



**CHILD CENTRED FAMILY LAW STRATEGY  
FORMATIVE EVALUATION  
Technical Report**

**November 2005**

**Evaluation Division  
Policy Integration and Coordination Section**



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## EXECUTIVE SUMMARY

### 1. Introduction

The federal government initiated the Child-centred Family Law Strategy (CCFLS) in December, 2002 following the tabling and first reading of the former Bill C-22, an *Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act (FOAEA), the Garnishment, Attachments and Pension Diversion Act (GAPDA) and the Judges Act and to amend other Acts in Consequence*.<sup>1</sup> The CCFLS has three core elements: legislative reforms; grants and contributions for family justice programs and services; and the expansion of Unified Family Courts (UFCs). The Strategy also includes a research and evaluation component, enhancements to services provided by the Department of Justice's Family Law Assistance Services Unit (FLAS), continued family law and policy development, and public information and communications activities.

The broad policy objective of the CCFLS is to help develop and maintain a child-centered family justice system that:

- minimizes the potentially negative impact of separation and divorce on children;
- provides parents with the tools they need to reach parenting arrangements that are in the child's best interests;
- ensures that the legal process is less adversarial; only the most difficult cases will go to court.

The evaluation was mandated to address: issues relating to management and coordination of the Strategy; implementation and early results; and participant assessments of progress to date.

It is expected that the findings will be of interest to the Department of Justice and other federal departments and agencies involved in family law matters, and to provincial and territorial officials who are important partners in the CCFLS.

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<sup>1</sup> All references in this report to Bill C-22 are to this original Bill, as opposed to any newer versions of the Bill.

## 2. Methodology

This evaluation has centred on two primary methods: the review of available documents and data on the activities and results of the CCFLS; and, interviews with key informants from the Department of Justice, the Canadian Centre for Justice Statistics at Statistics Canada, and provincial and territorial government departments involved in family justice issues.

The review examined 17 documents, as well as other written information provided by DOJ officials in response to requests. Findings from the document review were analyzed in conjunction with the findings from the key informant interviews.

While the document and data review provided some evidence of progress, the 31 interviews enabled evaluators to understand in more detail what has transpired since the CCFLS began, especially at the provincial/territorial level, where much of the activity is taking place.

## 3. Conclusions and Recommendations

Conclusions	Recommendations
<b>Management and Coordination Issues</b>	
<p><u>Management and Coordination</u></p> <p>Management and coordination mechanisms are in place that are enabling the Strategy to move forward effectively, but some benefits may be derived from closer linkages and more regular management and staff contact with the “non-core” components of the Strategy</p> <p>The CCSO-Family Justice and its sub-committees and working groups are providing an effective mechanism for national collaboration on family justice issues.</p> <p>The CCSO Research Sub-committee, however, has lacked focus thus far and has had difficulty arriving at an agenda for research at the national level. There is a recognized urgent need for better research and evaluation data, but commitments to date have been limited. The Research Sub-committee is addressing this issue through a strategic planning exercise that is nearing completion</p>	<ol style="list-style-type: none"> <li data-bbox="820 1186 1435 1428">1. The DOJ should seek ways to establish closer, more regular linkages between the Family, Children and Youth Section, which has primary responsibility for the Strategy and the other responsibility centres involved in the Strategy, , such as the Judicial Affairs Unit, FLAS and the Canadian Centre for Justice Statistics, in order to provide a stronger strategic direction for the CCFLS.</li> <li data-bbox="820 1491 1435 1701">2. It is recommended that the CCSO Research Sub-committee work collaboratively to implement the strategic plan to address the need for a more focused national research agenda to be brought forward and approved by CCSO-FJ. It is recommended that this Sub-committee create working groups to address research priorities including the evaluation of FJS.</li> </ol>

Conclusions	Recommendations
<p><u>Performance Measurement</u></p> <p>The performance measurement strategy for the CCFLS is supported in principle, and performance measures appear to be clear, well-understood and pertinent to the activities being undertaken and the outcomes being sought</p> <p>It is too early to assess the quality of reporting data, however there is concern that the performance measurement process is not receiving sufficient attention from senior management, and that capacity and workload constraints may result in a poor quality of information/data on results unless there is a re-commitment to the process and closer monitoring of progress</p>	<p>3. It is recommended that the FCY Section, in collaboration with the Evaluation Division, conduct a detailed review of the performance measurement strategy to determine the quality of information collected and whether it will support a summative evaluation. This should include an analysis of the indicators outlined in the performance measurement strategy section of RMAF that are intended to be used to report longer-term results and identify best practices across jurisdictions.</p>
<b>Implementation and Early Results</b>	
<p>A major portion of the overall CCFLS budget is allocated to funding support for provincial/territorial programs and services. Restrictions in the available funding mechanisms including an inability to fund multi-year agreements that has resulted from an annual \$4 million frozen allotment in Gs and Cs funding for years 3 to 5 of the Strategy, a lack of longer-term predictability of funding and frequent delays in funding decisions, together present a significant barrier to the achievement of CCFLS objectives because they preclude longer-term planning and the development of more stable multi-year programs and services that would further those objectives.</p> <p>Four provinces have already submitted proposals for new or expanded UFCs, however implementation of UFCs cannot proceed prior to passage of the necessary legislative amendment to the <i>Judges Act</i>. While this lack of necessary legislative amendment has been the primary barrier to progress in this area, some jurisdictions are not interested in establishing UFCs at this point because they are directing their attention and resources to other family law areas such as court-based programs and services, and believe that for the present they can realize many of the benefits of UFCs without incurring the implementation costs associated with introducing the new court structure.</p>	

Conclusions	Recommendations
<p>**Bill C-51(introduced May 20, 2005) which includes an amendment to permit the appointment of twenty-seven additional UFC judges has been introduced for Parliament’s consideration in the Fall 2005 session.</p>	
<b>Program Development</b>	
<p>The Primary Areas of Activity (PAAs) are in keeping with both federal and provincial/territorial areas of priority, and have resulted in projects being funded through the Child-centered Family Justice Fund that align with those priorities.</p> <p>The weightings associated with the PAAs were found to be in keeping with CCFLS objectives, and have been followed, for the most part, with the exception of the research and evaluation element. Research and evaluation expenditures are expected to meet targets over the life of the Strategy as these activities take on greater importance in the later years of the Strategy.</p> <p>Reporting on progress by the provinces and territories was found initially to be lacking in sufficient detail and not to be employing sufficiently common terms and measures. The Department of Justice undertook a needs assessment to determine what information the jurisdictions required to improve reporting quality, and from that study a Performance Measurement Handbook has been developed for use by the jurisdictions to provide guidance.</p>	<p>4. It is recommended that the Program Development Unit continue to monitor and produce progress reports by province and territory in order to provide more substantial information on the outcomes of the projects in terms of benefits being derived by children and parents.</p>
<b>Assessment of Progress to Date</b>	
<p>The general approach reflected in the former Bill C-22 remains a suitable approach with which to pursue CCFLS objectives. No apparent gaps or problems having emerged in the two years since its introduction.</p> <p>As a result of the legislation not passing, and because of the time required to implement the Strategy, and to undertake research and collect performance information, it was premature at this point to make an assessment of the impacts of the Strategy, intended or unintended, and to take note of lessons learned in relation to impacts. While there is considerable overall satisfaction with the Strategy to date, and a belief that elements of the Strategy are moving forward well, there are concerns</p>	<p>See recommendation # 3</p>

<b>Conclusions</b>	<b>Recommendations</b>
<p>that effective reporting mechanisms, necessary to assess medium and longer-term outcomes are not in place.</p> <p>The fact that the <i>Divorce Act</i> Reform Bill has not passed has been the single most important barrier to progress on the CCFLS, but despite this, the Strategy as a whole has moved forward significantly in many areas.</p> <p>All intended activities and associated outputs are in place other than those made impossible by the Bill not passing, and the immediate outcomes that were possible to pursue have been achieved according to what was intended.</p>	

## 1. INTRODUCTION

The federal government initiated the Child-centred Family Law Strategy (CCFLS) in December, 2002 following the tabling and first reading of then Bill C-22, an *Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act (FOAEA), the Garnishment, Attachments and Pension Diversion Act (GAPDA) and the Judges Act and to amend other Acts in Consequence.*<sup>2</sup> The CCFLS has three core elements: legislative reforms; grants and contributions for family justice programs and services; and the expansion of Unified Family Courts (UFCs). The Strategy also includes a research and evaluation component, enhancements to services provided by the Department of Justice's Family Law Assistance Services Unit (FLAS), continued family law and policy development, and public information and communications activities.

The broad policy objective of the CCFLS is to help develop and maintain a child-centered family justice system that:

- minimizes the potentially negative impact of separation and divorce on children;
- provides parents with the tools they need to reach parenting arrangements that are in the child's best interests;
- ensures that the legal process is less adversarial; only the most difficult cases will go to court.

In February 2005, the Department of Justice Canada began a formative evaluation of the CCFLS. This report presents the findings and conclusions of that mid-term evaluation. The purpose of the evaluation is to:

- provide the coordinators and management of the Department of Justice Family, Children and Youth Section and other responsible units with an assessment of the implementation and early results of the Child-centred Family Law Strategy (CCFLS);

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<sup>2</sup> All references in this report to Bill C-22 are to this original Bill, as opposed to any newer versions of the Bill.



- determine whether adjustments are required in order to achieve the intended results of the Strategy;
- provide information that can be used by program staff to improve the results of the Strategy; and
- examine the extent to which the performance measurement strategy has been put in place, in order to inform planning for the summative evaluation of the Strategy that will be undertaken in 2007-08.

It is expected that the findings will be of interest to the Department of Justice and other federal departments and agencies involved in family law matters, and to provincial and territorial officials who are important partners in the CCFLS.

The timing of this mid-term evaluation coincides with the completion of the first two years of the Strategy, and management efforts to assess progress and develop plans for the remaining three years. A progress report produced by CCFLS management has been completed, and the evaluation findings will complement that report by providing an independent assessment.

The evaluation was mandated to address: 1) issues relating to management and coordination of the Strategy; 2) implementation and early results; and 3) participant assessments of progress to date.

The findings of the evaluation are organized under these three headings. The specific evaluation questions examined under each heading are provided in the corresponding section of the report.

## 2. HISTORICAL/CONTEXTUAL BACKGROUND

Demographic and sociological analysis of recent Canadian family data shows the following interesting factors affecting the lives of children:

- There is an increase in the number of children going through the process of their parent's separation and divorce, and they are doing so at a younger age than previously.
- While the divorce rate has levelled off in recent years, marriages are less stable than they were a few decades ago, and common-law relationships are both less stable than marriages and growing in popularity.
- Taken together, more children are experiencing life in a single-parent environment for at least some portion of their childhood, and more and more children are experiencing multiple family transitions and more complex family structures as their parents form new unions following separation and divorce.

