to family support orders and approximately 300 applications related to other civil debts. Under Part II of GAPDA, MEPs may request that certain federal pension benefits be diverted to satisfy support obligations only. The Department provides legal advice with regards to those diversions.

The Department provides training sessions that build the capacity of PT partners to use the tools and systems. Over 80% of MEP staff who had participated in training indicated that FOAEAA training helped them make better use of the system, understand information, and use federal tracing, garnishment, and licence denial services. Of the MEP staff, 64% agreed that federal services helped them to enforce cases and 64% agreed that the training increased their knowledge of federal enforcement tools available to them.

Over half of those who participated in a training session on GAPDA noted that, after training, they were more likely to consider GAPDA as an enforcement tool, had a better understanding of legislated timelines for the commencement of a garnishment action, and were better informed on

the process to follow where no response or payment had been received. Overall, 59% of participants noted that the training provided information that is useful for their work, and 73% noted that they plan to follow up regarding at least one thing learned during the training.

Detection of Duplicate Divorce Proceedings

The CRDP enables courts to determine whether they have jurisdiction to hear a divorce proceeding by detecting duplicate divorce applications. Canadian courts must register each divorce application they receive with the CRDP and inform the Registry whenever a divorce is granted or a divorce proceeding is dismissed, discontinued or transferred to another court. The CRDP records this information in its database. It detects duplicate divorce proceedings by comparing newly registered information with existing data contained in its database. FLAS processes approximately 70,000 divorce applications annually by searching all historical and current divorce files to detect duplicate proceedings.

The CRDP will issue a clearance certificate to the court when a duplicate divorce proceeding has not been detected for the parties to the divorce proceeding. This allows the case to proceed. It also notifies the court or courts when it identifies duplicate divorce proceedings. Once the duplicate divorce proceeding has been discontinued, the CRDP will issue a clearance certificate to the court where the other divorce proceeding was commenced. About 1,500 duplicate divorce proceedings are identified annually.

Improvements to Delivery Processes Including Adoption of New Technology

Significant improvements have been made in the administration of CRDP, FOAEAA and GAPDA, particularly as a result of information technology investments made both by the federal government and provinces and territories (with contributions from SFF and CFJF). Various processes have been automated, including electronic sharing of information with MEPs. The number of courts with access to the CRDP databank has increased from two family courts in 2014 to 26 courts in 2018 (clearance certificates and duplication notices are now sent electronically instead of by regular mail). FLAS has also been very effective in developing Quality Assurance and Quality Control processes, procedure manuals, systems, training, tools and technical support needed to work with counterparts in 13 different jurisdictions. In January 2015, the Department's GAPDA program expanded its mandate to include operation of Garnishment Registries for New Brunswick and for Newfoundland and Labrador.

Key informants noted that significant progress has been made but challenges remain, including the need for further systems integration across PT jurisdictions. Informants identified significant differences in priorities, programs, definitions, standards, processes and capacity across the 13 jurisdictions impacting on the further integration of systems. It was also noted that shared technological solutions require investments at both the federal and PT levels. There is more limited access to and use of technology in some regions and communities, especially in northern and more

remote regions. It was also noted by informants that progress with respect to systems integration may be impacted by staff turnover within both FLAS and MEPs, access to human and financial resources, and complex approval and accountability processes.

4.3 Efficiency

4.3.1 Program Expenditures

The Department's expenditures on family justice have remained relatively stable over the past four years. The existing salary and O&M funding is generally sufficient to effectively deliver the core services as they currently exist.

