



Ministère de la Justice
Canada

Department of Justice
Canada

S E R V I N G C A N A D I A N S
A U S E R V I C E D E S C A N A D I E N S



***Official Language Minority Communities
« Thriving with **Justice** »***

***Guide on Priority Programs – Section 41 of the
Official Languages Act***

***Implementation of Section 41, Part VII,
of the Official Languages Act***

November 2004

Canada 

TABLE OF CONTENTS

PROGRAM TARGETED BY SECTION 41

CHILD-CENTRED FAMILY JUSTICE STRATEGY	3
<i>Component 1: Divorce Act reform</i>	3
<i>Component 2: Continued support for effective family justice services</i>	3
Action Area	3
Objectives.....	4
Guiding Principles for Development of Agreements and Selection of Projects.....	4
Types of funding.....	5
Classes of recipients.....	6
Note on available funds.....	6
Contact.....	6
<i>Component 3: Promotion of family court models appropriate to the needs and experience of separated and divorced families</i>	7
Contact.....	7
YOUTH JUSTICE RENEWAL.....	8
Mandate.....	8
Objectives.....	8
Contact.....	9
PUBLIC LEGAL EDUCATION AND INFORMATION COMPONENT	10
<i>Public Legal Education and Information Component (PLEI)</i>	10
<i>Other ways the Department supports public legal education and information</i>	10
<i>PLEI organizations that receive annual funding from Department of Justice</i>	11
<i>Places to find PLEI</i>	11
<i>Note on funding</i>	11
Contact.....	12
FAMILY VIOLENCE INITIATIVE.....	12
Mandate.....	12
<i>Examples of innovative pilot projects and activities that could be funded</i>	12
<i>Examples of PLEI activities that could be funded</i>	13
<i>Eligibility Criteria</i>	13
Contact.....	14
ACCESS TO JUSTICE IN BOTH OFFICIAL LANGUAGES SUPPORT FUND.....	15
Objectives.....	15
<i>Characteristics of an interesting project</i>	15
<i>Guide entitled Funding Kit</i>	16
<i>Funding criteria</i>	16
<i>Fund duration</i>	17
<i>Available amounts</i>	17
<i>Submission dates for applications to the Department of Justice</i>	17
Contact.....	18

Priority Programs – Section 41

Child-centred Family Justice Strategy

<http://canada.justice.gc.ca/en/ps/pad/about/>

The Child-centred Family Justice Strategy has three core elements:

Component 1: Divorce Act reform;

Component 2: Continued support for effective family justice services;

Component 3: Promotion of family court models appropriate to the needs and experience of separated and divorced families.

The Strategy will continue the Department's work in relation to *Child Support Guidelines*, national and international maintenance enforcement policy, national data, public information and communications activities in support of the Strategy's objectives. It will also provide for research, national data, public information and communications activities in support of the Strategy's objectives.

The federal government does not provide direct services to separated and divorced families – **that responsibility is vested in the provinces and territories** – but it is committed to assisting and promoting the development and maintenance of family justice services in order to **enhance access to the family justice system in both official languages**. This will be accomplished through the Child-centred Family Justice Fund (\$68 millions over five years).

Component 1: Divorce Act reform (see details on the Internet site http://www.parl.gc.ca/37/2/parlbus/chambus/house/bills/government/C-22/C-22_1/90206bE.html);

Component 2: Continued support for effective family justice services

Action Area

The fund will support the delivery of programs and services in both official languages in three areas:

- *Family Justice Initiatives:* This stream supports provincial and territorial family justice programs and services that assist parents dealing with child support, support enforcement, and parenting arrangements (parenting agreements and orders, contact orders, custody orders and access rights) issues. The amount of money available to each jurisdiction has been determined by a distribution formula established in

consultation with the FPT Coordinating Committee of Senior Officials – Family Justice. The transfer of funds will be accomplished through contribution agreements negotiated with each province and territory.

- *Pilot Projects*: A smaller portion of the funds will be available for pilot projects proposed by provincial and territorial governments to develop, implement and evaluate innovative family justice services.
- *Public Legal Education and Information (PLEI) and Professional Training*: Funds will be made available to **non-governmental organizations**, by way of grants or contributions, to undertake projects that will inform Canadians, including the legal community, about parenting arrangements, child support guidelines, and support enforcement measures. Proposals for funding of such projects must be supported by the appropriate provincial or territorial government.

Objectives

The Department of Justice Canada's Fund's objective draws close parallel with the Child-centred Family Law Strategy's objective to help develop and maintain a child-centred family justice system:

- in which decisions are tailored to the individual needs of the children of separated and divorced parents;
- that facilitates the timely resolution of family law matters; and
- that increases compliance with parenting arrangements and child support obligations.