Social science research strongly suggests that the risks of negative outcomes faced by children are increased when they experience the separation and / or divorce of their parents. While most children cope successfully with the stresses of parental separation and / or divorce, children who experience their parent's separation and / or divorce are at an increased risk of developing adjustment problems. For these reasons, society has a strong interest in minimizing the negative effects of separation and divorce on children.

The Department of Justice has a long history of developing policies and supporting programs and services that aim to minimize the negative effects of separation and divorce on Canadian children, and to assist families and the justice system to focus on children's needs. The CCFLS builds on more than twenty-five years of federal, provincial and territorial government action in this area.<sup>3</sup>

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<sup>3</sup> The Results-based Management and Accountability Framework for the CCFLS provides a description of some of the earlier federal work to improve the family justice system.

In 1996, following a series of federal-provincial-territorial studies and public and inter-governmental consultations, the Government of Canada announced the Child Support Initiative (CSI). As the first step in achieving the CSI's objectives, in May 1996, the Minister of Justice tabled Bill C-41, which introduced, among other amendments, the *Child Support Guidelines: An Act to Amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act*. The legislation received Royal Assent on February 19, 1997, and was proclaimed in force on May 1, 1997.

Under the CSI the Department of Justice was given a five-year mandate to pursue seven activities, including:

- amending the *Divorce Act* and other legislation to introduce child support guidelines and provide additional enforcement tools to help the provinces and territories;
- amending FOAEAA and GAPDA to provide additional enforcement tools and to strengthen federal assistance to provincial and territorial enforcement programs to ensure family support obligations are respected;
- improving the public's awareness, knowledge and understanding of family support obligations through a general communications campaign;
- implementing a cooperative education program for provincial and territorial justice officials, justice service providers and the public;
- providing financial assistance to the provinces and territories to implement innovative, efficient and cost-effective services to assist parties in obtaining child support orders;
- providing financial assistance to the provinces and territories to enhance their maintenance enforcement programs; and,
- conducting research designed to monitor the impacts of the child support guidelines and new enforcement measures.

Independent of the CSI but still in keeping with the federal government's overall approach to family justice and court reform, the Department of Justice promoted and helped fund the expansion of Unified Family Courts in participating provinces in 1998-99. These courts included provision for court-based services to facilitate and improve services for divorcing and separating families.

In 1999-2000, the Government extended the federal-provincial-territorial funding program and the other elements that had been brought together under the Child Support Initiative for a period of two years, adjusting the policy development, funding and research priorities to give greater attention to custody and access issues. This extension allowed for the completion of the program evaluation, the child support guidelines report to Parliament, and the development of options for dealing with custody and access issues.

The CCFLS is designed to extend the program of financial support for family justice services previously available under the Child Support Initiative, increase the complement of judicial resources available for Unified Family Courts, and introduce legislative reforms dealing with custody and access and matters relating to support and enforcement.

The legislative element of the CCFLS was first tabled as Bill C-22, an *Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Judges Act and to amend other Acts in consequence*. That Bill died on the Order Paper in November 2003 when Parliament prorogued for an election. The Government is still in the process of determining how and when to deal with these reforms in Parliament. The findings of this evaluation, and the expectations for outcomes from the Strategy, reflect the fact that the Bill was not passed.

### **3. PROGRAM OVERVIEW**

As announced by the Minister of Justice in December, 2002, the broad policy objective of the CCFLS is to help develop and maintain a child-centered family justice system that:

- minimizes the potentially negative impact of separation and divorce on children;
- provides parents with the tools they need to reach parenting arrangements that are in the child's best interests;
- ensures that the legal process is less adversarial; only the most difficult cases will go to court.

#### **3.1. CCFLS Components**

The Strategy is based on three core elements:

##### **3.1.1. Legislative Reforms**

The former Bill C-22 received second reading on February 20, 2003. The Bill would have amended the custody and access provisions to the *Divorce Act* to introduce a new model based on parental responsibilities. The proposed amendments would have eliminated the terms *custody* and *access* for the purposes of the *Divorce Act* and introduced a list of criteria to assist in determining the "best interests" of the child. Where a judge is needed to make a decision – for example where parents cannot agree or in high-conflict or family violence cases – the court would make a *parenting order* allocating parental responsibilities. This approach emphasizes the best interests of the child, and focuses on ensuring that the parenting arrangement arrived upon has been tailored to the individual needs of the child.

The CCFLS aims to assist parents in coming to agreements on these issues and where parents can agree, they would look to the terminology and best interests criteria that would be set out in the legislation as a guide. The new terminology relates to allocating 1) parenting time – based on a schedule that would set out the time that each child spends with each parent and 2) decision-making responsibilities – regarding matters such as the children's health, education, religion. The

court would also be able to make “contact orders” which govern contact between the child and persons other than the spouses.

The Bill also included provisions to ensure the more efficient administration of the federal support enforcement programs. In particular, the *Family Orders and Agreements Enforcement Assistance Act* would have been amended to authorize the Minister of National Revenue to demand that someone who has failed to pay support, file a tax return. Additionally, the *Garnishment, Attachment and Pension Diversion Act* would have been amended to provide that family support obligations be given priority over other judgement debts.

Finally, the CCFLS referred to the development of, or follow-up on, private international law instruments in the areas of support enforcement and child protection.

### **3.1.2. Services for Families**

The federal government does not provide direct services to separated and divorced parents, since that responsibility is vested in the provinces and territories. However, it is committed to assisting and promoting the development and maintenance of family justice services. These services include mediation, parent education and a range of information and support activities to assist parents making decisions about their children's care and help them work out child-focused parenting arrangements. Under the CCFLS, the federal government supports these services through the Child-centred Family Justice Fund (CCFJF), which supports services and programs in the following three areas:

***Family Justice Initiatives:*** This component supports provincial and territorial family justice programs and services that assist parents dealing with child support, support enforcement, and parenting arrangement issues (e.g., parenting agreements and orders, contact orders, custody orders and access rights). The amount of money available to each jurisdiction was determined by a distribution formula established in consultation with the Federal-Provincial-Territorial Coordinating Committee of Senior Officials- Family Justice (CCSO-Family Justice). The transfer of funds is through contribution agreements negotiated with each province and territory. The Family Justice Initiatives represents more than 90% of total CCFJF expenditures.

***Pilot Projects:*** Of the funds not assigned to Family Justice Initiatives (about 4% of total CCFJF funding) about one-half of them are available for discretionary pilot projects proposed by provincial and territorial governments to develop, implement and evaluate innovative family

justice services. The transfer of these funds is through contribution agreements negotiated with each recipient.

***Public Legal Education and Information (PLEI) and Professional Training:*** The balance of the CFJF funds are available to non-governmental organizations, by way of grants or contributions, to undertake projects that 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.

### **3.1.3. Unified Family Courts (UFCs)**

Since 1977, federal and provincial / territorial governments have cooperated in the creation of UFCs as a means of reducing the complexity and expense for the people dealing with family issues in the two-tiered family justice system. The federally appointed judges who preside in the UFCs have authority to deal with all aspects of such cases. The courts also offer families a range of court-annexed and community-based support services. UFCs are currently available in seven provinces, including Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Manitoba and Saskatchewan.

The federal and provincial / territorial governments each have certain responsibilities for family law matters, including the law itself, the appointment of judges and payment of their salaries, and the structure and processes of the courts that handle family law cases. As a result, there are two family court systems in jurisdictions or sites that do not have a unified family court:

- the superior courts, presided over by federally-appointed judges, which deal with issues related to divorce and property; and,
- the provincial/territorial courts, presided over by provincially-appointed judges, who deal with other family law matters, including child protection, adoption, support, and custody and access issues for separating couples.

For a family undergoing separation and divorce, this division of responsibilities and parallel court systems can be confusing. They can also contribute to delays in processing cases and to higher legal expenses.

As the name suggests, UFCs unite these jurisdictions over all family law matters in one level of court (the provincial superior court). This structure has been consistently acclaimed as a beneficial model throughout past expansions by:

- enabling family members to resolve all outstanding legal issues in a single court;
- providing easier access to family justice services, thus increasing the ability of family members to obtain the most appropriate support;
- using simplified procedures in a user friendly environment; and,
- having judges who are experts in family law.

Under former Bill C-22, the intention was to amend the *Judges Act* to increase the available complement of UFC judges by 62. These new judicial resources would allow significant expansion of UFCs within interested jurisdictions. The Minister of Justice would make decisions regarding the allocation of these resources among requesting jurisdictions following consideration of all UFC proposals. Up to 75% of the allocated positions would be filled through the elevation of provincial / territorial family court judges to the UFC, thus freeing up resources previously required for their salaries. Provinces / territories would be expected to reinvest these savings and benefits into family justice services on an ongoing basis.

#### **3.1.4. Family Law Assistance Services**

In addition to the above mentioned elements, the Department's Family Law Assistance Services Section administers three federal family law-related services whose primary clients are provincial and territorial maintenance enforcement programs. These include:

- The Family Orders and Agreements Enforcement Assistance (FOAEA) Unit traces individuals in default of a support obligation, intercepts federal payments of individuals who are in default of their family support obligation, and facilitates the suspension or denial of federal licences and passports against individuals who are in persistent default.
- The Garnishment, Attachment and Pension Diversion Registry permits the garnishment of public servants' salaries and payments to federal contractors so these funds can be used to pay family support obligations.
- The Central Registry of Divorce Proceedings (CRDP Unit), maintains a nation-wide registry of divorce actions and prevents duplicate proceedings in different courts.



The CCFLS includes enhancements to these services through legislation and operational improvements.

### **3.1.5. Other Elements**

The Strategy also includes work in relation to the Federal Child Support Guidelines and national and international maintenance enforcement policy, and includes programs of research and evaluation, national data collection, and public information and communications activities in order to achieve the Strategy's objectives.

## **3.2. Delivery Approach**

The CCFLS has adopted an integrated team approach to program planning and delivery that builds on the experience of the Child Support Initiative. As well, the CCFLS is designed to maintain the federal government's commitment to full collaboration with provincial and territorial governments.

Under the guidance of the Senior General Counsel, Family, Children and Youth Section (FCY), a team has been established to implement the Strategy that is comprised of the following components:

- Family Law Policy
- Support Enforcement Policy
- Program Development
- Research
- Communications and Law Information
- Family Law Assistance Services
- Judicial Affairs, Courts and Tribunal Policy
- Private International Law
- Evaluation
- Management and Administration

Included in the “team” above is the Courts Program of the Canadian Centre for Justice Statistics at Statistics Canada. Over the years the two Departments have collaborated on a number of family justice subjects and thus have established strong links.