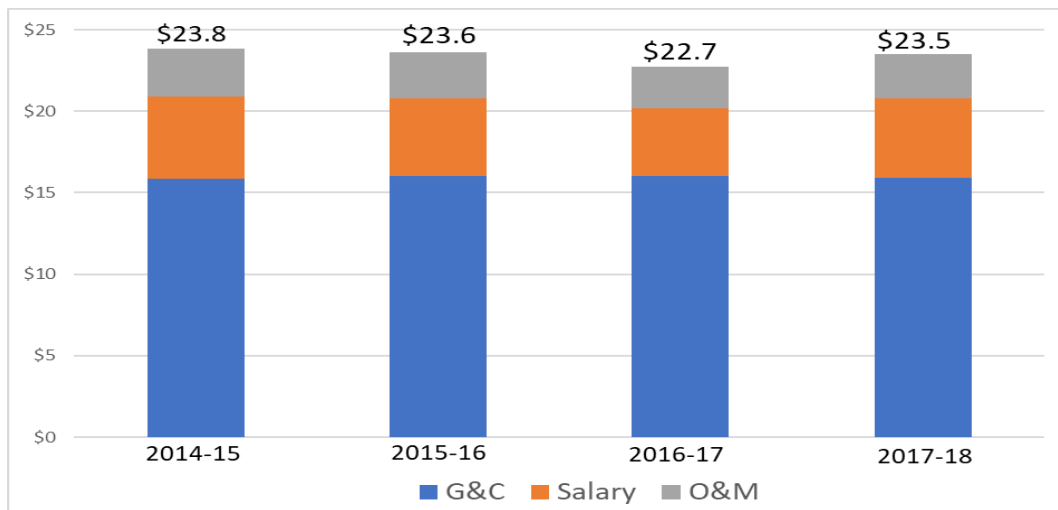
Expenditures Related to Family Justice

Departmental expenditures related to family justice consist of the Gs&Cs awarded under the CFJF (and previously the SFF), salary and O&M expenditures associated with the FCY Section and the IAID as well as overhead including corporate costs, employee benefits and pension, and Public Services and Procurement Canada charges.

From 2014-15 to 2017-18, the Department's expenditures related to family justice totalled \$93.6 million, which represents about 98% of the budgeted funds (as indicated in Table 2, the budget for family justice for the four years totalled \$95.6 million). As indicated in Figure 3, expenditures remained relatively stable over the four years (at about \$23 million per year), with the Gs&Cs accounting for most of the expenditures (\$16 million per year).



FIGURE 3 : DEPARTMENTAL EXPENDITURES RELATED TO FAMILY JUSTICE BY FISCAL YEAR



Source: Department IFMS

Salary and Operating and Maintenance Expenditures

Salary and O&M accounted for about 32% of expenditures. Although departmental representatives indicated that increased salary and O&M funding would enable more to be achieved, the general consensus is that the existing funding is sufficient to effectively deliver core services^{xiv}. The Department has been able to stretch available funding by making greater use of new technologies for consultation, meetings, delivering training, disseminating information, leveraging existing research and best practices, and streamlining some processes.

Areas identified where additional funding could be beneficial include : providing consultation; introducing legislative changes; producing and distributing additional print materials; hiring outside experts where needed to assist with research to develop specialized products and services; and holding more in-person meetings with provinces and territories and other stakeholders.

Funding for Provinces and Territories and Pilot Projects

A review of past evaluations indicates that the Gs&Cs budget has been fixed at \$16 million annually since it was last increased in 2004-05. Key informants, particularly PT representatives, noted that salaries and costs associated with the delivery of services have continued to increase, while the federal contribution has remained the same (\$16 million in 2005 dollars is equivalent to \$19.8 million in 2018 dollars, using the Bank of Canada’s Inflation Calculator). The impact varies somewhat by region. In larger provinces, federal funding may represent a small percentage of total

expenditures on family justice. However, in the territories and some of the smaller provinces, the federal funding can account for half or more of the reported family justice expenditures. Key informants noted that additional funding, if available, could better enable provinces and territories to adopt new technology, expand their services, formally evaluate pilot projects, innovate, and respond more effectively and quickly to legislative and other changes.

Additional funding could also allow for greater funding of pilot projects undertaken by NGOs. A review of files determined that only 3% of the SFF and CFJF funding has been attributed to NGOs. Depending on the project, NGOs can be in a better position than provinces and territories to implement their projects and address the needs of hard-to-reach populations in a cost-effective manner. The Department has and continues to actively promote the CFJF to potential NGO applicants.

4.3.2 Efficient Administration of Funds

Federal contributions for family justice were administered efficiently. The costs associated with administering Gs&Cs have declined significantly over the past decade. Efficiency has resulted through changes made to the administration of the CFJF relative to the previous SFF and through the collection of administrative fees to offset the administrative costs of delivering CRDP and FOAEAA.

Declining Costs of Administering Grants and Contributions

The costs associated with administering Gs&Cs have declined significantly over the past decade. As indicated in the table below, the costs of salaries and O&M related to administering the Gs&Cs averaged 1.3% of SFF and CFJF expenditures over the four years. In comparison, administration costs averaged 2.5% from 2009-2013 and 5.4% from 2004-2008.

TABLE 3 : COMPARISON OF GRANTS AND CONTRIBUTIONS ADMINISTRATIVE COSTS

Type of Expenditure	2004 to 2008	2009 to 2013	2014 to 2018
Gs&Cs Expenditures	\$64,424,409	\$70,284,508	\$63,759,588
Program Delivery Administration	\$3,446,855	\$1,731,341	\$812,522
Gs&Cs Administrative Costs	5.4%	2.5%	1.3%

Source: Department IFMS and previous Department of Justice Evaluation Reports

Salary costs represented in Table 3 relate strictly to the IAID and do not include the considerable time members of the FCY Section and the RSD spend reviewing applications and providing guidance on policy priorities. Key informants expressed support for the process put in place for

reviewing applications for funding under CFJF. Representatives from various units within the FCY Section review the applications to assess the alignment with the key priorities of the CFJF and FCY. Representatives from the RSD also review the applications and provide comments on proposed activities.