The Fund's objectives are to be implemented within the broader context of the linguistic duality of Canada by supporting projects that will serve Official Language Minority Communities while being mindful of gender and diversity issues.

Guiding Principles for Development of Agreements and Selection of Projects

The development of individual contribution agreements and the selection of pilot, PLEI and professional training projects will be guided by these principles, identified by the Department of Justice in consultation with provincial and territorial officials:

- a) The needs and well-being of children are paramount.
- b) No one model of post-separation parenting will be ideal for all children.
- c) Programs and services must be sensitive to the fact that children and youth experience separation and divorce at different stages of development and

must aim to protect them from violence, conflict, abuse and economic hardship.

- d) Programs and services must demonstrate that they have considered whether they will have a different impact on male and female clients.
- e) An integrated approach to planning and delivery of child support, support enforcement and parenting arrangement programs and services is encouraged to respond to the long-term service needs of children and families.
- f) Opportunities for early non-adversarial dispute resolution mechanisms should be encouraged.
- g) Activities should address the need for evaluation, project monitoring and performance measurement.
- h) Research should have the goal to advance the family law community's knowledge priority issues including those affecting Official Language Minority Communities, inform policy and program discussions, assist in the development or refinement of policy or programs and aim to enhance legislative clarity.
- i) Participants in the family justice system (families, judiciary, bar, court staff, enforcement staff, mediators, and others) should be well informed about family justice reforms.
- j) A coordinated national, intergovernmental and international approach to innovative family justice services and information sharing should be promoted.
- k) Alternatives or modifications to the present court disputes resolution system are needed to reduce cost and delays for parents.
- l) Programs and services should be efficient and cost-effective for the justice system.
- m) Programs and services must demonstrate that they have considered the specific needs of Official Language Minority Communities.

Types of funding

There are two types of funding:

- Contribution funding for projects where there is a need for accountability and control to ensure that federal government and departmental objectives are met; and

- Class grants, totalling no more that 10 000\$ a year, for projects where the requirements for accountability and control can be satisfied by the recipient prior to approval of the grant.

Classes of recipients

Provincial and territorial departments, agencies, or other organizations designated by provincial and territorial governments as responsible for child support, the enforcement of support orders and agreements and parenting arrangement programs and services are eligible to apply for contribution funding under the Family Justice Initiatives and the Pilot Projects components of the fund.

Any or the following may apply for contribution funding under the Public Legal Education and Information and Professional Training component of the Fund:

- individuals;
- non-profit professional organizations, societies or associations;
- other non-profit organizations, societies or associations;
- educational institutions;
- provincial and territorial government departments and agencies; and
- private sector organizations sponsoring non-profit projects in partnership with federal, provincial, or territorial governments.

Any of the following may apply for class grants under the Public Legal Education and Information and Professional Training component of the Fund:

- individuals;
- non-profit professional organizations, societies or associations;
- other non-profit organizations, societies or associations;
- educational institutions; and
- private sector organizations sponsoring non-profit projects.

Note on available funds

Please note that the available funds for the year 2004-2005 for the Public Legal Education and Information and for the pilot projects are not yet confirmed.

Contact

Child-Centred Family Justice Fund

Danielle Bruyère

Program Analyst

Family, Children and Youth Section

284 Wellington Street

Ottawa, Ontario K1A 0H8

Telephone: (613) 941-9976

Fax: (613) 952-9600

E-mail: danielle.bruyere@justice.gc.ca

Component 3: Promotion of family court models appropriate to the needs and experience of separated and divorced families.

The “Unified Family Courts” (UFC) have been in existence, in Canada, for as much as twenty years, and their popularity continues to grow. As the name suggests, UFC have jurisdiction over all family law matters within one level of court (the provincial superior court) and this structure allows the court to take a holistic approach to each family’s situation. This approach eliminates confusion for family members as to which level of court should be dealing with their case. The structure of the UFC offers other benefits as well, including a variety of services, either attached to the court or based in the community. These support services differ from jurisdiction to jurisdiction, but typically include such programs as parent education sessions, mediation and other court-related services. The UFC are found in seven different administrations: Manitoba, New Brunswick, Newfoundland and Labrador, Ontario, Prince Edward Island, Saskatchewan, and Nova Scotia.

A key element of the UFC’s Initiative is the Justice Canada Minister’s agreement that 75 percent of the nominated judges in the UFC tribunals are to be judges from the provincial family tribunal. This will allow the provinces to constantly re-invest the savings made from the judge salary in the tribunal support services.