### **3.3. Federal- Provincial-Territorial Collaboration**

Federal-Provincial-Territorial collaboration is an important element of the CCFLS. The Coordinating Committee of Senior Officials-Family Justice (CCSO-Family Justice), which exists independently of the CCFLS to address a range of family law-related issues, serves as the primary multilateral forum for federal-provincial-territorial consultation on CCFLS issues. CCSO-Family Justice is a standing committee that reports to, and takes direction from, Deputy Ministers responsible for Justice. CCSO-Family Justice is co-chaired by two provincial-territorial officials and one federal official.

The committee’s membership includes up to three officials, representing both program and policy perspectives, from each of the federal, provincial and territorial jurisdictions, and the co-chairs of the Directors of Maintenance Enforcement. The committee normally meets semi-annually and, in the interim between meetings, conducts its business via telephone conferences. The committee’s mandate includes addressing funding issues such as FPT agreements and assessment measures, legal issues, issues related to courts, programs and services, and family law policies.

CCSO-Family Justice has established the following sub-committees:

**Enforcement Sub-committee:** This sub-committee meets biannually and through monthly teleconferences to identify, recommend, develop and implement family support initiatives as directed by Maintenance Enforcement Program Directors. The Coordinator of the Support Enforcement Policy Unit, Department of Justice Canada, is the chair of the sub-committee, which is also comprised of representatives identified by each of the provincial and territorial maintenance enforcement programs. It reports to Maintenance Enforcement Program Directors and CCSO- Family Justice.

**Research Sub-committee:** The CCSO-Family Justice Research Sub-committee (RSC) was created to provide research support and advice for the development and implementation of family law and family justice policies, programs and services in Canada. Among other responsibilities, the Sub-committee responds to specific research requests of CCSO-FJ; identifies potential research activities and data / information gaps; plans and conducts project and program

evaluations; shares results of research; provides explanations of those results and policy and / or program delivery implications; and provides recommendations and advice on options based on research findings and analysis. The body is co-chaired by one federal member, the Research Manager of the FCY Research Unit, and one provincial / territorial member. All jurisdictions have at least one member on the Research Sub-committee, while working group membership is determined on a case-by-case basis.

**Inter-jurisdictional Support Sub-committee:** This group is comprised of up to two representatives from each jurisdiction. The members are officials responsible for reciprocal support legislation, policy, procedures, negotiation and program administration within Canada and abroad. The sub-committee is co-chaired by the Coordinator, Support Enforcement Policy Unit, Department of Justice Canada, and one provincial or territorial member. It meets annually, and through monthly conference calls, in order to facilitate the efficient establishment, variation and recognition of inter-jurisdictional support orders, thereby improving the ability to collect support payments for both Canadians and support recipients resident in foreign reciprocating states.

CCSO- Family Justice also establishes working groups as required to deal with emerging issues, some of which deal with CCFLS, such as interjurisdictional protection orders, assisted human reproduction, tax issues, custody and access enforcement, and spousal support.

In addition to the CCSO-Family Justice, federal-provincial-territorial officials maintain a committee of Directors of Maintenance Enforcement. The group is composed of individuals responsible for the management of the federal, provincial and territorial programs established to enforce family support orders and agreements. Established through mutual agreement, it meets annually and organizes quarterly conference calls. The group's purpose is to identify and resolve issues relating to enforcement. It also provides input and direction to the Enforcement Sub-committee with respect to work plans and assists in the establishment of objectives of any federal funding relating to enforcement.

### **3.4. Resources**

The CCFLS was allocated \$163,025,379 over five years. At least 70% of these resources are dedicated to the support of direct family justice services through transfers to the provinces and territories (42%) and the expansion of Unified Family Courts (28%). Table 1 identifies the original allocation of resources to each of the Strategy's components.

**Table 1: CCFLS Budget Allocation**

Name of Program Components	Child Centred Family Law Strategy (\$)					
	2003-04	2004-05	2005-06	2006-07	2007-08	Total
FLAS	890,754	988,754	1,065,376	658,998	658,998	4,262,880
Program Development	603,056	858,464	868,463	858,464	861,464	4,049,911
Enforcement	500,924	500,924	459,424	490,924	440,424	2,392,620
Communication & Law Information	1,867,404	1,882,404	1,262,404	1,277,404	1,262,404	7,552,020
CCJS – Statistics Canada	735,154	743,618	690,415	690,415	656,140	3,515,742
Research	1,219,021	1,010,291	975,291	927,291	790,291	4,922,185
Administration	1,061,480	871,480	832,480	793,480	686,480	4,245,400
Family Law Policy	1,470,096	1,147,223	956,964	891,809	700,209	5,166,301
Evaluation	213,459	306,917	291,917	441,917	456,917	1,711,127
International Private Law Section	68,000	81,000	88,000	80,000	124,000	441,000
Judicial Affairs	5,000	5,000	–	–	–	10,000
Corporate	592,099	536,538	482,770	467,239	440,893	2,519,540
Grants and Contributions	16,159,000	16,079,500	12,244,855	12,050,027	12,050,027	68,583,409
<b>TOTAL - JUSTICE/STATISTICS CANADA</b>	<b>25,385,447</b>	<b>25,012,113</b>	<b>20,218,359</b>	<b>19,627,967</b>	<b>19,128,246</b>	<b>109,372,132</b>
PWGSC Accommodation	517,584	546,422	537,280	534,118	529,118	2,664,792
TBS	796,699	841,144	826,100	821,236	814,736	4,099,915
Statutory - Judges' Salary	–	–	15,118,576	15,616,994	16,127,440	46,863,010
<b>TOTAL</b>	<b>26,699,730</b>	<b>26,399,679</b>	<b>36,700,315</b>	<b>36,600,315</b>	<b>36,599,540</b>	<b>162,999,849</b>

### 3.5. Reach

The children of separated and divorced parents are the primary beneficiaries of the CCFLS. Their separated and divorced parents, who are directly affected by the legislative reforms, institutional improvements such as UFCs and enhanced family services, are also key direct intended beneficiaries, as are grandparents, step parents and other members of the child's extended family structure.

The CCFLS is targeting its work for the benefit of children and their families through intermediary groups, many of whom represent the front line of CCFLS activities and who come in contact with families directly. These include:

- provincial-territorial family justice services, including maintenance enforcement programs;
- family court judges, family law lawyers and mediators;
- the professionals and support staff who deliver family justice and related services; and,
- Public Legal Education and Information organizations.

## **4. METHODOLOGY**

This evaluation was undertaken starting in January, 2005. Research began in February and was conducted through until completion in May, 2005.

The evaluation has centred on two primary methods: the review of available documents and data on the activities and results of the CCFLS; and, interviews with key informants within the Department of Justice, the Canadian Centre for Justice Statistics at Statistics Canada, and provincial and territorial family justice officials.

### **4.1. Document and Data Review**

The review examined 17 documents, as well as other written information provided by DOJ officials in response to requests. Notes were drawn from the review of these documents, and in some cases tables or data in other formats were drawn from the documents, in relation to each of the evaluation questions. These notes were compiled in a Document and Data Review technical report, organized by evaluation question, and the findings from the document review were analyzed in conjunction with the findings from the key informant interviews.

### **4.2. Key Informant Interviews**

The key informant interviews were the most important element of the evaluation because many of the evaluation questions relate to assessments of progress, and the identification of the factors influencing the extent to which progress has been made. While the document and data review provided some evidence of progress, the interviews enabled evaluators to understand in more detail what has transpired since the CCFLS began, especially at the provincial/territorial level, where much of the activity is taking place.

<b>Participants</b>	<b>Number</b>
DOJ	10
P/T officials	19
Canadian Centre for Justice Statistics	2
<b>Total</b>	<b>31</b>

First, the evaluators interviewed the coordinators/managers/directors of each component of the Strategy, both to inform the evaluators about the activities being undertaken by the Department and its partners, and to obtain their views on the full range of evaluation issues. A total of 10 DOJ interviews were conducted in person, and in several instances these were followed up by telephone to confirm certain information or to clarify specific issues, including officials from Family Law Policy, Support Enforcement Policy and Implementation, Judicial Affairs etc. They included senior representatives of all participating components of the Strategy, all of whom were very actively involved in planning and implementing CCFLS activities. The selection of respondents is considered to be fully appropriate for the purposes of this study, and researchers obtained full sets of responses on all key issues.

The internal DOJ interviews also assisted evaluators in planning the interviews outside the Department, because they informed them about issues that should be raised in our discussions with provincial/territorial officials.

A total of 19 interviews were conducted with provincial and territorial family justice officials. Eleven of those were with policy and court service officials, and eight were with Maintenance Enforcement Directors or other senior MEP officials. All jurisdictions with the exception of New Brunswick were included in the interview sample.<sup>4</sup> Six of the 19 interviews were conducted in person, and the remaining ones were conducted by telephone. A final interview was conducted with two officials from the Canadian Centre for Justice Statistics.

The mix of policy, court services and enforcement officials, and the inclusion of all but one jurisdiction, meant that the evaluation obtained information from an appropriate cross-section of possible sources.

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<sup>4</sup> The New Brunswick officials identified by DOJ as being appropriate for an interview were not available during the research period, and they declined to identify suitable replacements.

### **4.3. Limitations**

The main limitation of the methodology applied in this evaluation is its reliance on key informant interviews for information on the results of the CCFLS to date. Very little documentation or results reporting data was available at the time of the evaluation to assess progress on results. The views of those implementing the Strategy and its key provincial and territorial stakeholders, while valuable, are not complemented by more objective evidence. This was understood at the outset, and it was understood as well that it would not be feasible with the budget and time frame of the study to undertake first-hand research in the provinces and territories to assess progress. It will be important for the summative evaluation, however, that more objective evidence is available.



## 5. KEY FINDINGS

This section of the report presents the findings from the document and data review and key informant interviews. The findings are in summary form, in an effort to limit the length of the report and focus on key findings. More detailed findings and background information are available in technical reports resulting from the evaluation.

### 5.1. Management and Coordination Issues

The evaluation examined the adequacy of the resources-financial and human-available for the CCFLS, and the management and coordination mechanisms in place to implement the Strategy, both within the Department of Justice and with its partners. In addition, it assessed the extent to which the performance measurement strategy for the CCFLS has been implemented to date.

#### **Resources**

*1. Are resource levels (both fiscal and human) sufficient for successfully implementing the Strategy?*

#### **Findings:**

- While financial and human resources for the CCFLS have been restrictive in some respects due to a government-wide budget re-allocation exercise, on the whole resources have been sufficient to move forward successfully in all areas of the Strategy not dependent on the former Bill C-22 passing.
- There is a legitimate concern that the available budgets for years 3 through 5 may not be sufficient if new legislation is passed of a similar nature to the former Bill C-22, requiring substantial public information and training activity that is not currently budgeted for in the final three years of the Strategy.