Key informants expressed some concern that program administration may have become too lean. Prior to the reorganization, the FCY Section had six full-time equivalent employees dedicated to program administration. Although existing resource levels have been reduced (i.e. salary expenditures on program administration totalled \$197,000 in 2017-18), the IAID has been able to minimize the impact of these reductions by streamlining administration with more refined tools and implementing a risk-based approach. This approach ensures that ongoing activities such as project monitoring, review and compilation of data reported by funding recipients, evaluation of projects, and participation in CCSO-FJ working groups or committees can be maintained.

Factors Contributing to the Efficiency of Federal Support

Changes made to the structure of the CFJF have improved efficiency relative to the SFF. The Department consulted extensively with the provinces and territories in designing the new fund. Key informants highlighted some of the improvements made, particularly the use of five-year agreements (which reduce uncertainty regarding funding as well as the amount of time spent preparing applications); greater flexibility with respect to the definition of where the funds will be invested (the CFJF incorporates a more flexible set of priorities); and improvements to templates for applications, work plans and reporting.

The SFF and CFJF have been combined with funding provided by the provinces and territories in targeting the priorities established under the programs. The average tends to vary depending on the region (i.e. larger provinces and territories tend to provide higher levels of funding) and by type of activity (e.g. federal funding as a percent of total expenditures tended to be higher for research, evaluation and performance monitoring as well as ISO areas of activity than for public education or family support compliance and enforcement).

Services provided by the CRDP under Part II of the FOAEAA (for garnishment of federal moneys) charge administrative fees. While these fees go into the Receiver General account rather than being directly used to support service delivery, they aim to reduce or eliminate the effective cost to the federal government of delivering these activities. Under the CRDP Fee Order, an administrative fee of \$10 is levied when an application for divorce proceedings is received (the fee is exempt for proceedings covered by Legal Aid). An administrative fee of \$190 for five years (\$38 per year) is charged to debtors for processing the garnishee summons received under FOAEAA Part II.



5 CONCLUSIONS AND RECOMMENDATIONS

Results of the evaluation indicate that there is a strong continued need for federal support to strengthen the family justice system and continuing improvements in family justice will be required to meet the ongoing demand for services, respond to societal and technological changes, and address key issues. Given its expertise in family justice, well-established tools and services as well as strong relationships, the Department is well positioned to align family justice activities with federal government priorities and to respond to key issues.

Evidence demonstrates that the Department implements a well-integrated approach to address the needs of Canadians in matters of family justice. Improving the effectiveness and efficiency of a system as complex as the family justice system requires a coordinated and multifaceted approach. The Department provides legal and policy advice and analysis, facilitates collaboration between stakeholders, promotes public and professional awareness and understanding of key issues, increases access to services, and supports the implementation of enforcement and divorce-related activities at the PT level.

The evaluation also shows that available funds have been administered efficiently. The costs associated with administering Gs&Cs have declined significantly over the past decade. In addition, departmental expenditures on family justice have remained relatively stable over the past four years. The existing salary and O&M funding is generally sufficient to effectively deliver the core services as they currently exist.

The evaluation also concludes that federal support has advanced the family justice system. The Department has provided significant contributions to the development of family law policy and proposed legislation, such as Bill C-78 and expert legal advice regarding family law. Given its shared jurisdiction, the complexity of the justice system, and the large numbers of stakeholders, collaboration is an essential ingredient for an effective family justice system. The Department has been effective in collaborating with provinces and territories on matters specific to family justice, particularly through its work with CCSO-FJ and financial support through the SFF and CFJF.

Although significant progress has been made in strengthening the family justice system, public awareness of family justice issues and processes could be improved by increasing access to information targeted at specific sub-groups and issues, making more information available and continuing efforts to simplify processes and language. Providing increased access for diverse and underserved populations is a key priority for the CFJF. It should be noted that this is a new priority of the CFJF implemented in 2017 and as such advancements in this area are in the early stages. In light of the findings of the evaluation, one key recommendation has been made.

Recommendation

It is recommended that Justice Canada continue to provide support to programs and services that extend reach to diverse and underserved populations for the resolution of family law matters. More specifically, it is recommended that Justice Canada develop and implement a plan including:

- activities to support programs for diverse and underserved populations; and
- measures to determine the impact of these activities in increasing access to justice.



