



**FINAL EVALUATION OF THE
CHILD SUPPORT INITIATIVE**
Technical Report

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**Evaluation Division
Policy Integration and Coordination Section**



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EXECUTIVE SUMMARY

In March 1996, the federal government announced major reforms to Canada's child support laws. The reforms included the implementation of the Federal Child Support Guidelines, changes to the tax treatment of child support, and improvements to the enforcement of support orders. On February 19, 1997, amendments to the *Divorce Act*, the *Family Orders and Agreements Enforcement Assistance Act (FOAEA Act)*, and the *Garnishment, Attachment and Pension Diversion Act (GAPDA)* in Bill C-41 received royal assent. These changes came into effect on May 1, 1997.

The Department of Justice Canada, through the Child Support Initiative, was given a five-year mandate beginning in fiscal year 1996-97 to pursue its goal of establishing and maintaining fair standards of child support in Canada. The Initiative involved policy development, communications and public legal information/education, professional training, federal financial assistance to the jurisdictions, and research. A multidisciplinary team located in the Department had primary responsibility for the Initiative.

Objectives of this Evaluation

The objectives of this evaluation are to assess the success of the five years of the Child Support Initiative (CSI), to assess the continued relevance of Initiative activities, and to identify lessons learned from the Initiative with a view to providing recommendations for future departmental involvement in the family law area.

Methodology

The three main methods employed in this evaluation were: a file and document review, interviews with federal, provincial and territorial officials and other stakeholders involved in

child support and maintenance enforcement and a review of research reports prepared as part of the Child Support Initiative. The data were collected between May and November 2001.

Key Successes

- The federal child support guidelines were adopted with little or no change by most provinces and territories. Therefore, there is legislative consistency in the handling of both separation and divorce in every jurisdiction.
- The federal government collaborated with the provinces and territories to implement the guidelines and the changes to support enforcement found in Bill C-41. This consultative, coordinated approach was seen as successful by almost all federal and provincial/territorial officials involved in implementation.
- Without federal financial help several jurisdictions could not have done much in the way of new services and programs, other than the bare minimum necessary to implement the guidelines. With the federal contributions, these provinces and territories were able to develop services and programs that contributed to meeting the federal objectives.
- Few if any gaps in activities were identified and duplication of effort was said to be minimal.
- The objectives of fair and consistent guidelines were achieved, according to the majority of stakeholders. Survey data collected in conjunction with the Initiative show that divorce courts are following the guidelines: almost all divorce cases are settled at the guideline amount or above. Moreover, the evidence suggests that the post-guidelines amounts are higher than the pre-guidelines amounts for sole custody cases, although increases in the amounts of child support orders were not among the objectives of the guidelines. Despite this, the introduction of the guidelines apparently did not produce a backlash among payers of child support, so far as can be determined.
- Parental conflict on child support issues has probably decreased as a result of the guidelines. In the majority of cases, the amount of child support is no longer an issue because the amounts are mandatory.
- Because of the guidelines, the efficiency of case processing has improved and the speed of settlement of child support issues has increased.
- During the Initiative greater coordination among maintenance enforcement programs, including the reciprocal enforcement of support orders, was achieved. The intended improvements to enforcement at the federal level had a modest success: of most benefit to provincial/territorial maintenance enforcement programs was the introduction of passport/licence denial for persistent defaulters.

- The magnitude of the communications efforts far exceeded what the Department had undertaken in the past in the family law area. Although uncertain of the details, many separating and divorcing parents have some knowledge of the child support changes.
- Family law practitioners are well informed about the guidelines. Federal training and communications activities contributed to this outcome.
- A strong partnership between researchers and policy officials was instrumental in the success of the guidelines.
- The research that was undertaken was of good quality and enabled the Department to meet its accountability requirements to Parliament (in the form of the Report to Parliament) and Central Agencies (in this evaluation). The Survey of Child Support Awards was essential in determining the extent to which the guidelines were being followed; the Survey revealed that the guidelines were being used in the manner intended by the federal government in the study courts.

Good Practices and Other Lessons Learned

- The establishment of federal-provincial-territorial committees to work on implementation of the legislation and other changes improved the effectiveness of the Initiative and implementation overall. Of particular value was the sharing of information between the two levels of government as well as information-sharing among provinces and territories.
- The time-limited FPT committees made up of a mix of program and policy officials contributed to the success of the Initiative by providing feedback to federal officials and fora for consultation as well as for information-sharing.
- An external committee to provide feedback on how the changes are perceived by stakeholders is a cost-effective use of resources especially if the membership of the committee is geographically diverse and the mandate of the committee is clear.
- Team models may improve decision-making. Such models provide a more coherent approach to the various components of initiatives – policy development, law information/communications, program funding and research – because specialists are brought together in one physical location and report to one person. Having one person accountable assists in the development of a consistent approach to implementation as well as providing a clear line of authority. The Team Leader in the Initiative had a clear vision of what was required and made continual efforts to ensure that staff shared that vision.
- Meaningful participation of the recipients in the priority setting process for federal financial assistance is essential.

- In order to increase provincial/territorial participation in performance measurement of programs to which the federal government contributes, there is the need to inform representatives at the outset of the importance of collecting monitoring data, of involving them in the development of the information to be collected, and to provide them with feedback on the results. This approach may increase “buy in”. The requirement for feedback necessitates the allocation of federal staff time to the exercise.
- Federal officials lacked the impetus to undertake performance measurement on a routine, consistent basis. One solution to this common problem would be to make measurement part of job descriptions of selected staff.

Areas for Additional Work

The evaluation identified a number of areas where additional work is necessary to further support achievements under the Initiative. These included:

- Policy development in the area of support enforcement;
- Communicating information on the child support guidelines to the public and to parents facing language, literacy, cultural or other barriers;
- Monitoring the impact of tax changes on the table amounts and communicating the results of the monitoring to family law practitioners;
- Funding services for unrepresented litigants in family court;
- Research on the child support arrangements;
- Research on the characteristics of non-payers;
- Evaluations of family justice programs and services; and
- Performance measurement.