Two key circumstances have had an impact on the resources allocated to the Strategy. One is that some funds tied to the passage of the Bill have not been available, and there are concerns that if

similar legislation is passed within the five-year period and the additional funding is not made available, there may be insufficient resources to conduct all the necessary public information and training functions. This has not affected resources to date, but is a concern for the remaining three years of the Strategy.

The second event was the government-wide Reallocation Exercise that resulted in reductions of \$500,000 in operating funds and \$1M in Grant and Contribution funds for 2003-2004, with a further reduction in 2004-2005 of \$663,000 for operations and salaries. Together, these meant that \$2.2 million less has been spent on the CCFLS than was originally budgeted for the first two years of the Strategy. This reportedly placed restrictions on some activities and meant that some initiatives, particularly public legal information and training initiatives under the purview of Family Law Policy could not be undertaken. Funding for the Pilot Projects and the Public Legal Education and Information (PLEI) and Professional Training (PT) components of the CCFJF was virtually eliminated in the first year of the Strategy due to the government-wide Reallocation Exercise. However, the funding was reinstated in 2004-05 and the provinces and territories and various Public Legal Education and Information and Professional Training organizations made successful applications to use all of the funding available.

The government-wide reallocation exercise also meant that human resources available for the CCFLS were reduced somewhat. Delays associated with staffing also contributed to this problem.

Despite these concerns DOJ interview respondents made it clear that resources have been sufficient to move forward in all core areas of the Strategy.

### **Management and Coordination**

- 1. Are the necessary elements in place such that it is likely that the intended results of the Strategy will be achieved?*
- 2. Are there adequate processes and systems in place to plan, implement and coordinate Strategy activities and monitor and report on their effectiveness and impact?*
- 3. Is the organizational structure appropriate for successfully implementing the Strategy? What changes, if any, should be made?*

## Findings:

- The CCFLS is managed and coordinated through a close collaboration of the “core” functions associated with the FCY Section, and a looser set of relationships with other components. This arrangement has enabled the Strategy to move forward effectively.
- There are suggestions from some participants that there would be benefits to closer, more regular linkages with the more arms-length components, and that such an arrangement would foster a stronger strategic direction for the CCFLS.
- CCSO-Family Justice and its sub-committees and working groups are widely viewed as an excellent way to collaborate and coordinate family justice policies and activities.
- Provincial and territorial participants do not identify strongly with the federal Strategy itself, as they are not formal partners, but rather focus on issue by issue collaboration, engaging on issues of interest to their own jurisdictions. There may be an opportunity to foster a stronger sense of common purpose around a national strategy, if all jurisdictions are interested.

Management and coordination of the Strategy within the Department of Justice is seen positively by most participating DOJ officials interviewed for the evaluation. The Family, Children and Youth section is the focal point for the Strategy, and within that group there is very close collaboration arising both from the physical proximity of the offices of the participating officials, and from frequent meetings to coordinate activities. It is recognized that other components of the Strategy such as the Unified Family Court component and the Canadian Centre for Justice Statistics operate somewhat more at arms length and do not participate in regular meetings. Three of the 10 DOJ respondents noted that there might be benefits in more regular contact with the groups outside FCY, such as more regular meetings of coordinators with all components attending, and more Strategy-wide staff meetings to develop a broader understanding of the Strategy as a whole and foster a common sense of purpose. However, the remaining seven respondents felt that the current arrangement, with the “core” components meeting regularly and the others participating as relevant issues arise through bi-lateral meetings or phone and e-mail contact, was sufficient and that the risk of lack of coordination was minimal.

Two DOJ respondents pointed to the emergence of same-sex marriage, spousal support and some other policy issues as higher priorities for the Government than the CCFLS, given the fact that the former Bill C-22 had not passed. This, they said, led to less of a strategic focus on the CCFLS than might otherwise have been the case. Most respondents, however, did not report this

view, and reported that good progress has been made, and that the Strategy is being well managed and coordinated.

A series of working groups has been established with other federal departments and agencies to collaborate in addressing issues associated with the CCFLS (and other issues), such as ensuring that federal legislation under other departments' mandates is in keeping with CCFLS legislation. While the evaluation did not examine these working groups, they were cited by several respondents within DOJ as being a positive development, and an approach that will be pursued beyond just the CCFLS purview.

Interviews with provincial and territorial officials indicate an extremely positive view of FPT collaboration on family justice matters generally, and of working relationships with the Department of Justice Canada. A large majority of respondents said that the focus of collaboration in areas falling under the CCFLS tends to be on an issue-by-issue basis, rather than under the auspices of an overarching strategy. This reflects the fact that the CCFLS is a federal government strategy, and indicates that for most jurisdictions there is no conception of a common national family justice strategy, but rather recognition of numerous common areas of interest and an interdependent legislative and policy environment.

Much of the collaboration on family justice issues that the Department of Justice initiates is bilateral. The main vehicles for multilateral FPT coordination of CCFLS activities with the provinces and territories are the CCSO-Family Justice and its sub-committees and working groups, and the Maintenance Enforcement Directors committee (which is a standing group but informal in constitution). The CCSO is the primary multilateral forum for discussion of family justice policy issues and agreement on joint approaches. It is not directly tied to the CCFLS and addresses some issues not associated with the Strategy, but all CCFLS issues fall within its mandate.

The former Family Law Committee and the Child Support Initiative Task Force have been combined. As a result the CCSO-Family Justice is a much larger group and has a wider range of issues to address. A majority of respondents from DOJ and from the provinces and territories supported the inclusion of the enforcement members because of the clear link of enforcement with other family justice issues and the need for better coordination of those functions. However the great majority of respondents also expressed concern that there was insufficient time at the committee meetings to address all the issues adequately, and that the Sub-committees and working groups might not be getting as clear policy direction as they need to establish priorities and direct their efforts. Most respondents took the view that the new CCSO-Family Justice is a

work in progress and may well evolve into a well-functioning body, but that these challenges need to be monitored.

According to interview respondents at DOJ and the provinces/territories, the Sub-committees and working groups have very heavy workloads but function effectively as bodies that foster a collaborative approach to addressing family justice issues and developing coordinated responses. The CCSO Research Sub-committee, however, was reported by a small number of DOJ respondents and four provincial/territorial officials to be having some difficulty in developing a national research agenda and an effective collaboration to address family justice research needs, despite the recognized efforts of the Department of Justice to support a collaborative process. One apparent obstacle is that most provinces and territories do not have sufficient resources of their own to apply to research and are therefore reluctant to allocate scarce operating funds to research. A second point, raised by three provincial respondents, is that while the federal government has been promoting an active and coordinated research agenda for some time, there are no vocal, active champions of research at the provincial/territorial level on the sub-committee that have taken the lead to move a research agenda forward. One Department of Justice official also noted that the restructuring of the CCSO led to an expansion of the range of issues for the Research Sub-committee to address, complicating the setting of priorities. There is near-unanimous recognition of the need for research across a range of family justice issue areas, and also recognition that the current tendency for each jurisdiction to conduct its own program evaluations and small research projects is not a good use of overall resources.

The Research Sub-committee recognized these difficulties and responded by conducting a strategic planning exercise in the Spring of 2004, that is now near completion.

### **Performance Measurement**

- 1. To what extent has the performance measurement strategy been implemented? Will there be sufficient performance information/data for the purposes of the Summative evaluation? If not, what additional data collection will need to take place?*
- 2. Are the results identified in the RMAF still valid for the purposes of program management and future evaluation? Are the intended program results clear and measurable? Are they understood and agreed upon by all stakeholders?*

## **Findings:**

- The performance measurement strategy is in place and has support in principle from federal and provincial/territorial participants.
- Since the measures were established and responsibilities for reporting were assigned, there appears to have been a lack of attention to this function within DOJ, demonstrated by some reported weaknesses in early reporting and exemplified by the fact that there is no central locus of responsibility for the function.
- It is too early to assess the quality of reporting data, but there are concerns about how consistent and reliable data on results are likely to be.

Participants in the CCFLS, including the provinces and territories as recipients of contribution funding, have all contributed to the development of the federal performance measurement strategy and the performance indicators with which the success of the Strategy will be assessed. This process, while universally found by interview respondents to be challenging and time consuming, is also acknowledged by the great majority to have been a very useful exercise because it helped to focus efforts on clear, mutually agreed-upon objectives and provided a sound basis for monitoring progress and assessing results.

In addition to the federal performance measurement activities, the provinces and territories have their own performance measurement strategies associated with their contribution agreements under the CCFLS. Reporting on progress by the provinces and territories was found initially to be lacking in sufficient detail and not to be employing sufficiently common terms and measures. There is a requirement by the Department of Justice for results reporting with each agreement, and considerable effort has been made to facilitate provincial/territorial efforts in this regard, including the development of a Performance Measurement Handbook to guide provinces and territories in future reporting.

The federal performance measures are seen by respondents as valid, and appear to be clearly understood in a common way. Implementation of the federal performance measurement strategy is another matter. There is little difficulty in tracking outputs and early outcomes because these are closely tied to activities and do not depend on information from outside the department or agency doing the measuring. However, there are concerns both within DOJ and among provincial and territorial officials that tracking progress on the actual results of CCFLS activities will be much more difficult. The bulk of those medium and longer-term outcomes are derived at the provincial and territorial level, because that is where family justice programs and services

take place. For DOJ officials the responsibility to report on overall CCFLS results presents challenges in obtaining adequate data on results from their own activities and those of their provincial/territorial partners.

While the Department of Justice can support provincial/territorial research and evaluation activities, and conducts its own research in some areas, there is always a requirement for a substantial commitment of time and other resources on the part of participating jurisdictions. Small and medium-sized provinces and territories indicated that they will do their best to comply with the reporting requirements, but that their resource limitations will make it difficult to accomplish. A few larger jurisdictions report that they will be able to provide data in at least some program areas, but they echoed the view from the smaller jurisdictions that valid and reliable data on the results of their programs and services will be difficult to obtain because of the resource requirements involved in conducting rigorous research and evaluation.

One approach that was suggested by three of the larger jurisdictions and by several respondents at DOJ is that DOJ and provincial/territorial research and evaluation resources (potentially including Family Justice Initiatives funds) could be pooled so that a higher quality assessment of results of a given type of program (mediation services, for example, or family justice centres) could be accomplished in selected jurisdictions, rather than all jurisdictions attempting to assess results in a less adequate way. The results of such research/evaluation would constitute an assessment of the outcomes of the types of programs involved, and could identify best practices and compare approaches. It would not, however, provide all jurisdictions with an assessment of their own programs, and it would not provide CCFLS managers with a roll-up of results across the country.