6 APPENDICES

Appendix A: Evaluation Matrix

Issues and Questions	Performance Indicators	Lines of Evidence (Described in Appendix C)					
		Surveys	Justice Canada Studies	Documents and File Review	Focus Group	Process Mapping Costing	Key Informants
Relevance							
1. Is there evidence of an ongoing need for the Department to work in the area of family justice?	1.1 Legal trends/policy gaps/emerging issues and policy needs related to family justice and children's law	•	•		•		•
	1.2 Perceptions of continued need for family justice, and children's law legal and policy work			•	•		•
2. Is there a continued need to support the delivery of family justice services?	2.1 Number/nature of applications for SFI and CFJF project funding/number of projects funded			•			
	2.2 Perceptions of the continued need for support			•	•		•
3. To what extent do the core family justice activities remain relevant?	3.1 Constitutional and statutory authority for core activities			•			
	3.2 Perceptions of relevance of core activities			•	•		•
4. To what extent are the family justice	4.1 Federal government and Department documents demonstrate			•			

Issues and Questions	Performance Indicators	Lines of Evidence (Described in Appendix C)					
		Surveys	Justice Canada Studies	Documents and File Review	Focus Group	Process Mapping Costing	Key Informants
activities consistent with government priorities, federal roles and responsibilities?	alignment						
	4.2 Department mandate documents and FCY policy documents demonstrate consistency		•	•			
	4.3 Evidence and perceptions of consistency of FCY with the federal role and responsibilities in the administration of justice (including collaboration and coordination with provinces and territories)			•	•		•
Effectiveness							
5. To what extent has the FCY delivered high quality legal and legal policy advice on domestic and international family law and children’s law issues?	5.1 FCY legal and legal policy advice is responsive to client needs (e.g. relevant, timely, useful)	•	•	•			•
	5.2 Extent to which FCY is consulted on family law and children’s law issues			•			•
	5.3 Extent to which FCY legal and legal policy advice is considered by decision makers (e.g. decision makers are aware of policy options, legal risks, legal options).	•					•
6. To what extent has the Department contributed to strengthen federal	6.1 Number/type of legal and legislative policy developments supported	•	•	•			
	6.2 Number/type of collaborative mechanisms used (within Justice,	•		•			

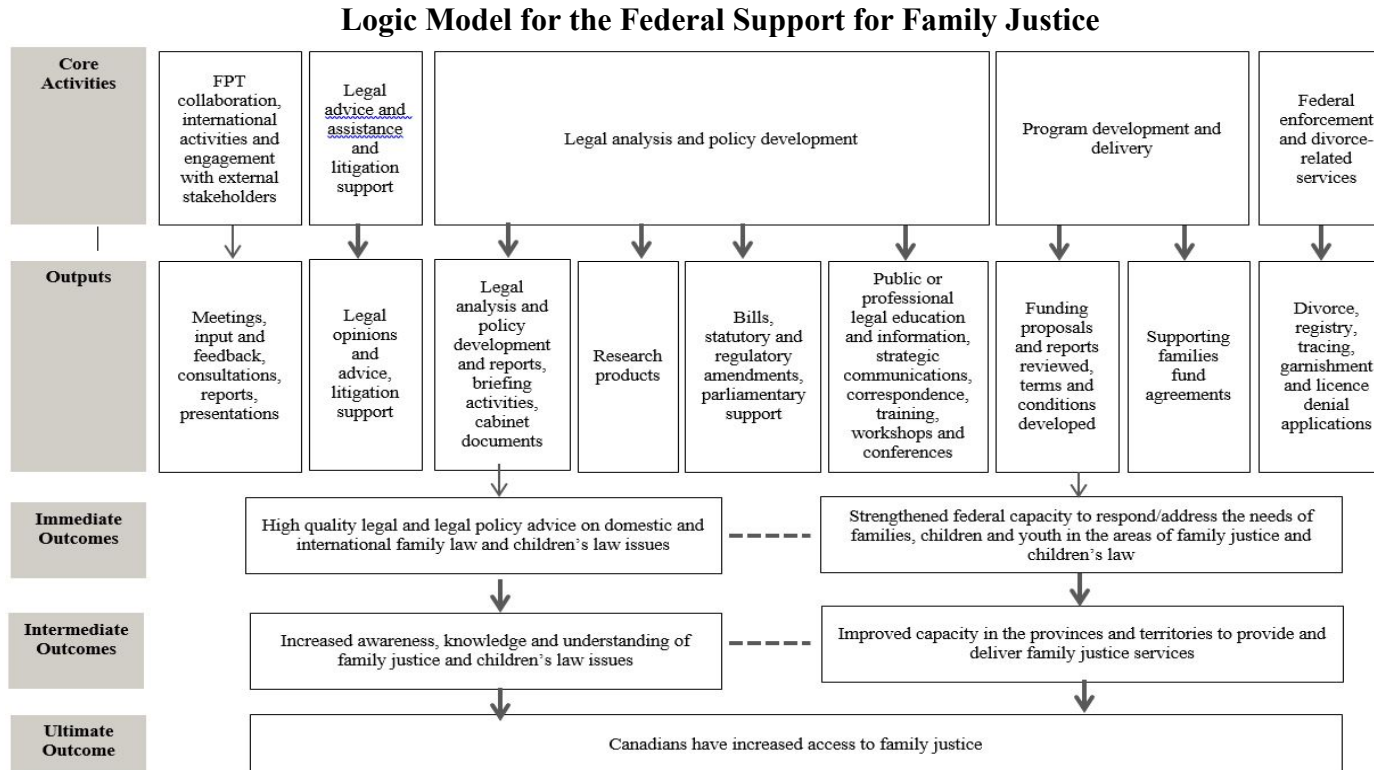
Issues and Questions	Performance Indicators	Lines of Evidence (Described in Appendix C)					
		Surveys	Justice Canada Studies	Documents and File Review	Focus Group	Process Mapping Costing	Key Informants
capacity to respond/ address the needs of families, children and youth in the areas of family justice and children's law?	interdepartmentally, and with FPT and stakeholders)						
	6.3 Number/type of public or professional legal information, learning/ training activities/products			•			
	6.4 Number/type and use of funds as policy levers and implementation of program efficiencies (e.g. SFF, CFJF, FLAS)			•			
	6.5 Perceptions that FCY's activities products and family justice services have contributed to federal capacity to respond and address family justice issues	•				•	•
	6.6 Identification of capacity gaps in federal response to address legal and policy family justice issues	•	•			•	•
7. To what extent has the Department contributed to increased awareness, knowledge and understanding of family justice and children's law issues?	7.1 Evidence that FCY has contributed to increased awareness, knowledge and understanding of family justice and children's law issues			•			
	7.2 Perceptions that the Department has contributed to increased awareness, knowledge and understanding of family justice and children's law issues	•					•