1. INTRODUCTION

In March 1996, the federal government announced major reforms to Canada's child support laws. The reforms included the implementation of the Federal Child Support Guidelines, changes to the tax treatment of child support, and improvements to the enforcement of support orders. On February 19, 1997, amendments to the *Divorce Act*, the *Family Orders and Agreements Enforcement Assistance Act (FOAEA Act)*, and the *Garnishment, Attachment and Pension Diversion Act (GAPDA)* in Bill C-41 received royal assent. These changes came into effect on May 1, 1997, as did amendments to the *Income Tax Act* that changed the tax treatment of all child support awards made on or after May 1, 1997. The Department of Finance and Revenue Canada, now the Canada Customs and Revenue Agency, had the responsibility for implementing the tax reforms.¹

The Department of Justice Canada, through the Child Support Initiative, was given a five-year mandate beginning in fiscal year 1996-97 to pursue its goal of establishing and maintaining fair standards of child support in Canada. A multidisciplinary team located in the Department was primarily responsible for the federal Initiative including policy development, communications and public legal information/education, professional training, federal financial assistance to the jurisdictions, and research. In May 2000, the Department received approval to continue work on the Child Support Initiative until the end of FY 2001-02 as part of a broader review of family law.² Soon thereafter, the Child Support Team was amalgamated with other family law officials in the Department.

1.1 Objectives of the Evaluation

The objectives of this evaluation are to assess the success of the five years of the Child Support Initiative (CSI), to assess the continued relevance of Initiative activities, and to identify lessons learned from the Initiative with a view to providing recommendations for future departmental

¹ An examination of the tax changes is beyond the scope of this evaluation.

² Treasury Board recently approved another year of funding (i.e., for FY 2002-03).

involvement in the family law area. The evaluation summarizes the impact of Bill C-41 and of subsequent policy development related to child support and maintenance enforcement as well as the programming undertaken to support the implementation of the changes.³

This evaluation was conducted to meet a requirement to prepare an “arm’s length” report for the federal Treasury Board, including an independent assessment of the funding provided to the provinces and territories as well as other activities undertaken by the Department of Justice Canada to support the implementation of Bill C-41. It is distinct from the report that the Department was required to submit to Parliament on the functioning of the legislation and accompanying regulations under Bill C-41, although it uses some of the same research.⁴

The following evaluation questions were identified by the Department of Justice Canada and guided this evaluation:

1. To what extent has the Child Support Initiative achieved its objectives?
2. Have fair and consistent standards of child support been established? If so, to what extent can this be attributed to the legislation? To the other elements of the CSI?
3. Have there been changes in the level of conflict involved in the determination of child support? If so, to what extent can this be attributed to the legislation? To the other elements of the CSI?
4. Have there been changes in the efficiency of legal processes associated with the determination of child support? If so, to what extent can this be attributed to the legislation? To the other elements of the CSI?
5. Has federal financial assistance helped the jurisdictions to implement the federal child support guidelines?
6. Have there been changes in the enforcement of child support orders? If so, to what extent can this be attributed to the legislation? To the other elements of the CSI?
7. Has federal financial assistance improved enforcement processes at the provincial/territorial level?
8. To what extent was the Initiative successful in communicating legislative changes to the public and various stakeholders?
9. To what extent did the management framework and organizational structure of the Initiative contribute to the success of the initiative?

³ The activities of the Family, Children and Youth Section in the area of custody and access are not included within the parameters of this report.

⁴ The report, *Children Come First: A Report to Parliament Reviewing the Provisions and Operation of the Federal Child Support Guidelines*, was tabled April 29, 2002.

10. What lessons can the Department learn from the team model used to implement the Initiative?
11. Have there been any unintended impacts (positive or negative) of the legislation or other elements on the Initiative?
12. Could the outcomes of the CSI been achieved through alternative, less costly approaches?
13. What were the strengths and weaknesses of the approach taken to address child support and enforcement issues?
14. What lessons have been learned as a result of the Initiative?
15. To what extent are the objectives and mandate of the Child Support Initiative still relevant?
16. Is there a need to continue all of the activities funded under the Initiative?
17. Given the shared jurisdiction for child support and support enforcement, what should be the purpose and scope of federal involvement in these areas?
18. Is there a continuing need for a coordinated intergovernmental initiative in the areas of child support and enforcement?

1.2 Methodology

The three main methods employed in this evaluation were: a file and document review, interviews with federal, provincial and territorial officials and other stakeholders involved in child support and maintenance enforcement and a review of research reports prepared as part of the Child Support Initiative. The document review focussed on federal and provincial/territorial documents, such as memoranda, reports, work plans, audits, and minutes of meetings. Over 100 persons were interviewed in the following categories: members of the Child Support Team, other Department of Justice officials, members of the FPT Task Force on the Implementation of the Child Support Reforms, members of the FPT Family Law Committee, members of the Child Support Advisory Committee, officials of maintenance enforcement programs and other stakeholders, such as members of the family law bar and those involved in public legal education and responsible for training family law practitioners.⁵ All relevant research reports produced by the Child Support Team were reviewed. The data were collected between May and November 2001.

⁵ See the Appendix for the “core” questions asked of most respondents.

1.3 Organization of this Report

This report is organized as follows. Chapter 2 provides an overview of the changes found in Bill C-41 and its accompanying regulations and the Child Support Initiative, including the organizational structure and committees supporting the Initiative. In Chapter 3 the appropriateness of the design of the Initiative is addressed. Chapter 4 presents the findings on the success of the policy development component of the child support guidelines and maintenance enforcement changes. In Chapter 5, the findings on the success of the communications, public legal education, and training component are described. Chapters 6 and 7 describe the outcomes and success of the financial contribution and research components, respectively. Chapter 8 provides conclusions on the continued relevance of various aspects of the Initiative and its activities. Chapter 9 presents a summary of key findings and lessons learned. The Appendix contains a list of standard questions for persons interviewed based on the evaluation issues addressed in the report.

2. OVERVIEW OF BILL C-41 AND THE CHILD SUPPORT INITIATIVE

2.1 Bill C-41: The Legislation and its Regulations

The primary change to family law contained in Bill C-41 was the amendment of the *Divorce Act* enabling the introduction of guidelines for the determination of child support. The guidelines, which are contained in regulations, are a set of rules and tables based on the paying parent's level of income, jurisdiction of residence and the number of children. The presumptive guidelines apply to support orders made pursuant to proceedings under the *Divorce Act*, but the federal government intended that the same guidelines would be adopted by the jurisdictions in order to have uniform rules applying to both separation and divorce. To this end, federal officials worked closely with provincial/territorial officials so that in matters where provinces and territories have jurisdiction – in cases of separation, for children of common-law relationships, and in paternity cases – the same or similar guidelines for the determination of child support would be adopted.