The Department of Justice is, at the time of this report, undertaking its first RMAF Progress Report to Treasury Board, a part of which includes an assessment of performance measurement. While the results have not been compiled, there are indications reported by DOJ officials that some work remains to implement the performance measurement strategy effectively. It was reported by those officials, for example, that some components within DOJ have not been systematically applying the performance measures they are responsible for, and have only now begun to do so in earnest as a result of requests for information from the officials coordinating this task. It is premature to make a solid finding in this regard because the work to consolidate results to date is ongoing, but the indications are that a more concerted effort will be required.

Indicative of what appears to be insufficient attention to performance measurement is that there has not been an assignment of overall responsibility for the performance measurement strategy

within the Department. The research, program development and evaluation units have informally taken on a limited coordination role in this regard but are not responsible to do so.

## **5.2. Implementation and Early Results of the Strategy**

This section examines the extent to which the elements of the CCFLS have been implemented as planned and the intended outputs produced, identifies barriers to effective progress, and considers whether there are gaps or problems with existing legislation that need to be addressed as the Strategy moves forward.

In reviewing the implementation of each component of the Strategy, the following questions were considered:

- 1. To what extent has the Strategy been implemented as planned?*
- 2. Are there barriers/challenges to implementing the Strategy as planned, and, if so, how should they be addressed?*
- 3. What changes could be made to improve program delivery and results?*

### **Findings:**

- With the former Bill C-22 not passing, a number of elements of the CCFLS have been delayed. Despite that, the Strategy has made considerable progress in all areas, and has produced the intended outputs in all areas not dependent on the passage of the legislation.
- Agreements for new/expanded Unified Family Courts are near completion with four jurisdictions, and now await approval for funding.
- Legislative reforms continue to be developed, particularly in the support enforcement area both domestically and in relation to international agreements and other international conventions and family justice issues.
- Family Law Policy has also started to move ahead (albeit, for good reasons that are discussed below, at a slower pace than originally anticipated) with the development of PLEI and other information and training initiatives associated with the principles embodied in Bill C-22.
- The Family Law Assistance Services Unit has made advances in enhancing federal tracing and garnishment services.



- The Program Development Unit has moved ahead with its support of provincial/territorial family justice programs and services, and has funded projects in keeping with CCFLS targets and priorities.
- The Research Unit is undertaking several of its own studies in the family justice area and is actively supporting the coordination of provincial/territorial research and evaluation and the development of a national family justice research agenda. CCJS has moved ahead on schedule with its two national surveys, the Survey of Maintenance Enforcement Programs and the Civil Court Survey.
- Federal funding mechanisms and decision-making processes have caused delays in grants and contributions funding through the CCFJF, and reportedly restrict the kinds of projects that provinces and territories could develop, contrary to the objectives of the Strategy. The unpredictability of funding over the long-term, and even year-to-year, means that projects tend to be smaller in scope and more risk-averse than they would be if funding was more predictable.
- The CCSO Research Sub-Committee is viewed by some observers as not progressing as well as hoped in developing a national research agenda and in collaborating in joint research or evaluation projects on family justice issues. Funding mechanisms may be contributing by restricting the ways that the Department itself can fund joint research. However, the main barrier appears to be the lack of resources and a resulting reluctance on the part of the provinces and territories to commit large amounts of time and resources to the research and evaluation function.

### **Legislative Reform and Enforcement**

By far the most important activity in the legislative reform area was to be the passage of the former Bill C-22, the briefings, public information and professional training associated with the Bill, and the need to harmonize related legislation, regulations and procedures of other federal departments and agencies with the terms of the Bill. At the provincial/territorial level, it was anticipated that governments would consider adapting family law legislation and regulations in keeping with the principles of the legislation as well.

With the Bill not passing, most of these activities have not taken place.<sup>5</sup> As well, the emergence of same-sex marriage as a high profile issue in the Department of Justice reportedly drew

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<sup>5</sup> One exception is Alberta, which has adopted such legislation and is expected to proclaim its new Family Law Act on October 1, 2005, thus mirroring the amendments in C-22.

attention away from the CCFLS to some extent. It was reported by DOJ respondents that amendments to the *Divorce Act* related to the same-sex marriage issue, and the definition of spouse, needed to be resolved before any further progress could be made in amending the *Divorce Act* in keeping with the CCFLS.

There have been several developments in the legislative reform area. Improvements are being made to the *Divorce Act* reform bill based on discussions with provinces and territories as well as comments from other interested groups. On enforcement, other amendments are being developed to strengthen federal enforcement services so that parents receive support payments more quickly.

Finally, amendments to the Federal Child Support Guidelines as recommended in the 2002 Report to Parliament were also developed in collaboration with provinces and territories. As well, negotiations for agreements under Section 25.1 of the *Divorce Act* have been ongoing to recognize the establishment of recalculation mechanisms to update child support amounts.

At the international level, considerable progress is being made in several areas. The Department of Justice led Canada's participation in the negotiation, at the Hague Conference, of a Convention on the international recovery of child support, which will likely be finalised in 2007. Also, the Department of Justice supported the Federal Central Authority for the Hague Convention on international Child Abduction and the Our missing Children program. The Department is monitoring progress under the UN Convention on the Rights of Children, which is related to the child-centred focus of the CCFLS. An issue of international jurisdiction for divorces is being examined to address a problem that arises when countries restrict divorces to couples married in that country, while countries including Canada require that parties be resident in Canada for at least one year before a divorce can be granted. Couples married in Canada but living elsewhere are therefore unable to obtain a divorce.

Progress has also been made since the CCFLS began in relation to Inter-jurisdictional Support Order (ISO) legislation. The *ISO Act* has recently been proclaimed in New Brunswick, PEI, Northwest Territories and Nunavut; Quebec and Yukon are the only remaining jurisdictions not to have proclaimed the ISO legislation. As well, all jurisdictions besides Quebec, PEI and Yukon have established a reciprocal federal arrangement with the U.S. covering all States and Territories, and there has been progress in establishing 22 reciprocal arrangements with other countries.

A number of amendments to regulations on federal maintenance enforcement have been developed since the CCFLS began including:

1. Amendments to Regulations for the *Garnishment, Attachment and Pension Diversion Act* (GAPDA) to update the address for service particulars. This amendment would permit the garnishment of public servants' salaries and payments to federal contractors as well as the diversion of certain pension benefits.
2. Amendments to Regulations for the *Garnishment, Attachment and Pension Diversion Act* (GAPDA) - Pension Diversion Regulations-- to reflect recent changes in the transfer of responsibility for processing of Pension Applications from Public Works and Government Services Canada to the Ministry of Public Safety and Emergency Preparedness.

The Department's Family Law Assistance Services Unit (FLAS) has moved forward with some improvements to enforcement services as well. Modifications to federal procedures for processing a tracing application have been undertaken to clarify the requirements related to inclusion of payor information, and an agreement has been reached that will provide increased scrutiny of rejected applications so that fewer applications are ultimately rejected. It is hoped that these will result in fewer delays in putting federal traces into effect, making it more likely that payors can be located before they move on to another location. As well, the Department is developing a New Employee Tracing Program, to allow FLAS to trace debtors that have changed employment or who's place of employment has never been known to enforcement officials. FLAS and the Support Enforcement Policy Unit have also been working to address issues associated with the enforcement of support orders for payors with Indian Status.

### **Unified Family Courts**

Former Bill C-22 supported the establishment of new or expanded Unified Family Courts at the superior court level by proposing a legislative amendment to the *Judges Act* to authorize federal funding of judicial salaries for 62 additional judges for these courts. The Bill died on the Order Paper. Policy approval was obtained in December 2004 and funding approval for the salaries for 27 UFC judges in February 2005. Actual implementation of the UFCs cannot proceed prior to passage of the necessary legislative amendment to the *Judges Act*.<sup>6</sup> However, in the early stages of the CCFLS a request for proposals from the jurisdictions for new or expanded UFCs was

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<sup>6</sup> "On May 20th, 2005 the Minister of Justice introduced in the House of Commons a package of *Judges Act* amendments, Bill C-51, which includes an amendment to permit the appointment of twenty-seven additional UFC judges. It is anticipated that Parliament's consideration of this Bill will resume during the Fall 2005 session."

issued. Six provinces expressed interest including British Columbia, Alberta, Ontario, New Brunswick, Nova Scotia and Newfoundland and Labrador. British Columbia and Alberta decided against submitting a proposal, but the other four have submitted detailed proposals. The Minister will make decisions regarding the allocation of the available judicial resources following final discussions with the interested jurisdictions.

While the lack of the necessary legislative amendment has been the primary barrier to progress in this area, some jurisdictions are not interested in establishing UFCs at this point because they are directing their attention and resources to other family law areas such as court-based programs and services, and believe that for the present they can realize many of the benefits of UFCs without the upheaval to the court system that their introduction entail. An additional factor reportedly influencing to a lesser degree the decisions in British Columbia and Alberta not to participate is the decision by the federal Treasury Board to link UFC funding to CCFLS grant and contribution funding. To the extent that provinces realize savings in provincial judges' salaries and benefits as a result of elevations of these judges to UFCs, those savings are to be reinvested in family justice programs and services.

### **Research and Evaluation**

Research studies and evaluations are planned by the Department of Justice itself and by the provinces and territories under their contribution agreements with the Department.

The provinces and territories are undertaking primarily evaluations of programs or services that are being supported through the CCFLS. It is too early to make an assessment of the quality of these studies from the point of view of how they demonstrate CCFLS results, but interview respondents involved in the research component noted that there is only limited collaboration to encourage the use of common measures, and few standards in place to ensure that the resulting data is reliable.

A DOJ-sponsored review of provincial/territorial family justice services evaluations reported between 1990 and 2005 concluded that their focus has been mainly processes and first-level outcomes, but that little has been done in terms of longer-term results of the services. This is not presented as a criticism of those studies. The Department of Justice contributed funding to the programs being evaluated, and funded the studies in order to encourage evaluation research and to help ensure that the programs were being implemented as planned. The DOJ review of those evaluations simply recognizes the limits to what the evaluations set out to achieve. As well, the Justice study notes a lack of design rigour in the methodologies applied in most of the evaluation

studies, meaning the evaluations did not attempt nor were they intended to address longer-term outcomes. Again, those studies may have applied sufficient rigour for their own purposes and were limited also by the amount resources that could be directed towards research and evaluation activities. The point is that evaluations served a purpose by confirming the necessity and viability of the programs and that future evaluations should now take on the more difficult (and costly) task of assessing their longer-term effectiveness.

These evaluations were conducted prior to the start of the CCFLS, but they are believed by DOJ Research officials and at least some provincial/territorial officials to be indicative of the current situation.

With a few exceptions all the studies being conducted by the provinces and territories are exclusive to their own jurisdictions, although the reports will be submitted to the Department of Justice if they are funded under the CCFJF, and there are plans to share the results of these studies through the CCSO Research Sub-committee. Some examples of existing collaboration include Saskatchewan, Manitoba and New Brunswick planning and working together on evaluating their respective parent education programs, using the same research team and data collection/interview instruments. Also, over the past six months, some MEP directors have been examining each others client surveys for common questions that could be posed to all clients.