Overall, UFCs improve outcomes for children and their families. They have the following advantages:

- they enable family members to resolve all outstanding legal issues in a single place by combining family law jurisdiction under both federal and provincial law in a single court;
- they provide access to a full array of professional and community support services, thus increasing the ability of family members to obtain the most appropriate support;
- they employ simplified procedures in a user friendly environment;
- they are presided over by specialist judges who are experts in family law;
- they can speed up the resolution of family matters, and reduce the potential for further conflict.

The purpose of the UFC model is to improve both the quality of services and access to justice for participants in the family justice system, including Official Language Minority Communities. Cabinet approval and an amendment to the *Judges Act* will be necessary before the Minister can proceed with new appointments. Contact

Contact

Family Law – Unified Courts
Louise Panet-Raymond, Legal Advisor
Judicial Affairs, Courts and Tribunal Policy
284 Wellington Street, EMB – room 5207
Ottawa, Ontario K1A 0H8
Telephone: (613) 941-4752
Fax: (613) 941-4088
E-mail: louise.panet-raymond@justice.gc.ca

Youth Justice Renewal

<http://www.justicecanada.ca/en/ps/yj/>

Mandate

The Government of Canada's Youth Justice Renewal Initiative is aimed at establishing a fair and effective youth justice system in Canada. The Initiative is supported by new legislation and encourages partnerships with the provinces and territories, the legal and police sectors, and community organizations.

Youth Justice Renewal Initiative is more than legislation. It is an Initiative that looks beyond legislation and the youth justice system to explore how society as a whole can address youth crime and its associated factors.

The Initiative is based on three key directions:

- prevention;
- meaningful consequences for youth crime;
- intensified rehabilitation and reintegration to help youth safely return to their communities.

The *Youth Criminal Justice Act* (YCJA) is a key element of the Initiative.

Objectives

Often, young people are brought into the formal justice system for minor offences that, in many cases, could be more effectively dealt with in the community in less formal, but equally meaningful ways that focus on repairing the harm done. With this in mind, the Youth Justice Renewal Initiative, including the legislative component, is designed to:

- increase the use of measures, outside the formal court process, that are often more effective in addressing some types of youth crime;
- establish a more targeted approach to the use of custody for young offenders;
- improve the system's ability to rehabilitate and reintegrate young offenders;
- increase the use of community-based sentences for non-violent youth crime;
- establish special measures for violent offenders that focus on intensive supervision and treatments;
- increase public confidence in the youth justice system.

Contact

Pauline Cormier
Program Analyst
Youth Justice Renewal
180 Elgin Street, 7th floor
Ottawa, Ontario K1A 0H8
Telephone: (613) 946-9452
Fax: (613) 954-3275
E-mail: pauline.cormier@justice.gc.ca

Public Legal Education and Information Component

http://www.justice.gc.ca/en/ps/pb/prog/legal_ed.html

Public Legal Education and Information

The Public Legal Education and Information Component (PLEI) aim to provide Canadians with information about the laws and how it affects them so that they can make informed decisions and participate effectively in the justice system. These activities contribute to guarantee that Canada has an accessible and responsive system of justice.

To this end, the Department of Justice of Canada provides core funding on an annual basis to one Public Legal Education and Information organization in each province, selected jointly by the province and the Department. This organization provides justice-related information and education activities that help community members understand their rights and responsibilities in the area of justice. This funding is in accordance to the terms and conditions of the Justice Partnership and Innovations Funds. Core funding is limited to these designated organizations. In the North West Territories, Nunavut and Yukon, Public Legal Education and Information activities are delivered under Access to Justice Agreements concluded between each territorial government and the Department of Justice of Canada.

Furthermore, the Department can provide funding to non governmental organizations for projects that provides public legal education and information activities under other components of the Department namely: the Justice Partnership and Innovation Fund, the Victim Fund, the Family Violence Initiative, the Youth Justice Renewal Initiative, the Child Centred Family Justice Strategy and the Access to Justice in both Official Languages Support Fund.

The PLEI organizations do not give “legal advice”. They may only provide and distribute information or referrals about various aspects of the law so that people can make informed justice related decisions. Examples of PLEI information include information about: new legislation; child support guidelines; rights of victims; family violence; youth justice; etc.

Other ways the Department supports PLEI

The provincial PLEI organizations are not the only organizations that receive assistance from the Department to develop and deliver information activities and tools in the community. Justice Canada also provides project funding to other organizations and community members who qualify for funding from the various programs within the Department to develop and deliver PLEI related projects. Each program within the Department has specific criteria for funding and you should check with each representative of the PLEI to see what those criteria are.