The guidelines contain rules for calculating child support obligations. The schedule sets out the basic amount that a support-paying parent should pay. The amounts are adjusted for the impact of federal and provincial income taxes. The guidelines are based on the assumption that support recipients contribute to the needs of the child in a way that is similar to that of the paying parent because the standards of living of the recipient and the child are inseparable. The table amounts for child support may be adjusted to recognize a child's special expenses or to prevent undue financial hardship for a parent or child.

The second area of change involved the enforcement of child support. Although the operation of maintenance enforcement programs (MEPs) in Canada is governed by provincial and territorial legislation, the federal government has enacted legislation, developed programs and services, and provided financial assistance to assist the provinces and territories in their enforcement of support orders. Bill C-41⁶ included sections intended to increase the ability of the federal

⁶ In addition, minor changes to the *Garnishment, Attachment and Pension Diversion Act* were contained in Bill C-41. The amendments include a provision that notice of 30 days is no longer required before the support obligations of federal civil servants can be enforced by garnishing their salaries. Previously, pension diversion for child support was not possible when

government to assist provincial/territorial MEPs in enforcement activities: adding a new federal information source to trace debtors, streamlining the garnishment of federal funds, and adding new enforcement tools. The amendments made to *FOAEA Act* under Bill C-41 introduced the Canada Customs and Revenue Agency as an information source for the tracing of persons in default or in breach of a child support order. The amendments to the *FOAEA Act* also permitted the withholding of licences that are under the authority of the federal government, such as passports and licences issued by the federal Department of Transport. These licence denial provisions apply only in cases where the MEP has been unable to obtain the arrears using all other enforcement mechanisms available and where the payer has failed to meet three support payments or where the total in arrears is at least \$3,000. The MEP must have informed the person in arrears of its intention to seek licence denial.

2.2 The Child Support Initiative

The objectives of the Child Support Initiative were:

- to ensure that, in cases of marital breakdown, dependent children are supported by both parents in relation to their ability to pay;
- to ensure fairness and consistency in setting standards of child support across Canada;
- to reduce conflict between spouses in situations of marital breakdown by standardizing the support calculation process;
- to improve the efficiency of the legal processes in cases involving child support;
- to improve child support enforcement on a national level; and
- to educate and inform the public and all stakeholders about the child support guidelines and the importance of child support.

These objectives were to be achieved through:

- the development, implementation and monitoring of the federal child support guidelines;
- improvements to federal enforcement measures that are used by provincial/territorial maintenance enforcement programs to increase compliance with child support obligations and monitoring of the changes;

former civil servants deferred payments of pensions. Now a court may order that the pension is payable immediately and therefore subject to diversion for outstanding family support payments. Another change is that the prior maximum of 50 percent garnishment of pension benefits can be exceeded when there is no conflict with provincial legislation regarding limits.

- the development and dissemination of communications and public legal information materials and provision of training and training materials;
- the provision of federal financial support to the provinces and territories for the implementation of the guidelines and improvements to provincial/territorial support enforcement services; and
- research on the implementation of the child support guidelines, maintenance enforcement and other family law issues.

For the purposes of this evaluation, the Child Support Initiative has been conceptualized as including the following components:

- Policy Development and Coordination;
- Communications;
- Public Legal Education and Information;
- Training;
- Contribution Funding; and
- Research.

Each of these components is delivered in a multidisciplinary manner, involving the input of legal counsel, researchers, program staff and communications experts working in the various units of the Child Support Team (see section 2.3.1 for a description of the Team). The six components are described below.

2.2.1 Policy Development and Coordination Component⁷

This component involved the development and coordination of federal policies on the determination and enforcement of child support as well as the integration of the other activities designed to support the policy component, such as contribution funding, training and research. Coordination and collaboration with the provinces and territories were important aspects of the policy development component of the Initiative because of the multi-jurisdictional nature of family law in Canada and the desirability of having consistent approaches for both separation and divorce. In addition to coordinating activities with and among the jurisdictions, coordination with other federal departments was required.

⁷ The Team Leader was responsible for the overall coordination of Team activities.

2.2.2 Communications, Public Legal Education Information (PLEI) and Training Components

The communications component of the Initiative involved Departmental efforts to raise awareness and understanding of the guidelines and enhancements to the enforcement mechanisms among the public and justice system officials and service providers. The mechanisms used to achieve these goals include contribution funding, production and distribution of training and information materials, a toll-free information line, an Internet website, media advertisements, and a public awareness campaign. The objective of public communications was to provide timely and accurate information on the Child Support Initiative to the public and other target groups.

PLEI organizations provided, or assisted in the provision of, legal education and information to the general public as well as to the needs of special or hard to reach groups (e.g., the blind, minority language groups, etc.), other community-based information and education sources, and intermediaries (e.g., family counsellors, social services staff, and women's shelter workers). The Department of Justice Canada supports this work through grants and contributions.

The objective of professional education and training was to facilitate the provision of timely and accurate information on the Child Support Initiative by providing training materials to professionals (e.g., judges, the family law sub-section of the Canadian Bar Association), ongoing support to continuing legal education programs across Canada, and contribution funding to assist organizations to train professionals.

2.2.3 Contributions Component

To help provincial and territorial family courts, family law services and maintenance enforcement agencies implement child support guidelines and improve enforcement measures, the federal government established the \$63.6 million Child Support Implementation and Enforcement Fund. The majority of the funds, \$50 million, were for activities associated with the implementation of child support guidelines. The balance of \$13.6 million was for activities to strengthen maintenance enforcement programs.

The Implementation component of the Fund allowed the provinces and territories to develop, test and implement innovative, efficient and cost-effective measures to help parents obtain child support orders and vary existing orders. These services were consistent with the shared federal-

provincial-territorial view that, for the majority of cases, court should be a last resort and alternative ways to resolve disputes need to be provided to support families experiencing separation and divorce.