Issues and Questions	Performance Indicators	Lines of Evidence (Described in Appendix C)					
		Surveys	Justice Canada Studies	Documents and File Review	Focus Group	Process Mapping Costing	Key Informants
8. To what extent has the Department contributed to improved capacity in the provinces and territories to provide and deliver family justice services?	8.1 Evidence that the Department has contributed to PT capacity to provide and deliver family justices services			•			
	8.2 Perceptions that FCY has contributed to capacity to address family justice in Canada	•				•	•
9. To what extent has the Department contributed to increased access to family justice for Canadians?	9.1 Perceptions that the Department has contributed to increased access to family justice for Canadians in the areas of family justice and children’s law	•				•	•
Efficiency							
10. How have departmental resource levels affected the results achieved?	10.1 Assessment of level of resourcing allocated and expended overall and by each core activity			•			•
11. Are the CFJF and FLAS being administered efficiently? Was the SFF administered	11.1 Assessment of operational efficiency of CFJF and FLAS			•		•	•
	11.2 Percentage of time that the IAID met the departmental service standards in the administration of CFJF projects			•			•

Issues and Questions	Performance Indicators	Lines of Evidence (Described in Appendix C)					
		Surveys	Justice Canada Studies	Documents and File Review	Focus Group	Process Mapping Costing	Key Informants
efficiently?							
12. What are the costs and benefits of supporting programs and alternatives to court for families and the family justice system?	12.1 Assessment of costs and benefits of programs and services supported through the SFF and CFJF			•		•	
13. Are there any best practices or lessons learned in the delivery of core activities?	13.1 Perceptions of best practices or lessons learned (e.g. governance, integration, coordination and policies of the different functions/activities; delivery of CFJF and FLAS)				•		•