Table 3 describes the research and evaluation studies conducted by the provinces and territories under the CCFLS to date.

**Table 3: Provincial/Territorial CCFLS Research and Evaluation Activities, 2003 – 2005**  
(note: status column has been removed)

Jurisdiction	Activity
Nova Scotia	Research and evaluation of Parent Education Program by collecting client feedback
	Evaluation of MEP Enrolment Clerk project
	Research and evaluation of MEP
	MEP performance analysis
	Evaluation of FLIC and nation-wide comparative research
PEI	Final Evaluation of <i>Positive Parenting from Two Homes</i> Program
	Evaluation of <i>Positive Parenting from Two Homes</i> “For Kids!” Pilot Project
	Recalculation Office Case Tracking System feasibility study
New Brunswick	Evaluation of Child Support Variation Service
	Review of the Court-Ordered Evaluations Support Program

Jurisdiction	Activity
	Family Support Orders Service Renewal
Quebec	Study of parents who use governmental program family mediation services and do not open a court file
	Study of optional spousal support guidelines
	Family in Canada – Focus Groups
	Seminars on parenting after family breakdown in Canada
	Evaluation of the impact of mediation on the judicial process
	Bill 21 (children from subsequent unions, children at or over the age of majority)
Ontario	FLIC evaluation and data collection on operation of FLIC services
	Pilot Court and Community Liaison Committees
	Enhanced Collection Agency Project (ECAP) Value for Dollar Evaluation/Audit
	Automated Case Tracking System
	Canadian Enforcement Legislation Chart
	National Maintenance Enforcement Survey
	Family Responsibility Office (FRO) Client Satisfaction Survey
	FRO Correspondence and Issue Tracking
	Citizenship and Immigration Canada-FRO Sponsorship Denial Pilot Project
	Data collection of Justice Canada Survey of Selected Family Courts
	Data Mapping using MapInfo Software
	Evaluation of Unified Family Courts (UFCs)
	Research on UFCs – three research papers
	Review of Child Protection Models
Ongoing data collection on Mediation and Information Services	
Manitoba	Family Division Case Management Evaluation
Saskatchewan	Survey of Support Variation Project (SVP) clients; SVP evaluation
	Research and focus groups on service needs of Saskatchewan Aboriginal Peoples
	Parent Education Program data collection
Alberta	Client Profile for business planning initiatives
	Maintenance Enforcement Educational and Promotional Initiative
British Columbia	Research on policy options regarding Administrative Determination of Child Support
	Data collection of Justice Canada Survey of Selected Family Courts
	Conduct post-ISO evaluation of savings in processing time
	Refine performance measures in Family Search (Tracing)

Jurisdiction	Activity
	Survey of Search clients and undertake process improvements
	Survey of FMEP clients
	RMAF & logic models
	Supervised Access Feasibility Study
	Family Information System (FIS) enhancement design study
	Survey of Family Justice Services Division contacts to obtain views on initial intake processes
	Research on medium-term impacts of Dispute Resolution
	Evaluation framework for Mediation Practicum pilot project
	Rule 5/CCSS Evaluations
	Evaluation of the Supreme Court Self-Help Centre Project
	Review of family violence screening policies and procedures used by Family Justice Counsellors
	Longitudinal study of the outcomes of family justice programs
	“Future trends” study of the factors that are expected to drive demand for enforcement services
Yukon	RMAF Performance Measures and Evaluation
	Feasibility study for “Made in Yukon” Family Law Information Centre
	Family Resource Centre Feasibility Study
	Supervised Access Feasibility Analysis
	Feasibility studies on Interactive Voice Response System and Direct Deposit for Maintenance Enforcement Program (MEP)
	Survey of MEP clients
	Survey of Parenting After Separation clients

Besides supporting provincial and territorial research and evaluation, the Department of Justice is undertaking its own research under the CCFLS. Currently the Department is continuing its long-standing Survey of Family Courts to collect data on the nature of divorce outcomes including parenting arrangements, child and spousal support, etc. It is also undertaking a Federal Court File review project in six jurisdictions/family courts to collect more detailed information on case circumstances on the same issues. As both of these research projects are collecting data at some Unified Family Court sites, these data will assist the future assessment of the impacts of the UFC model.

There is a wide range of other research and evaluation projects of interest to the Department and its provincial and territorial partners, but there have been difficulties in moving forward collaboratively or jointly for a number of reasons. First, the uncertainty of funding levels for research means that it is difficult to plan longer-term research. This is especially true for joint projects requiring federal contribution funding and/or provincial/territorial financial contributions—smaller and some mid-sized jurisdictions do not have sufficient funds of their own for research to allow for a long-term commitment, without a similar commitment from the federal government for long-term funding for the programs and services the federal government supports.

Secondly, while some jurisdictions are involved in significant research projects, many jurisdictions continue to place a low priority on research and evaluation activities. This poses a challenge in discussing research priorities on a national basis. However, to overcome these difficulties, the Research Sub-committee is currently completing a strategic planning and priority-setting exercise that is expected to help set the “national” research agenda for the remaining three years of the CCFLS.

A third problem noted by a DOJ research official is that there are federal government administrative and contract policy issues that do not easily lend themselves to establishing joint research projects with individual jurisdictions.

We noted earlier that the Research Sub-committee was cited by a small number of DOJ and provincial/territorial officials as not functioning as effectively as the other sub-committees for a number of reasons. Several provincial/territorial respondents noted in this regard that the Research Sub-committee does not derive sufficient policy direction from CCSO-Family Justice to help set priorities. This point of view was not echoed by DOJ officials.

Related to the research and evaluation function is the work of the Canadian Centre for Justice Statistics (CCJS). CCJS plans to implement two national surveys under the CCFLS, and both those projects are on schedule. The Survey of Maintenance Enforcement Programs is building on an existing Maintenance Enforcement Survey, moving from the collection of aggregate data to a micro-data approach. Interfaces need to be developed between the national survey database and the databases of the individual MEPs, and based on progress to date it is expected that all jurisdictions with systems suitable for the survey will be operating within the five-year CCFLS time frame. The Civil Court Survey is moving ahead on schedule as well. It depends on courts having a sufficient automated system in place to support the survey data collection, and some



jurisdictions do not at present; most jurisdictions are expected to be on-line within the five-year time frame.

### 5.3. Program Development

Besides the overall assessment of implementation and early progress that was applied to all CCFLS components, there were two evaluation questions specifically targeted to the Program Development component:

1. *What impact have the Primary Areas of Activity (PAAs)<sup>7</sup> of the Child-centred Family Justice Fund had? Are the “weights” assigned to each of the PAAs appropriate for successfully implementing the Strategy?*
2. *To what extent have the grants and contributions programming components reached their intended target groups?*

#### Findings:

- The PAAs are in keeping with both federal and provincial/territorial areas of priority, and have resulted in projects being funded through the Child-centred Family Justice Fund that align with those priorities.
- The weightings were found to be in keeping with CCFLS objectives, and have been followed, with a few exceptions.
- The reach of CCFJF funding has been in keeping with the targets established, with the minor caveat that with the former Bill C-22 not passing, there may have been less emphasis on projects involving professional training.

The Program Development Unit was not affected by the legislation not passing, except to the extent that it may have delayed some decisions about funding levels that were to be available to the jurisdictions after the first two years. Funding of family justice programs and services, enforcement services and related research and evaluation have gone forward as planned, and

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<sup>7</sup> The PAAs have been identified by the Department of Justice Canada in consultations with provincial and territorial officials and include: (1) coordination; (2) innovative family justice programs and services (3) dispute resolution mechanisms to determine, vary or recalculate child support amounts (4) innovative support enforcement activities (5) inter-jurisdictional enforcement activities (6) research, monitoring and evaluation (7) public awareness and training.

reports from the provinces and territories for 2003-2004 have been submitted. In each of the first two years of the Strategy, \$15 million was contributed to the provinces and territories through transfer payments, allocated according to a standard formula. These early reports document the nature of the projects being funded and the expected outcomes, but do not contain any substantial information about the outcomes of the projects in terms of benefits being derived by children and parents.

The main funding component under the CCFLS is the Family Justice Initiatives Component of the Child-centred Family Justice Fund. For this component, the Department of Justice Canada developed a set of seven primary areas of activity (PAAs) in consultation with the provinces and territories. A weighting model was developed to encourage innovation, an integrated approach to the delivery of family justice services, research activities and the continued development of enforcement initiatives. “Integration” activities required a minimum of 60% of a jurisdiction's total allotment under the Fund, research and evaluation activities between 5 – 7%, and enforcement activities a minimum of 20%.

The integration activities are made up of PAAs #1 (coordination costs), PAA#2 (integrated services), PAA#3 (alternative to the court process) and PAA#7 (public awareness). Enforcement activities are made up of PAA#4 (development, implementation and monitoring/evaluation of innovative enforcement activities) and PAA#5 (inter-jurisdictional enforcement). Research and evaluation activities are made up of PAA#6 (research and analysis). Table 4 describes how the provinces and territories have allocated their funding across the three weighted funding areas.

**Table 4: Provincial/Territorial Allocation of CCFJF Dollars, 2003-2004<sup>8</sup>**

<b>Province/Territory</b>	<b>Integration – Min. 60% PAA #1, #2, #3 and #7</b>	<b>Enforcement - Min. 20% PAA #4, #5</b>	<b>Research and Evaluation – 5 – 7% PAA #6</b>
Newfoundland and Labrador	73%	27%	0%
Prince Edward Island	69%	17%	14%
Nova Scotia	67%	22%	11%
New Brunswick	59%	36%	5%
Quebec	81%	13%	6%
Ontario	64%	30%	6%
Manitoba	76%	16%	8%

<sup>8</sup> Figures for this table were taken from Program Development documents describing each jurisdiction's proposals, and providing an assessment of how the proposed projects were allocated among the weighted criteria.

<b>Province/Territory</b>	<b>Integration – Min. 60% PAA #1, #2, #3 and #7</b>	<b>Enforcement - Min. 20% PAA #4, #5</b>	<b>Research and Evaluation – 5 – 7% PAA #6</b>
Saskatchewan	79%	16%	5%
Alberta	72%	23%	5%
British Columbia	67%	22%	11%
Yukon	81%	15%	4%
Northwest Territories	70%	30%	0%
Nunavut	68%	20%	12%

The table shows that there are a few divergences from the required weightings, particularly in the area of research and evaluation. The intention is to monitor expenditures against the weightings over the course of the five years, rather than to focus on individual years. Most jurisdictions expect to allocate larger proportions of funding to research and evaluation later in the development of programs and services, so it is expected that the weightings will be honoured.