The objective of the Enforcement component of the Fund was to assist the provinces and territories in improving their collection of child support by supporting innovative and effective enforcement measures. The Fund was designed to facilitate the FPT partnership by developing, piloting and implementing cost-effective enhancements to existing maintenance enforcement programs, including systems improvements.

In 2000, the funding component of the Initiative was reworked to become the Child-centred Family Justice Fund, which encompassed a broader range of activities than in the initial Child Support Implementation and Enforcement Fund. This change recognized that most issues in family law are interrelated and paralleled the decision to integrate more fully child support custody and access policy development.

2.2.4 Research Component

Regular monitoring of the table amounts⁸ and the construction of simulation models in support of policy options for guideline improvements were the responsibility of this component. Also, socio-legal research – including monitoring of divorce processing and feedback activities such as project evaluations – was required to support and inform policy development on the guidelines and maintenance enforcement. Varied methods of data collection and wide ranging studies were used to assist in the implementation and monitoring of the provisions in Bill C-41, and to provide ongoing feedback on the extent to which the policy objectives were being met.

2.3 The Organizational Structure of the Child Support Initiative

2.3.1 Child Support Team and the Family, Children and Youth Section

The Child Support Initiative was delivered by a multidisciplinary team of specialists working together to deliver the components of the Initiative (described above) and reporting to the Team Leader. This was a new approach at the time: under previous initiatives, staff stayed in their

⁸ In addition, this component was primarily responsible for the development of the formula for the table amounts prior to the start-up of the Initiative.

functional units and reported to the head of their unit, rather than the person responsible for the initiative. The Child Support Team was divided into five units, each headed by Coordinators, who reported to the Team Leader.⁹ The units were Legal Policy; Support Enforcement Policy and Implementation; Research; Communications and Law Information; and Provincial-Territorial Implementation and Project Development (i.e., contribution funding). In addition to the Team Leader and Coordinators, there were approximately 25 Team members.

The Team Leader, who reported to the Senior Associate Deputy Minister Policy, had overall responsibility for the management and implementation of the Initiative and associated resources.

In September 2000, the staff of the Child Support Team were integrated into the Family, Children and Youth Section (FCY). While staff continue to undertake activities pertaining to the Initiative, they also work on other family law issues, including custody and access reform. The reporting relationship changed so that the coordinators of the (former) Team now report to the Senior General Counsel of the FCY Section who in addition to her other responsibilities has the responsibilities formerly assigned to the Team Leader.

2.3.2 Family Law Assistance Section

The federal role in the enforcement of child support orders is administered by the Family Law Assistance Section (FLAS), which was established in 1989 to fulfil the federal government's responsibilities under the *Divorce Act*, the *Family Orders and Agreements Enforcement Assistance Act*, and the *Garnishment, Attachment and Pension Diversion Act*. The *FOAEA Act* allows provincial/territorial maintenance enforcement programs to obtain information from federal databanks to assist in tracing persons in breach of a family support order. The *Act* also allows garnishment of designated federal funds payable to those in breach of an order. The FLAS is responsible for ensuring that federal payments made to a debtor are redirected to the maintenance enforcement program if a jurisdiction has submitted a garnishee summons for federal payments. Provincial and territorial maintenance enforcement programs send an application to the FLAS, which requests that participating federal government departments search their files for location information on the debtor. FLAS offers these tracing, garnishment and (with the implementation of Bill C-41) licence denial services through a combination of manual and automated processes. Located within the Civil Law and Corporate Management Sector, the Section is in a different reporting line from the Family, Children and Youth Section.

⁹ Until 1998 there were six Coordinators. The sixth Coordinator was in charge of policy implementation/coordination and assumed the position of Team Leader when the original Leader left the Department.

2.3.3 Other Sections of the Department of Justice Canada

The Child Support Initiative Management Committee was established to increase the linkages between the Child Support Team and other sections of the Department. Chaired by the Team Leader and comprised of managers from units that contributed personnel to the Team (such as the Director of Research and Statistics, the Director General of Programs), the committee was to provide advisory support for the Team Leader as well as a forum for planning and consultations on matters of mutual interest.

2.3.4 Federal-Provincial-Territorial Family Law Committee

The Federal-Provincial-Territorial Family Law Committee (FLC) was established in 1981 as a standing committee reporting to the Deputy Ministers of Justice. Membership consists of the director of family law policy for each jurisdiction. The committee's mandate includes information exchange, development of family law policy and collaboration on inter-provincial and international issues. Among other areas, the FLC has responsibility for substantive legal policy in the areas of child support and maintenance enforcement, and was instrumental in the development of the child support guidelines. In-person meetings are typically held twice a year, supplemented by teleconference calls and working groups.

2.3.5 Federal-Provincial-Territorial Task Force on the Implementation of the Child Support Reforms

In May 1996, federal, provincial and territorial ministries approved a separate Task Force made up of jurisdictional representatives and representatives of the Child Support Team to implement the child support reform package. The Task Force was co-chaired by the Team Leader of the Child Support Team and a provincial official. The mandate of the Task Force was to coordinate the implementation of the child support reforms. Specific responsibilities included:

- overseeing issues pertaining to the allocation of federal financial contributions to the jurisdictions including participating in the establishment of funding criteria;
- providing advice and support regarding the communications and law information efforts;

- identifying, analyzing and making recommendations about the implementation of maintenance enforcement changes;
- developing strategies for implementing cost-effective variation processes and designing standard court forms and documents; and
- functioning as a forum for information exchange.

The Task Force met at least twice a year and held monthly teleconference calls. Some of its work was facilitated by standing and ad hoc sub-committees, including: maintenance enforcement, users of computer technology, research, reciprocal maintenance of support orders (REMO/RESO), section 25.1 (subsequently the Integrated Services Dispute Resolution Models Working Group)¹⁰ and communications sub-committees.

2.3.6 Child Support Advisory Committee

The Advisory Committee was established to provide external expert advice and assist in monitoring the implementation of the *Divorce Act* amendments and the guidelines, and to make recommendations to the Deputy Minister of Justice Canada on improvements to the regulations and legislation generally. The Committee was made up of about 15 members of the family law bar and other professionals, such as family mediators, the judiciary and academics. Chaired by the Team Leader, the Committee first met in March 1997 and twice yearly meetings were held until it was terminated in 2001.