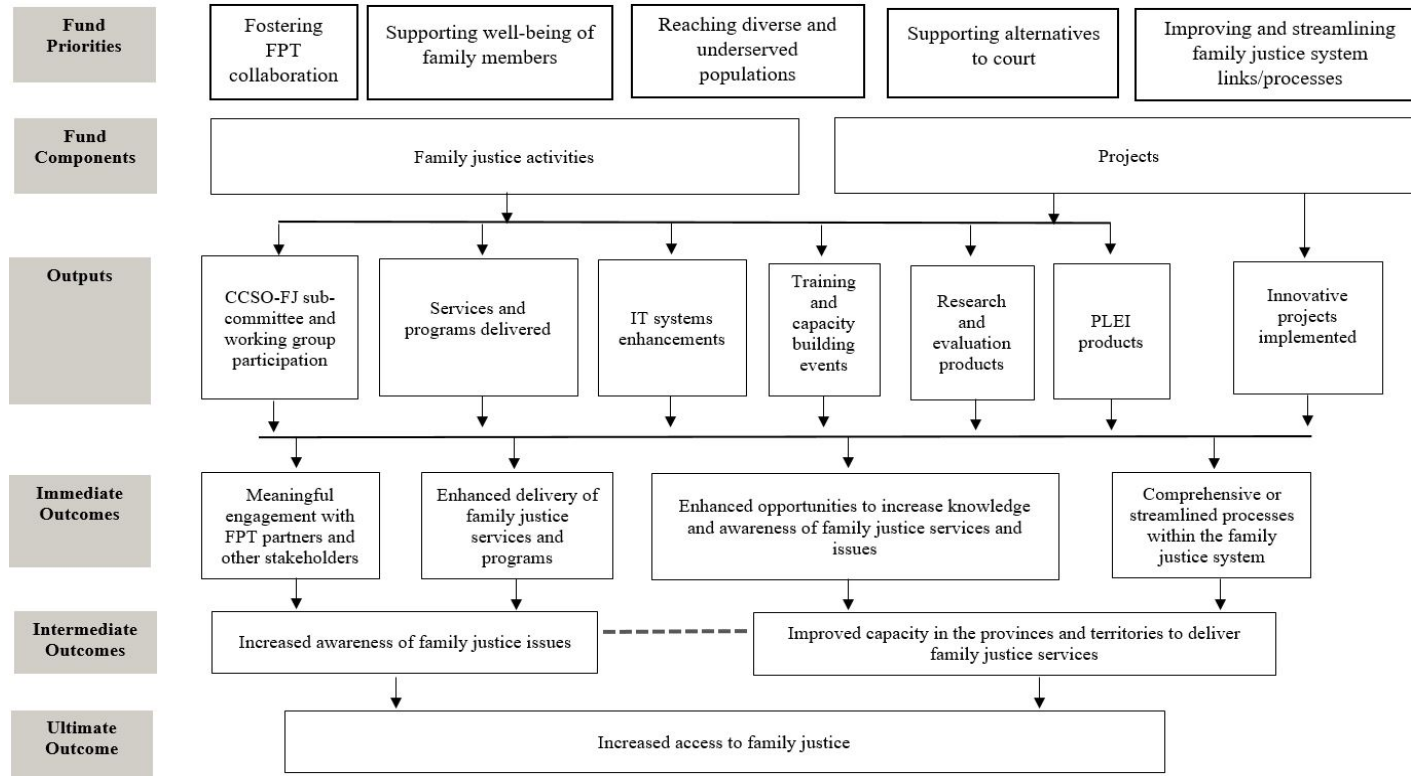
Appendix B: Logic Models

The Logic Model for Federal Support for Family Justice, provided below, outlines five key components or activities as well as the intended outputs and outcomes.



A Logic Model has also been developed specifically for the Canadian Family Justice Fund. The Logic Model provided below outlines the priorities, core activities and intended outcomes of the CFJF.

Logic Model for the Canadian Family Justice Fund (2017-2022)



Appendix C: Methodology

The evaluation relied on multiple lines of evidence that were triangulated and used to arrive to major conclusions. Data collection occurred throughout the period covered under the evaluation (e.g. annual surveys), although the majority of research was completed during 2017 and 2018. The lines of evidence included a document review, a review of project data and files, directed studies, key informant interviews and a focus group. A more detailed description of various data sources is provided below.

Surveys

Several surveys were conducted to assess the outcomes of the Department's support to family justice. Surveys helped measure the extent to which the FCY Section offered high quality legal and legal policy advice on domestic and international family law and children's law issues, the extent to which SFF funded PEPs and mediation services increased awareness, knowledge and understanding in the areas of family justice, and the impact of the CRDP, FOAEAA and GAPDA-related training on participants. A separate survey gathered information on the characteristics of cases handled by family law practitioners in Canada and current family law issues.

FCY Partner/Stakeholder Survey

An online survey was administered to key FCY federal contacts who accessed FCY legal or policy advice or litigation support. The survey was administered to measure their awareness of the policy options, legal risks and legal options. The questionnaire was sent to 34 partners/stakeholders who had received legal and/or legal policy advice from the FCY Section, of whom 10 responded.

SFF Funded Exit and Follow-up Surveys

Surveys were administered to participants in the PEP and mediation services through years 2014 and 2018 directly after their participation (exit surveys) and again six months after their participation (follow-up surveys). Over 16,000 PEP participants and 650 mediation clients have completed surveys over a four-year period (2014-15 through 2017-18). These surveys were conducted to measure expected outcomes of these SFF funded programs, such as the increased awareness, knowledge and understanding of family justice.