PLEI organizations that receive annual funding from Department of Justice

- Public Legal Education Network of Alberta
- The People's Law School (British Columbia)
- Community Legal Association of Manitoba
- Public Legal Information Association of Newfoundland
- Public Legal Education and Information Service of New Brunswick
- Legal Information Society of Nova Scotia
- Community Legal Education Ontario
- Community Legal information Association of PEI
- Educaloï (Quebec)
- Public Legal Education Association of Saskatchewan
- Public Legal Education and Information in Nunavut
- Legal Services Board of the Northwest Territories
- Yukon Public Legal Education Association

Places to find PLEI

Today, PLEI is delivered through a variety of activities and in a wide range of areas. Projects and activities include:

- print and audio-visual materials about specific legal issues, such as divorce, child support and tenant rights;
- law lines staffed by people who provide legal information;
- taped legal information available by telephone (Dial-a-law and Téléphone Juridique);
- speakers, seminars and workshops on specific legal topics;
- high school-based law courses;
- electronic access to legal information;
- interactive learning modules;
- popular theatre.

Note on funding

It should be noted that the PLEI activities provide basic funding to PLEI organizations only. No amount is available for communities. However, it is possible to get funds for the: Youth Justice Renewal Initiative, the Victim Funds, the Family Violence Initiative, the Child Centred Family Justice Strategy, the Access to Justice in both Official Languages Support Fund, and the Justice Partnership and Innovation Fund.

Contact

Marc Rozon
Senior Program Analyst
Innovations, Analysis and Integration Directorate
284 Wellington Street
EMB – room 6198
Ottawa, Ontario, K1A 0H8
Telephone: (613) 941-0385
Fax: (613) 941-2269
E-mail: marc.rozon@justice.gc.ca

Family violence Initiative

<http://canada.justice.gc.ca/en/ps/fm/>

The Family Violence Initiative (FVI) is aimed at preventing and reducing the number of cases of family violence in Canada. The FVI is an ongoing commitment by the federal government to a long-term social problem that involves a multitude of aspects related to society, justice and health. Twelve departments, federal agencies and Crown Corporations take part in this Initiative.

Mandate

The mandate of the Department regarding the FVI is to improve the criminal justice system's responses to family violence. The activities undertaken by the Department in this area include the development of policies, law reform, research, project funding and public legal information and education (PLEI).

Project funding serves to support:

- innovative activities and pilot projects aimed at developing and implementing criminal law policies and at identifying best practices or models to help reduce the problem and impact of family violence;
- efforts in the area of legal information and education (PLEI) in order to promote public access to information on family violence, to increase public awareness of the factors that contribute to family violence, and to encourage public participation in the development of solutions to family violence.

Examples of innovative pilot projects and activities that could be funded

- Assessment of the criminal justice system's and professionals' responses to family violence;

- Development of new strategies, models, service and program delivery to family violence in crisis;
- Development and implementation of support for child victims/witnesses of family violence in the criminal justice process;
- Development of resource tools, for intermediaries and service providers, related to family violence in hard to reach communities such as rural and Aboriginal communities;
- Development of information and program services relating to family violence to meet the needs of vulnerable groups such as older adults, people with disabilities, and immigrants.

Examples of PLEI activities that could be funded

- Development of information materials and information sessions addressing PLEI needs of vulnerable and hard to reach communities related to family violence;
- Revision, reprint and dissemination of existing PLEI materials;
- Assessment of PLEI materials and activities in the area of family violence;
- Updating and translation of family violence PLEI materials into additional languages.

Eligibility Criteria

To be considered for project funding, applicants must submit a proposal using the application form available from the Family Violence website; project proposals must be consistent with the federal government's Family Violence Initiative objectives and meet one or more of the following objectives:

- To enhance knowledge, promote development, and inform Canadians and legal community about family violence issues;
- To promote access to justice, equality and human rights in Canada by supporting:
 - consultations, research, and partnerships;
 - development and dissemination of information, and
 - development, testing and implementation of new cost-effective, multi-disciplinary approaches, models and pilot projects regarding the administration and delivery of services, to victims of family violence;

- To promote the development and implementation of legislative and socio-legal reforms;
- To support the development, testing and implementation of innovative program options, new and multi-disciplinary approaches and models in regard to community involvement and protection from family violence.

Note: As funds are limited, it is not possible to fund all projects that meet the eligibility criteria. Projects that demonstrate that they can best meet the information needs of the Department will be given priority consideration.