2.3.7 Other Federal Government Departments

The Canada Customs and Revenue Agency, the Department of Finance and Human Resources Development Canada were involved in the Initiative with regard to a variety of issues, such as the changes in tax treatment of child support payments, the working income supplement, and the child tax benefit. Liaison between the Department and Foreign Affairs and Transport Canada was required with regard to passport suspension and federal licence suspension, respectively. Part of Statistics Canada, the Canadian Centre for Justice Statistics, was involved in the Initiative through its responsibilities for the development of a National Maintenance Enforcement Survey.

¹⁰ Section 25.1 of the *Divorce Act* provides for the establishment of a provincial child support service at the discretion of the jurisdictions.

The relationships between the Department and the other federal agencies occurred on an ad hoc basis, as issues arose.

3. APPROPRIATENESS OF PROGRAM DESIGN

This chapter summarizes the degree to which the design of the Initiative – its organizational structure, resources, tools, and monitoring and measurement exercises –was appropriate given the Initiative’s objectives and mandate.

3.1 Organizational Structure

3.1.1 Child Support Team

A team model was used to implement the Child Support Initiative. The main elements of this approach were (a) one federal official accountable for all activities of the Child Support Team; (b) a multidisciplinary staff who were physically located together; and (c) a coordinated approach among Team members to most if not all activities. By and large, this model achieved considerable success during the implementation of the Initiative.

In organizational terms, having one person accountable for the results of the Initiative was clearly advantageous. In previous initiatives, units that received funding continued to report along the standard lines – usually to different Directors General/Senior General Counsel and at times, to different Assistant Deputy Ministers (ADMs). This meant that accountability for results would rest either with an ADM or the Deputy Minister, who of course are not in a position to provide the level of attention to day-to-day operations required to ensure the success of an initiative. As a result, in previous initiatives, accountability in effect would devolve to lower levels and no one person was, or could be, held accountable for their success.

Under the Child Support Initiative, however, all functions reported through Coordinators to the Team Leader whose sole job was to ensure that the objectives of the Initiative were achieved. The Team Leader had the authority to redirect efforts and reallocate resources as required to meet objectives. These activities were difficult under previous initiatives. A good deal of the success of this Initiative was attributable to the fact that one person was accountable and that all

or virtually all of those responsible for Initiative activities reported to that person. In addition, both the Team Leaders had a clear vision of what was required and made constant efforts to ensure that staff shared that vision.

The multidisciplinary nature of the Child Support Team was of benefit to those involved, because of the stimulus provided by working with staff with different backgrounds and the ease by which these colleagues could be consulted. The team approach required “more work” of the staff because of the need to learn about areas outside of their own expertise and to participate in decision-making in those areas. As one respondent put it, the approach “does not run itself; it needs active effort to make it work and continuing commitment” on the part of all involved. In addition to benefiting the Team members individually, the multidisciplinary approach benefited their work – the various units of the Team provided input to decision-making on a number of activities. This greater interaction among the disciplines probably improved the quality of the decisions. It also led to a more coherent approach to the policy development, communications, program funding and research activities of the Initiative. There is also evidence to suggest that such interaction was helpful in the policy development process: researchers were responsible for operationalizing the different models for the child support table amounts. As will be seen in the next chapter, most people believe the formula for the table amounts has generated fair and equitable amounts for child support. The consensus of persons interviewed was that the team model was a more effective way of conducting an initiative than the more usual approach in the Department, whereby the different disciplines remain in their home sections and come together only to discuss specific issues.

Although Team activities were well coordinated at the senior level, some of the more junior staff were not sufficiently knowledgeable about the activities of their counterparts in other units of the Team, a situation that on occasion contributed to duplication of effort. For example, a number of provincial representatives mentioned that they had been asked the same questions by different Team members. This situation may have been exacerbated by staff turnover: with a fairly constant intake of new staff, efforts should be continually directed towards encouraging interaction at all levels, not only at the coordinator level

The division of responsibility for support enforcement between the Child Support Team and the Family Law Assistance Section was questioned by some federal officials. Some departmental respondents mentioned that while jointly undertaken activities were generally successful, the collaboration between enforcement policy officials in the Team and FLAS staff might be improved if the FLAS were in the same section as others responsible for family law matters. This perspective was not shared by all officials. Others said that the separation of the FLAS

from personnel in the Family, Children and Youth Section permits an independent assessment of policy issues affecting the FLAS.

A disadvantage of the organizational structure as initially constructed was the separation of the Child Support Team from the other family law personnel in the Department. This situation seems to have reduced interaction among policy officials and hindered the development of an integrated approach to child support and custody and access. From the perspective of ongoing policy development, the integration of child support and other family law issues is needed because of the close relationship between child support and custody and access, legal and programming issues. This problem was resolved with the merging of the Team into the FCY Section.

3.1.2 Committee Structure

The FPT Task Force on the Implementation of the Child Support Reforms was a productive and effective approach to implementation. Respondents suggested that in the future, the federal Department of Justice should consider the establishment of a similar group when there is a substantial implementation component. In the view of almost every respondent, the FPT committee structure improved the effectiveness of the Child Support Initiative.

Important benefits of the Task Force and its sub-committees were the personal contacts made, and the opportunity to share information and ideas and to learn how others were implementing aspects of the legislation. These factors in turn may have led to improvements in operations. Other than the members of the FPT Family Law Committee, family law personnel are relatively isolated from their counterparts in other jurisdictions. The opportunity to develop personal contacts with colleagues was welcomed by participants in the Task Force and its sub-committees. The advantage of interaction at meetings and conference calls should not be overlooked, given the substantial differences among jurisdictions in practices and procedures. In addition, the members of the Task Force also “educated” federal officials on the differences in the functioning of their family law systems. Federal officials clearly benefited from the information sharing that occurred.

A few respondents mentioned that there were too many sub-committees of the Task Force. Conversely, others spoke of the sub-committees with approval, suggesting that they were very useful in meeting the goal of information sharing among jurisdictions. Still others mentioned that it was appropriate to have short-term sub-committees that tackled specific problems and then

disbanded. At the same time, it is important to ensure that sub-committee discussions do not overlap with each other or with the Task Force as a whole – information sharing (e.g., by means of regular reports to the group and/or distribution of minutes of meetings¹¹) would assist in reducing any duplication or overlap.