FCY Event Surveys

Ten event surveys were conducted between 2014 and 2018 to those participating in training, workshops and conferences hosted by the FCY Section in order to measure awareness, knowledge and understanding of family justice (appropriate to learning events). These surveys were administered to participants involved in training related to the CRDP, FOAEAA and Part I, Division I of GAPDA. A total of 26 participants from six regions participated in the CRDP survey and 20 participants from five regions participated in the FOAEAA and GAPDA surveys.

National Family Law Program Surveys

Two electronic surveys were administered to participants at the 2016 National Family Law Program: one for lawyers and one for judges. The purpose of these surveys was to obtain information on the characteristics of cases handled by family law practitioners in Canada and current family law issues. Surveys were received from 217 participants.

Justice Canada Studies

Several studies were conducted to help identify legal trends, policy gaps, costs, emerging issues and policy needs related to family justice and children's law, the Department's mandate with respect to family justice activities, as well as FCY's legal and legal policy responsibilities.

Environmental Scan (2017-18)

An environmental scan was conducted to examine trends and changes that have occurred in the Canadian landscape for families experiencing separation and divorce and identify international trends with respect to family and children's law.

Family, Children and Youth Legal and Legal Policy Study (2016)

In 2014, the legal and policy component of the SFI was renewed for two years (2014-2016) while the Supporting Families Fund was renewed for three years (2014-2017). There was a need to report on results of the SFI legal and policy work the Department conducted in advance of renewal. This study explored and documented in more detail the legal and policy work carried out by the FCY Section.

Overview and Assessment of Approaches to Access Enforcement: An Update (2017)

This 2017 study updated an earlier report that undertook a comparative review of legal approaches to the problem of enforcement of access orders, investigated and analyzed Canadian case law and legislation.

Process Mapping and Costing Studies

Eight process mapping and costing studies were undertaken to examine potential cost savings to the family justice system and the individual as a result of financially supporting family justice services through the SFF and CFJF. The studies included five studies that assessed the costs associated with one- and two-step ISO processes. This will provide a baseline for examining the future impact of potential legislative changes. One study compared the costs of having a child support order varied through the courts versus through an administrative recalculation service. Two studies reviewed the costs of court-based family services.

File and Document Review

Two file reviews were conducted with respect to funding provided under the SFF in years 2014-15, 2015-16 and 2016-17. The first file review focused on activities, outputs and achievements reported in annual activity reports submitted by provinces and territories, while the second file review focused on completion reports prepared by NGOs and provinces and territories for pilot projects funded under the SFF. The file reviews were conducted to highlight examples of project outcomes and the ways in which project funding has been used to strengthen capacity, address the needs of families, children and youth, and improve efficiency of the Federal Support for Family Justice.

A review of documents (including performance data in the form of FCY Section Metrics, financial data, CCSO meeting minutes, Speeches from the Throne, briefings, budget documents, the Ministerial Mandate Letter, and departmental planning and reporting documents) was conducted to systematically extract relevant secondary data and information.