Contact

Nahid Roboubi
Program Manager
Innovations, Analysis and Integration Directorate
284 Wellington Street
EMB – room 6226
Ottawa, Ontario K1A 0H8
Telephone: (613) 952-5616
Fax: (613) 941-2269
E-mail: nahid.roboubi@justice.gc.ca

Access to Justice in Both Official Languages Support Fund

http://www.justice.gc.ca/en/ps/pb/prog/official_languages.html

The Support Fund is one of the four components of Promoting Access to Justice in Both Official Languages (PAJLO).

Objectives

The overall purpose of the Support Fund is the implementation of a justice system increasingly relevant and accessible that will meet the needs of Canadians, thereby ensuring, in particular, improved access to justice in both official languages.

Objectives of the Support Fund:

- increase the capacity of the Department's partners to develop innovative solutions to emerging justice-related issues associated with access to justice in both official languages;
- raise awareness among the legal community and Official Language Minority Communities about exercising their rights and about issues related to access to justice in both official languages.

Characteristics of an interesting project

The following is a list of **some** of the characteristics of a project contributing to the objectives of the Department of Justice Canada's Access to Justice in Both Official Languages Support Fund. It is important to note that each project **must** yield concrete results.

- The project improves the implementation of the *Criminal Code's* language provisions;
- The project establishes the link with the Environmental Scan's (<http://canada.justice.gc.ca/en/ps/franc/enviro/toc.html>) findings – barriers and possible solutions (for example, legal terminology training);
- The project makes it possible to improve the active offer of services;
- The purpose of the project is to make citizens aware of their rights (namely language rights);
- The project is innovative – it proposes a new approach that is different from traditional methods;
- The project meets the needs of a given population consistent with the region's demography (for example, scattered community vs. clustered community);

- The project is carried out in partnership with other organizations – governments, universities, jurilinguistic centres or others;
- The project creates a sustainable effect.

This list of characteristics is not exhaustive and should be used as a guide.

Guide entitled Funding Kit

<http://www.justice.gc.ca/fr/ps/pb/funding/>

Funding criteria

The maximum number of successive years during which a contribution or grant is granted to a recipient for a similar project is three years (except under the PAJLO component – development of jurilinguistic tools).

The Department of Justice may fund a maximum number of five projects per applicant within a given period.

Funds may be used only for direct expenses related to the projects activities. Where necessary, an amount has to be specified in the budget for the auditing of financial statements.

The Department's support **does not cover**

- costs committed prior to the project;
- debts incurred prior to the project;
- costs committed prior to the authorization or the coming into force of the agreement or after the expiration date of the agreement;
- debts incurred prior to the authorization or the coming into force of the agreement or after the expiration date of the agreement.

Expired agreements cannot be amended.

The following costs are **inadmissible**:

- the translation of legal or legislative provincial/territorial texts and the translation of documents, except;
 - when such an activity coincides with the PAJLO component objectives;
 - when the Department is of the opinion that the translation of a document is essential to foster better access to justice.

- the purchase of buildings, land, vehicles, large start-up costs, honoraria, leisure costs, sponsorship of activities, activities related to writing a thesis, competitions, gifts, keepsakes and other promotional products.

Administrative expenses must not exceed 15% of the project's total cost. A recipient may only claim admissible expenses for an approved project.

It is impossible to fund all projects meeting the admissibility criteria, as funds are limited. Priority will be given to projects likely to better meet the needs of the Department.

The project's objectives, the results sought and the way to verify the results achieved are very important elements of any applicant for funding. The latter are explained in the document entitled "How to Apply for Funding" (<http://www.justice.gc.ca/en/ps/pb/funding/guide-index.html>).

Fund duration

It is a five-year fund: 2003-2008

Available amounts

The fund is composed of \$18.5 millions for five years.

There is a core funding of \$600,000 per year given to the *Associations de juristes d'expression française* and their federation.

In terms of projects funding the amounts are divided as followed:

2003-2004	\$1,400,000
2004-2005	\$800,000
2005-2006	\$800,000
2006-2007	\$800,000
2007-2008	\$800,000

Submission dates for applications to the Department of Justice

Please note that there is **no submission date** for the Access to Justice in Both Official Languages Support Fund.

Applications are to be sent to Marc Dubois, Program Analyst, at the address below.

Contact

Marc Dubois

Program Analyst

Innovations, Analysis and Integration Directorate

EMB - Room 6295

284 Wellington Street

Ottawa, Ontario K1A 0H8

Telephone: (613) 957-4452

Fax: (613) 941-2269

E-mail: marc.dubois@justice.gc.ca