From the perspective of most respondents, the Child Support Advisory Committee was an excellent way for the federal government to solicit, informally, the experience and opinions of family law practitioners from across Canada. Most regarded the mix of membership as appropriate.¹² A few Committee members expressed discontent with the Committee: the meetings could have been better organized; the group had an over-representation of prominent stakeholders (only later in the Committee's life was a legal aid lawyer appointed); and there was an over-representation from central Canada.

3.2 Resource Levels

Table 3.1 presents the resources available to the Child Support Initiative, as well as the actual expenditures. Vote 1 resources include salaries for 32 persons and associated overhead costs and contracted goods and services, while vote 5 refers to the financial agreements with the provinces and territories. In addition to the resources listed below, funds were allocated by Treasury Board to the Canadian Centre for Justice Statistics for the development of the National Maintenance Enforcement Survey.

The higher-than-expected estimated expenditures for FY 2000-01 for vote 5 are the result of reprofiling amounts from previous years. Much of the difference can be attributed to the reprofiling of the Ontario allocations. Roughly \$2.6 million was reprofiled to partially fund the extension of the Initiative, leaving \$5.4 million that was not spent.

¹¹ The Enforcement Sub-committee provided meeting minutes and updates to the Task Force, the MEPs, and the Family Law Committee as appropriate.

¹² Members of the Advisory Committee included family law lawyers in private practice, judges, an accountant, a legal aid lawyer, and a non-legally trained family mediator.

Table 3.1
Resources and Expenditures of the Child Support Initiative, FY 1996-97 to FY 2000-01 (in millions of dollars)

	1996-97		1997-98		1998-99		1999-2000		2000-01		Total
	Vote 1	Vote 5	Vote 1	Vote 5	Vote 1	Vote 5	Vote 1	Vote 5	Vote 1	Vote 5	
Policy development & research	.287		1.356		1.351		1.156		1.037		5.186
Policy implementation	1.025	.419	1.746	17.19	1.315	20.33	1.135	14.51	1.158	11.01	69.837
Communications and PLEI	.533	.051	4.860		2.319		.814		.600		9.177
Management and coordination	1.385		1.56		1.638		1.604		1.689		7.873
Total initial resources	3.230	0.47	9.522	17.19	6.623	20.33	4.709	14.51	4.484	11.01	92.073
Total expenditures	1.445	.063	4.963	15.90	4.123	17.07	3.917	13.22	6.201	13.77	80.672

Note: The vote 5 amount for FY 2000-01 in italics is projected rather than actual expenditures.

Source: Family, Children and Youth Section, Department of Justice Canada.

Staff of the Child Support Team increased from fewer than ten to over 30 persons by the third year of the Initiative. Staff resources were sufficient to undertake the tasks involved in the Initiative (other than in 1996 and 1997), but it is not known if these resources were more than adequate. Several Team members commented that there was much more work than had been originally anticipated.

A much larger policy role in REMO/RESO issues than predicted was assumed by the Team. REMO/RESO previously had not high priority in either level of government and had come to the fore because of a growing realization that this was a neglected policy and program area to which the federal government could contribute. Because reciprocity by its nature involves multiple governments, including foreign governments, a federal coordinating and support role is required.

The Initiative had access to generous financial and human resources but it also accomplished a great deal. The size, specialization and resources of the Child Support Team enabled the development and dissemination of a large number of products including research agendas, communications and training material, case law summaries, research reports and policy documents. A by-product of the availability of generous resources is that the activities of the Initiative were very well documented.

Few respondents indicated that costs could have been reduced. Among the suggestions were fewer sub-committee meetings and not undertaking the television advertisement on the importance of paying child support.

With regard to the contribution fund amounts (vote 5), an initial rationale for the federal assistance was the anticipation of a flood of requests for variations to existing child support orders. The provinces and territories argued that the projected caseload increases would

overwhelm their family courts and that they required assistance to devise methods of accommodating to this situation. When it turned out that the flood did not occur in most jurisdictions, programs and services refocused to meet other needs that furthered federal policy objectives, such as providing services to unrepresented litigants seeking new orders and variations in existing orders. This response was prompt and appropriate. Whether a similar situation – that is, anticipated situations that do not come to pass – could be avoided in future initiatives is difficult to determine. In general, when changes to federal criminal or family legislation occur, provincial/territorial personnel want to be able to respond promptly to possible work- and caseload effects of changes to federal laws in order to avoid court backlog and delay.

3.3 Performance Measurement

3.3.1 Provincial/territorial Programs

Performance measurement was not requested of the jurisdictions at the outset of the Initiative although contribution fund staff encouraged the provinces and territories to collect monitoring data on the projects to which the federal government contributed funds. The amount of information provided by the jurisdictions in annual reports differed widely. In the majority of jurisdictions, family law and enforcement officials lacked experience in proposal preparation and report writing as well as performance measurement. At the beginning, the annual reports were narratives, but with federal encouragement, some jurisdictions included monitoring data on their activities. A federal respondent indicated that some jurisdictions were reluctant to provide monitoring information even when it was available. By and large, a slight improvement in reports on program activity was found by the conclusion of the Initiative, but the information contained in reports lacked consistency.

This evaluation was hampered by the absence of consistent information across jurisdictions on the “reach” of programs and services to which the federal government contributed funds. It would have been helpful, for example, if all parent education programs had tracked the number of male and female participants and their respective completion rates, or if mediation programs had monitored the outcomes of mediation services. At present, this type of data is only available if the program was evaluated. If the jurisdictions had been informed at the outset that some monitoring data were essential *and* participated in a coordinated process to develop indicators, then project reporting would have been greatly improved. Future FPT initiatives might want to consider this approach.