To date, provincial/territorial integration activities have included coordination activities through the CCSO, parent education programs and services in 13 jurisdictions, children's programs in 2 jurisdictions, mediation and dispute resolution programs in 10 jurisdictions, intake assistant positions in 1 jurisdiction, Family Law Information Centres (FLICs) in 5 jurisdictions, family law information and awareness in 11 jurisdictions, administrative recalculation in 5 jurisdictions, family case management clerks in 1 jurisdiction, child assessments in 1 jurisdiction, custody assessments in 2 jurisdictions, and service combinations in 2 jurisdictions. Provincial/territorial enforcement activities have included maintenance enforcement program activities in all jurisdictions, automated services projects in 6 jurisdictions and activities on Interjurisdictional Support Orders in 12 jurisdictions.

Provincial/territorial research and evaluation activities have included 9 evaluations in 4 jurisdictions, feasibility studies in 4 jurisdictions, 5 client surveys in 3 jurisdictions and other research activities such as those in partnership with Statistics Canada, among others.

A second component of funding, for pilot projects (about 4% of total funding), was intended for innovative family justice service projects. Seven jurisdictions took advantage of this funding component which was reinstated in 2004-2005 after it had been redirected to the federal government Reallocation Exercise in the first year. Several of the projects sought funding over several years of the Strategy. A review of the project descriptions available in documents provided by Program Development clearly indicates that the projects fit within the PAAs and are

targeted to parents dealing with child support and parenting issues in the context of support/separation. They include:

- Development of a Web application for a support enforcement program, allowing both creditors and debtors of a child support order to access their files to obtain enforcement and payment information, leave secure messages, print statements, and access other useful information;
- Development, implementation and evaluation of a File Readiness Court Officer pilot project, as a form of assisted dispute resolution;
- Development of a website to increase information sharing between a MEP and its clients and between the MEP and other MEP programs across Canada;
- Defrayment of some of the costs associated with the establishment of a Child Support Recalculation Service pilot project;
- Defrayment of some of the costs associated with a pilot project that would offer Aboriginal parent education program on CD, to be made available in northern communities and other communities where parent education sessions are not offered;
- Production of a province's parent education curriculum on a CD format, also to be made available in northern communities and other communities where parent education sessions are not offered;
- Development of a comprehensive and integrated service plan for couples in high conflict situations that builds on a new high conflict parent education session; and,
- Defrayment of the costs associated with a pilot project that would implement an administrative recalculation service.

The third component of the fund is for Public Legal Education and Information (PLEI) and Professional Training (about 4% of total funding). These funds are targeted to non-governmental organizations (NGOs) through grants or contributions, to undertake projects to inform Canadians, including the legal community, about parenting arrangements, child support guidelines and support enforcement measures. The great majority of these projects are being undertaken by the provincial/territorial PLEI organizations, to update their family law materials, develop and conduct public/targeted information sessions/workshops, training in areas such as child representation or self-representation, and web-based PLEI projects. They are all clearly within the parameters of the CCFLS and the intention of the funding component. Funding under

this component was not available in Year 1 of the Strategy because it was redirected to the federal government Reallocation Exercise, but the funding stream was reinstated in Year 2.

A few barriers to effective program delivery and performance measurement have been noted by evaluators. One is that the requirement to submit a needs assessment to Treasury Board in each of years 3 or 5 to access the \$4 million frozen allotment has made it impossible to sign multi-year agreements for these years, thereby making it difficult for the jurisdictions to plan projects that require a time-frame of more than one year, and to make best use of the available resources in the time frame of the funding. A related issue is the lack of committed on-going funding following the Strategy which makes it difficult for the jurisdictions to develop and implement longer-term projects, or to contemplate projects for which provincial/territorial funding is unlikely to be available if federal funding is not available. This limitation means that projects to develop programs and services may in some cases be more limited in scope than they would ideally be, and that research and evaluation projects that take a longitudinal perspective or that require expenditures over several years may not be undertaken, particularly by the small and medium-sized jurisdictions. This finding is not peculiar to the current CCFLS funding situation—it is a problem that often arises in the context of grant and contribution funding tied to time-limited initiatives.

A review of the projects being funded in the first two years of the Strategy indicates that the funding has been directed appropriately within the guidelines and PAAs agreed upon, and that the intended targets of the funding were all being reached.

Reporting on progress by the provinces and territories was found initially to be lacking in sufficient detail and not to be employing sufficiently common terms and measures. The Department of Justice undertook a needs assessment to determine what information the jurisdictions required to improve reporting quality, and from that study a Performance Measurement Handbook has been developed for use by the jurisdictions to provide guidance. It remains to be seen how effective the Handbook will be, but respondents from the jurisdictions and DOJ were optimistic that it would be of considerable assistance.

### **Gaps in CCFLS-Related Legislation**

Besides the overall assessment of implementation and early progress that was applied to all CCFLS components, the evaluation also considered questions regarding possible gaps in the Strategy and whether the Strategy needed to be revised at this point:

1. *Are there gaps or problems in the proposed amendments to the Divorce Act, FOAEAA and GAPDA that need to be addressed? Are there any other gaps or problems in federal legislation that need to be addressed in order to achieve the intended results of the Strategy?*
2. *Are there any gaps that the Strategy should be addressing in order to achieve its intended results?*
3. *Does the overall approach to the Strategy need to be revised as a result of the delay in passing the legislation? If so, what changes should be made?*

The widely held view is that the substance of the former Bill C-22 still remains an effective approach, encompassing all the key legislative elements of the Strategy. Certain additional amendments are being considered in the enforcement area and these may be included in legislation that is ultimately brought forward. It may also be that some elements of the legislation associated with the CCFLS will move forward through other legislation or non-legislative mechanisms, so that the CCFLS-related Bill would be adapted accordingly. None of these possibilities stem from gaps or deficiencies in the legislation or in the Strategy itself. Both are widely supported in their current form, and the legislation is anxiously awaited.

#### **5.4. Overall Assessments of Progress to Date**

Evaluators sought answers to several questions relating to the impacts of the CCFLS to date, and provincial/territorial use of, and satisfaction with, the research and performance information being produced through the Strategy. The following three questions were considered:

1. *How satisfied are CCFLS partners with the research and performance information produced through the Strategy? To what extent and how is the research and performance information being used?*
2. *Have there been any unintended impacts of the Strategy, either positive or negative?*
3. *What are the lessons learned to date?*

#### **Findings:**

- As a result of the legislation not passing, and because of the time required to implement the Strategy, to undertake research and to collect performance information, it was premature at

this point to make an assessment of the impacts of the Strategy, intended or unintended, and to take note of lessons learned in relation to impacts.

Through an examination of available documents and interviews with DOJ and provincial/territorial officials, it was determined that it was premature at this point to make such an assessment. The evaluation did, however, inquire about overall progress on the Strategy. The previous section reported on progress in implementing the various components. This section provides an overview of participants' assessments of that progress to date.

DOJ officials are satisfied across the board with the progress that has been made in the Strategy to date. Additional resources would have enabled certain initiatives to have advanced more quickly, particularly in the public legal information area, and we have noted that funding mechanisms and delays in funding decisions present limitations to the kinds of projects that are being supported at the provincial/territorial level. It was also noted that the research component would like to see more progress in establishing national research priorities and obtaining commitments from the provinces and territories to participate in research in priority areas. There are also concerns expressed by several DOJ participants that the performance measurement strategy may not have progressed as well as planned, and that there may be limitations to the quality of information available to assess performance unless a more concerted effort is made. Despite those limitations, however, there is considerable overall satisfaction with the Strategy to date, and a belief that elements of the Strategy are moving forward well.

The views of the provinces and territories on the CCFLS are of interest because much of the Strategy is implemented through the courts and related programs and services, and through the provincial/territorial MEPs. Also, through the CCSO-Family Justice and its sub-committees, the Department of Justice hopes to foster a collaborative, coordinated approach to family justice reform.

The provinces and territories vary somewhat in their views on the Strategy. Some jurisdictions including some of the larger ones see themselves as partners in the CCFLS, and strongly support the direction of the Strategy and each of its components. Many of the other jurisdictions see themselves more at arms length from the Strategy. While they recognize and value the collaboration that takes place, they think of the Strategy in terms of the funding they receive to pursue programs and services for children and parents, rather than in terms of broader family justice collaboration.

All jurisdictions are supportive of the overall concepts and direction of the Strategy, and do not see any of its elements as conflicting with their interests. They may choose not to pursue certain elements such as the UFCs or research initiatives, but they have no objection to the approaches in principle.

As far as their assessment of progress, most respondents reported that it was too early to make a real assessment, given that the Bill did not pass, and given that it takes most of the first year of a Strategy for major activities to be implemented. The jurisdictions are all satisfied with the progress being made in the enforcement area, particularly with regard to ISO legislation. While they would like some of the initiatives associated with expanding access to federal databases to move more quickly, they recognize the complexities involved and do not see the slow pace as a reflection on the effectiveness of the CCFLS.

With regard to the federal funding of programs and services, the provincial and territorial respondents consider this element of the Strategy to be a major benefit and critical to the realization of the concepts and principles that were embodied in former Bill C-22. The jurisdictions all report that they would not be able to initiate new programs and services, or enhance or expand the reach of existing services, without the federal funding. Progress on achieving the end-results of those programs and services is unknown at this point, but the respondents reported that they are being used extensively, and that anecdotal reports indicate satisfaction on the part of parents. Future evaluations are expected to provide evidence as to the degree of satisfaction being experienced, and the strengths and weaknesses of the programs and services.

The PAAs established as guidelines for provincial/territorial agreements are viewed as encompassing the full range of projects of interest to the provinces and territories in the family justice field, and not unduly restrictive in terms of the weighting attached to them. There were some negotiations on the weighting applied to research and evaluation and those expectations were reduced somewhat, from an initial weighting of 8% down to the current 5-7%.

Aside from general approval of the program funding, the most frequent comments made by provincial and territorial respondents about the effectiveness of the CCFJF program development component of the CCFLS was that delays in knowing what their allotments would be, the lack of multi-year funding for longer-term projects, and the lack of a long-term commitment to program funding presented significant barriers to effectiveness. Particularly the small and medium-sized jurisdictions, but even the larger provinces, are reportedly not able to initiate the best possible



programs and services because of these limitations. To that extent, progress in meeting the objectives of the CCFLS is being slowed by these funding limitations.

Working relationships with the Department of Justice are reportedly excellent in all areas, and while restrictions associated with program funding mechanisms are seen as detrimental to the achievement of CCFLS objectives, provincial and territorial officials do not attribute those problems to the Strategy itself or to the DOJ officials involved in the Strategy, but rather to broader federal government policies and practices.