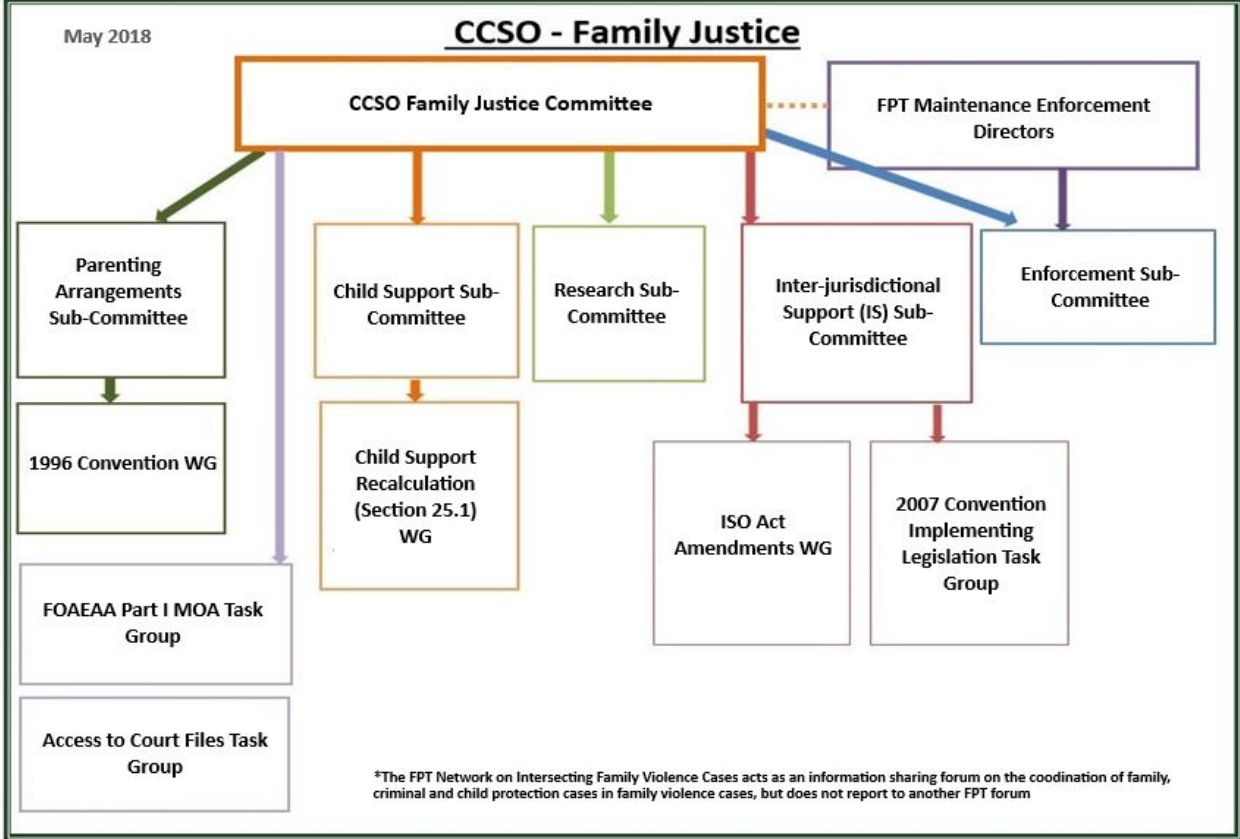
Key Informant Interviews

Interviews were conducted with key informants representing the Department (16) and different PT governments (10). The information gathered from these interviews helped inform analysis of the ongoing need for federal support in family justice and how the Department's family justice activities remain consistent with government priorities and federal roles and responsibilities.

Focus Group

A focus group was held involving 20 representatives from PT governments, members of the CCSO-FJ. The session focused on how the work of the Department and program funding addresses needs in the area of family justice, the effectiveness of the Department in addressing those needs, and how activities could be improved moving forward.

Appendix D: FCY Section Committees and Working Groups



Appendix E: End Notes

ⁱ Prior to a corporate restructuring of the Department, which started in 2012-13, the FCY Section contained a Research Unit that carried out social science policy and statistical research, a Program Development Unit that administered grants and contributions, and a Communication and Law Information Unit. The Section now receives support for these functions from the RSD, the IAID and the SCD.

ⁱⁱ FCY Section units consist of (1) the Family and Children's Law Policy Unit, which is the centre of expertise on family and children's law and provides legal, policy and litigation support on a range of family law issues and files; (2) the Supply Enforcement Law and Policy Unit, which provides strategic legal and policy advice and litigation support in the area of support enforcement, inter-jurisdictional support matters, and enforcement by garnishment; (3) the Family Law Assistance Services which administers four federal programs under the responsibility of the FCY Section: *Central Registry of Divorce Proceedings*, *Family Orders and Agreements Enforcement Assistance Act*, *Garnishment, Attachment and Pension Diversion Act*, and the FCY Information Line; and (4) the Administrative Unit which is responsible for the coordination and management of an effective business framework for the Section.

ⁱⁱⁱ Salary and operating and maintenance expenditures (O&M) for RSD and SCD are not included in Table 2.

^{iv} A decrease in the budget occurred in 2016-17 when the SFI ended, and a permanent mandate was given to Federal Support for Family Justice in 2017-18.

^v FCY also includes children's law and work in the area of interpersonal relationships.

^{vi} Canadian Forum on Civil Justice (2013). *Access to Civil and Family Justice: A Roadmap for Change*.

^{vii} Research and Statistics Division (2016). *JustFacts: Self-Represented Litigants in Family Law*.

^{viii} Research and Statistics Division (2016). *JustFacts: Self-Represented Litigants in Family Law*.

^{ix} As of 2014-15, due to the reorganization, the Research Sub-Committee and its working groups are chaired or co-chaired by members of the RSD, but the majority of activities continue to be funded under the CFJF and involve participation from the FCY Section.

^x According to PT annual SFF Activity Reports.

^{xi} *The Practice of Family Law in Canada: Results from a Survey of Participants at the 2016 National Family Law Program*. Canadian Research Institute for Law and the Family.

^{xii} *The Practice of Family Law in Canada: Results from a Survey of Participants at the 2016 National Family Law Program*. Canadian Research Institute for Law and the Family.

^{xiii} SFF Funded Exit and Follow-up Surveys.

^{xiv} There are five core activities associated with Family Justice, including (1) collaboration, engagement and information sharing (2) providing legal advice, assistance and litigation support (3) legal analysis and policy development (4) program development and delivery and (5) federal enforcement and divorce-related services.