Several programs to which federal financial assistance was directed were evaluated. A disproportionate number of the evaluated projects were located in the Atlantic provinces. Evaluations were done only with the cooperation of the provinces, and not all jurisdictions agreed to an assessment of their pilot projects.¹³ In terms of content, most evaluations were of the “process” rather than “outcome” type; that is, they were descriptive in nature, designed with a view to exploring how the programs were working, not their impacts. This is not necessarily a criticism. The monies available for evaluation (\$368,000 were spent on project evaluations) tended to preclude outcome assessments of “success” in meeting objectives, as did the short time frames. Outcome evaluation is both costly and time consuming. However, process and implementation evaluations are extremely useful for identifying operational problems and ensuring that the project is “on track”.

The lack of outcome data makes it difficult to determine with certainty whether these projects are meeting federal policy objectives. Other (e.g., United States) research on parent education and mediation projects has fairly consistently found that they are suitable approaches to reducing conflict between parents, at least in the short term. It is less clear if these programs make the legal processing of separation and divorce cases more efficient.

In the future, in order to increase provincial/territorial participation in performance measurement, representatives should be informed of the need to collect monitoring data at the outset, involved in the development of the information to be collected, and given feedback on the results. This approach may increase “buy in”. It is noteworthy that the requirement for feedback will necessitate the allocation of federal staff time to the exercise.

3.3.2 Performance Measurement within the Child Support Team

Performance measurement was not consistently attempted by all units of the Child Support Team although some performance measurement activities were undertaken. For example:

- At the beginning of the Initiative, guidelines policy staff regularly sought written feedback from their audience at informational and training sessions.
- Enforcement policy staff assessed meetings held under its auspices.
- Staff of the Communications Unit took steps to obtain feedback from users of publications by inserting response cards in the publications, which asked the reader’s

¹³ Some projects were not amenable to evaluation (e.g., additional court administration staff; projects that started only recently).

reactions on several dimensions such as overall quality, organization and clarity of the material. In addition, the number and type of calls to the toll-free information line were monitored and, at random, callers were questioned on their attitudes towards the information that they had received.

For the first two or three years of the Initiative, objectives were identified and targets were established. These activities were not continued at the same level. The main reason cited was that other tasks took priority. An on-site evaluator was present during the initial period and performance measurement and allied activities were strongly encouraged. Once that position was no longer full-time and on-site, the absence of ongoing encouragement may have contributed to the falling off of monitoring activity.

3.4 Summary

Based on the experience of both provincial/territorial and federal officials, the Child Support Team model, the Task Force and committee approach were successful in implementing complex legislative and policy changes. Given the amount of coordination that was required and the breath and scope of the Initiative, the accomplishments of the Team are impressive. Most respondents indicated that the team approach should be used again. Some respondents from the provinces and territories recommended that the Child Support Initiative should be a model for future changes in areas of shared jurisdiction where there is a large implementation component.

In the area of performance measurement, lessons have been learned. While the Team members gained experience they lacked the impetus to continue performance measurement in a consistent fashion. As in most initiatives, more encouragement is required for ongoing performance measurement to be instituted. One possible approach is to build measurement activities into the responsibility of selected (if not all) staff. In order to encourage projects that receive federal funding to measure their performance, a contractual requirement in conjunction with federal assistance in developing measures may be necessary.

4. SUCCESS OF THE POLICY DEVELOPMENT AND COORDINATION COMPONENT

This chapter describes the degree to which the policy development and coordination component of the Child Support Initiative met its objectives relating to the child support guidelines and to the support enforcement changes that were contained in Bill C-41 and its regulations. It also examines federal coordination with the provinces and territories and federal agencies and other groups that assisted in the implementation of Bill C-41 and the accompanying regulations.

4.1 Child Support: The Introduction of the Child Support Guidelines

In relation to child support, the overall objectives of the policy development and coordination component were to

1. establish fair standards of child support, with fairness being defined as equitable for both parents. Fairness can be operationalized as the perceived adequacy or appropriateness of the amounts in the child support tables as well as the perceived fairness of the other provisions of the guidelines such as special and extraordinary expenses and undue hardship.
2. ensure consistent treatment of spouses and children who are in similar circumstances. “Similar circumstances” can be operationalized as families who are in the same income category. Consistency also refers to similarity in award amounts across jurisdictions since under the former child support regime, jurisdictional variations in awards were frequently cited.
3. reduce the conflict in the determination of child support. Tension and conflict between parents that arose from the lack of certainty with regard to child support awards were seen as a feature of the former approach to child support.
4. improve the efficiency of the associated legal processes. It was anticipated that the introduction of presumptive guidelines would provide spouses and courts more guidance

in setting the levels of child support orders, thereby encouraging settlement of disputes on amounts.

5. coordinate the development and implementation of the federal and provincial/territorial guidelines.

An implicit objective was to assist in the integration of other activities of the Initiative, such as research and communications.

Section 4.1 first examines whether these objectives have been met and then briefly examines the evidence on whether the amounts of child support awards have changed. The sources of information are research done by or under contract to the Child Support Team, research done by the provinces/territories funded in whole or in part by the federal government, and research undertaken for this evaluation.

4.1.1 Fairness

Three studies examined *parental perceptions* of fairness. A national survey of separated and divorced parents found that the guidelines received an average rating of seven out of ten on a fairness scale that went from one to ten (Canadian Facts, 2000). The payers of child support interviewed were less likely than recipients to rate the guidelines as being fair to the payers. A survey of Alberta parents who participated in the province's parent education program, Parenting after Separation, found that almost three-quarters agreed that the guidelines set a fair standard of support for children (Sieppert et al., 1999). In contrast, in the fall of 1998, about 55 percent of recipients and 41 percent of payers who were enrolled in the Family Maintenance Enforcement Program in British Columbia believed that the amounts were fair (Canadian Facts, 1998b). The lower percentages in this study may be related to the nature of the sample: because they are disproportionately in lower income groups,¹⁴ clients of MEPs are not representative of all recipients and payers. The recipients may be dissatisfied because the amounts they receive are relatively low and payers dissatisfied because the amount to be paid under the guidelines is relatively high when their disposable income is taken into consideration. Despite these qualifications, it appears that most parents believe that the guidelines are fair.

¹⁴ In most if not all provinces and territories, support recipients who receive social assistance are required to register with the maintenance enforcement program. For example, in Ontario, roughly one-half of those registered with the Family Responsibility Office are on social assistance.