## 6. CONCLUSIONS

This interim evaluation of the Child-centred Family Law Strategy examined the implementation of the CCFLS, assessed progress to date in meeting the Strategy's objectives, identified potential barriers to the achievement of those objectives, and assessed the status of the Strategy's efforts to monitor performance in all component areas of the Strategy. Based on the findings from a review of available documents and data, and interviews with a wide range of federal and provincial/territorial participants in the Strategy, evaluators have reached the following conclusions:

- The fact that the *Divorce Act* Reform Bill has not passed has been the single most important barrier to progress on the CCFLS, but despite this the Strategy as a whole has moved forward significantly in many areas;
- All intended activities and associated outputs are in place other than those made impossible by the Bill not passing, and the immediate outcomes that were possible to pursue have been achieved according to what was intended;
- The same-sex marriage issue is seen as a potential barrier to further legislative reform in relation to the *Divorce Act*. Until that issue is resolved no further amendments to the *Divorce Act* can be pursued;
- Management and coordination mechanisms are in place that are enabling the Strategy to move forward effectively, but some benefits may be derived from closer linkages and more regular management and staff contact with the “non-core” components of the Strategy;
- The CCSO-Family Justice and its sub-committees are providing an effective mechanism for national collaboration on family justice issues, but some participants would like to see more strategic direction in the family justice area, and the newly constituted CCSO-Family Justice is seen as needing more focus;
- The performance measurement strategy for the CCFLS is supported in principle, and performance measures appear to be clear, well-understood and pertinent to the activities being undertaken and the outcomes being sought;

- There is reason for concern that the performance measurement process is not receiving sufficient attention from senior management, and that capacity and workload constraints may result in a poor quality of information/data on results unless there is a re-commitment to the process and closer monitoring of progress;
- A major portion of the overall CCFLS budget is allocated to funding support for provincial/territorial programs and services. Restrictions in the available funding mechanisms including an inability to fund multi-year agreements, a lack of longer-term predictability of funding and frequent delays in funding decisions together present a significant barrier to the achievement of CCFLS objectives because they preclude longer-term planning and the development of some multi-year programs and services that would further those objectives;
- The CCSO Research Sub-committee has lacked focus thus far and has had difficulty arriving at an agenda for research at the national level. There is a recognized urgent need for better research and evaluation data and collaboration between everyone on the research committees but commitments to date have been limited. The Research Sub-committee is addressing this issue through a strategic planning exercise that is nearing completion;
- The Primary Areas of Activity (PAAs) guiding CCFJF funding have succeeded in focusing funding on agreed-upon priority areas, and have not prevented provinces and territories from pursuing any important family justice-related projects they wanted to pursue;
- The weightings associated with the PAAs have been followed for the most part, with the exception of the research and evaluation element, and expenditures in that area are expected to meet targets over the life of the Strategy as it takes on greater emphasis in the later years;
- CCFJF expenditures have been in keeping with the targets established for it;
- The general approach reflected in the former Bill C-22 remains a suitable approach with which to pursue CCFLS objectives, with no apparent gaps or problems having emerged in the two years since its introduction. There will likely be a small number of changes to incorporate federal enforcement amendments, but these are in keeping with the existing Bill; and,
- To date there is no data available to allow for reporting on medium and longer-term CCFLS outcomes. As a result the evaluation was unable to draw conclusions about the achievement of results beyond outputs and immediate, first-level outcomes.

**APPENDIX A:**  
**List of Documents Reviewed for the Evaluation**

## **List of Documents Reviewed for the Evaluation**

1. Results-based Management and Accountability Framework, Child-centred Family Law Strategy, prepared with the assistance of Performance Management Network Inc., 2003.
2. CCSO Revised Mandate, August, 2001
3. CCSO-Family Justice Work Plan, updated June 17, 2004.
4. CCSO Enforcement Sub-Committee Work Plan, updated April 19, 2005
5. FPT Inter-Jurisdictional Support Sub-Committee Work Plan, updated Feb., 2005.
6. Internal document provided by FCY describing that component's work on legislative reform.
7. "Canadian Overview of Reciprocity with Foreign Jurisdictions under REMO-ISO Provisions", DOJ, updated Jan., 2005.
8. Reciprocal Maintenance Order Recognition And Enforcement
9. Summary of Activities for the Child Centred Family Justice Fund 2003 – 2005 February 2005 Draft Report
10. P/T Stakeholders Needs Assessment of the Performance Measurement Reporting Requirements for the Child-centred Family Justice Fund (CCFJF) - Final Report
11. P/T project award summaries
12. P/T Final Reports
13. Department of Justice Canada Child-centred Family Justice Fund – Primary Areas of Activity
14. A review of Canada's "Family Justice Service" Evaluations, Anthony Petrosino, for the Department of Justice Canada, 2004.
15. Developing a Strategic Plan for the Research Sub-committee of the CCSO-Family Justice (2005-2008), Dorothy Hepworth, for the Department of Justice Canada, 2005.

**APPENDIX B:**  
**Description of CCFLS Components**

## Description of CCFLS Components

**Family Law Policy:** The Family Law Policy unit is responsible for the legal and policy advice and support services with respect to the legislative reforms to introduce and implement the concepts of parenting arrangements set out in the *Divorce Act* amendments contained in Bill C-22. The unit also plays key roles in professional training, public law information activities, program policy development for family justice services and the work of the Coordinating Committee of Senior Officials-Family Justice (CCSO-Family Justice) and some of its working groups.

**Support Enforcement Policy:** The Support Enforcement Policy and Implementation unit within FCY has responsibility for the legal and policy advice and support for the adoption and implementation of FOAEA and GAPDA amendments contained in Bill C-22. The unit is also responsible for national and international coordination of support enforcement initiatives, and provides administrative and planning support to manage the work of the CCSO-Family Justice Enforcement Sub-Committee and Inter-jurisdictional Support Sub-Committee.

**Program Development:** The FCY's Program Development unit has primary responsibility for program policy development for family justice services and administers the Child-centred Family Justice Fund. It reports linearly to Programs Branch, but has a functional reporting relationship to the FCY for purposes of the CCFLS. Its work includes support for federal-provincial-territorial negotiations and planning and ensuring that Treasury Board policies are respected in the management of the transfer payments. As jurisdictions implement new or expanded UFCs, the contribution agreements with the affected provinces/territories under the Child-centred Family Justice Fund will be modified to reflect the fact that provincial/territorial judicial salary savings will be reinvested on an on-going basis in family justice services. This approach is expected to ensure an equitable distribution of federal financial assistance among the provinces and territories by recognizing certain jurisdictions will be benefiting from federal resources through UFC.

**Research:** The FCY Research Unit carries out continuing research and data collection activities to inform ongoing policy and program development and implementation; to understand the effectiveness of family justice programs and services through the conduct of project evaluations, identification of performance measurements and other activities. The research unit reports to the Research and Statistics Division within the Policy Integration and Coordination Section, Policy

Sector, but has an additional reporting relationship to FCY specifically for the CCFLS. The Unit provides administrative and operational support to manage the work of the CCSO-Family Justice Research Sub-Committee.

**Communications and Law Information:** The Communications and Law Information unit, FCY, provides communication advice and services with respect to family justice policies and programs to the Minister, senior department officials and those responsible for other CCFLS components. One of the unit's priorities is to ensure that separated and divorced parents have ready access to information and tools to help them establish Child-centred parenting arrangements through services such as a toll-free information line.

**Family Law Assistance Services:** Bill C-22 includes amendments to the *Family Orders and Agreements Enforcement Assistance Act* (FOAEA) to make it mandatory for a debtor, subject to the Act, to file a tax return if the Minister of National Revenue asks the debtor to do so, and to the *Garnishment, Attachment and Pension Diversion Act* (GAPDA) to establish the priority of family support obligations over other judgment debts. The department's Family Law Assistance Services (FLAS), which administers the federal services mandated by these statutes, is responsible for implementing these and other service improvements. The federal enforcement services, whose primary clients are provincial and territorial maintenance enforcement programs, are administered with the assistance of a number of federal departments and agencies, including the Department of Foreign Affairs and International Trade (DFAIT), Transport Canada, Canada Customs and Revenue Agency (now called the Canada Revenue Agency), Royal Canadian Mounted Police (RCMP), Department of National Defence (DND), Human Resources Development Canada (now divided into two departments, Human Resources and Skills Development Canada (HRSDC) and Social Development Canada—FLAS works with HRSDC), Citizenship and Immigration Canada, and Industry Canada.

**Judicial Affairs, Courts and Tribunal Policy:** This unit within the Public Law Policy Sector provides legal and policy support and advice with respect to the *Judges Act* amendments included in Bill C-22 that would allow for the expansion of Unified Family Courts. It is also responsible for negotiating bi-lateral agreements with the provinces and territories that will wish to establish new UFCs or increase the capacity of existing courts. The UFC initiative requires participating jurisdictions to reallocate provincial judicial salary and benefit savings to family justice services. The Judicial Affairs Team is also working in conjunction with the FCY Section and the Evaluation Division in the development of an Evaluation Framework for the UFCs.



**Private International Law:** The International Private Law (IPL) Section in the Public Law Sector leads and coordinates, with FCY, Canada's participation in (1) the negotiation of an international instrument on maintenance obligations; (2) examination of the issue of trans-frontier access in the context of the 1980 Convention on the Civil Aspects of International Child Abduction and 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children; and, (3) Special Commissions on the 1980 Convention on the Civil Aspects of International Child Abduction. On operational matters relating to international child abduction, the IPL Section and FCY support the Federal Central Authority to the Hague Convention on Child Abduction in advising on international abduction issues and in participation of the Department of Justice Canada in the Our Missing Children program.

**Evaluation:** The Department's Evaluation Division is responsible for planning and completing the evaluation of the CCFLS, as required by Treasury Board policies. The Division also provides ongoing advice on the development and implementation of performance measurement and reporting tools and processes.

**Canadian Centre for Justice Statistics:** The Courts Statistics Program, Canadian Centre for Justice Statistics, Statistics Canada, is building a national family law information resource by developing an ongoing database of all family law cases in civil courts through a new Civil Courts Survey (CCS) and continuing the implementation of the Maintenance Enforcement Survey (MES). At the national level, data on family court cases and outcomes will improve knowledge of custody and access arrangements, child support awards, and family court processes and outcomes including implications for children involved. Data on national maintenance enforcement programs will provide information on the extent to which families benefit from these programs as well as compliance with support orders.

**Management and Administration:** The Senior General Counsel is accountable for the strategy's overall management and direction, supported by the section's General Counsel who is accountable, as team coordinator, for facilitating the integration and coordination of all component activities. The section's Administrative Services unit provides financial and administrative support in respect of the CCFLS components delivered by the section. It also supports the Senior General Counsel in financial planning for the overall strategy.