Complementing this perspective, most *professionals* including family law practitioners and provincial and territorial officials responsible for child support view the guidelines as equitable. A substantial majority of the respondents interviewed for this evaluation agreed that fairness had been achieved, at least for the vast majority of parents. Similarly, the responses of family law practitioners to questionnaires distributed at continuing education programs were also positive: a 1998 survey of largely western Canadian professionals revealed that three-quarters agreed that the guidelines established a fair standard of support for children (Paetsch et al., 2001b; 1998), and slightly over one-half of family law lawyers participating in continuing legal education sessions in 1999 agreed with a similar statement (Child Support Team, 2000a).¹⁵

Among stakeholders interviewed in 2001 for this report, only a minority raised concerns about fairness. This group suggested that the table amounts were unfair or unrealistic for cases where there is a large disparity in the income of the payer and recipient (in either direction), for payers in the lowest income category, for payers with high access costs, and for those with second families.

A small number said that equity was not achieved because the table of awards does not take into account the income of the residential parent; almost all in this group were family law lawyers. In addition, non-custodial parents earning over \$150,000 – acknowledged to make up a very small percentage of the affected population – were believed by a few family law lawyers to be paying “too much” child support, thereby reducing fairness.

The undue hardship provisions were designed to be an “escape clause” to meet unusual situations of recipients and payers. Very few government officials and other stakeholders raised the undue hardship provisions in relation to fairness.¹⁶ All respondents said that the test for undue hardship presented a difficult standard to meet, few applications were made, and even fewer applications were successful.¹⁷ The Survey of Child Support Awards confirms this perception: less than one percent of divorce cases involved a successful undue hardship application (Bertrand et al., 2001). Only a small minority of professionals interviewed expressed interest in easing the requirements of the undue hardship test.

¹⁵ Neither samples were random; rather, as noted, the respondents were attendees at conferences/educational sessions who agreed to complete the questionnaires distributed at these meetings.

¹⁶ Undue hardship is more often raised by the payer than the recipient. The unavailability of legal aid for medium to low income parents may affect the use of the provision, but there is no evidence on this topic.

¹⁷ According to federal policy personnel, the undue hardship provisions were always intended to be used sparingly and were designed with this objective in mind.

In sum, from the perspective of parents and family law practitioners and other officials, the guidelines resulted in increased fairness and equity for most separating and divorcing couples.

4.1.2 Consistency¹⁸

One indicator of whether or not consistency is being achieved is the extent to which courts are following the guidelines. Data from the Survey of Child Support Awards show that amounts received by two-thirds of sole custody cases¹⁹ were the same as the table amounts and approximately 30 percent were higher than the table amounts (Bertrand et al., 2001). These data suggest that consistency has been achieved for the majority of divorcing families.

The very large majority of stakeholders interviewed for this evaluation said that the guidelines have improved the consistency of child support awards. It was emphasized, however, that consistency is most likely to be achieved in the simple cases, such as when the payer is on a salary as opposed to being self-employed,²⁰ the case involves sole custody, and special expenses are straightforward. The majority of cases fall into the straightforward category.

Inconsistency in amounts was attributed to the discretionary aspects of the guidelines, such as special expenses. While special expenses are ordered in a minority of cases, the proportion is still substantial: in the Survey of Child Support Awards, just over three out of ten cases involved special expenses.²¹ Commentators have suggested that variations in the case law on the interpretation of extraordinary expenses have affected inter-jurisdictional consistency to some extent (Miller, 1998).

Consistency is also potentially affected by the existence of informal support arrangements. There is evidence that a substantial minority of parents do not have formal agreements. The analysis of the National Longitudinal Survey of Children and Youth by Marcil-Gratton and Le Bourdais (1999) found that 32 percent of the children in the sample had arrangements described as “private” as opposed to court-ordered agreements. As one family law lawyer said, some parents make “deals” without consulting a lawyer – because they want to “do whatever they can

¹⁸ Payers and recipients of child support are not likely to be able to address the question of improved consistency in awards.

¹⁹ This analysis was limited to sole custody matters because other custody arrangements include a discretionary aspect with regard to the amount of the child support award.

²⁰ An analysis of 1995 income tax returns of persons reporting paying or receiving support found that 16 percent of support payers reported some self-employed income (Child Support Team, 2001).

²¹ In the Survey overall, 31 percent of cases involved an award for special expenses, but the proportions differed greatly by province/territory and by the income of the non-custodial parent.

to avoid the system”. We do not know the extent to which these private arrangements involve different amounts from those found in the guidelines, but it is likely that consistency is at least somewhat reduced.

In addition, from 32 to 43 percent²² of separated or divorced Canadians with dependent children lack any type of child support arrangement, either private or court-ordered (Marcil-Gratton and Le Bourdais, 1999;²³ Canadian Facts, 1998b). Those without an agreement are more likely to be older, women, not in the labour force, and to have lower household incomes (Canadian Facts, 1998). Compared to persons with an agreement, a larger proportion of the no-agreement group were currently married and did not have children living at home. Therefore, some of this group may not have a financial relationship with their ex-partner, perhaps because of remarriage or because the children are older.²⁴ Others may be “outside the system”, either unable or unwilling to access the justice system to obtain child support (Canadian Facts, 1998b).²⁵

Another factor that affects the consistency in amounts is the fact that many parents with pre-guidelines arrangements did not return to court to vary the order after the introduction of the guidelines. Therefore, many pre-guideline arrangements are still in effect. At the inception of the guidelines, many predicted that a large number of parents would return to court to take advantage of the change in law, especially perhaps the change in the tax treatment of child support payments. In most jurisdictions, the anticipated influx of requests for variations in child support did not occur, or did not occur to the extent expected. Since consistency was not necessarily a factor in pre-guidelines agreements – all arrangements were decided on a case-by-case basis – the continued existence of these agreements affects the extent to which consistency can be achieved.

The 1998 national survey (Canadian Facts, 1998b) found that changes to child support laws would not motivate parents to renegotiate their agreement. Although persons who were dissatisfied with their current agreement were more likely to consider renegotiation (31 percent) than the total sample (17 percent), still a substantial majority indicated that they would not renegotiate the child support amount with their ex-spouse.

²² The percentages vary by study.

²³ The National Longitudinal Survey of Children and Youth (wave one in the mid-1990s) found that only 17 percent of divorced couples lacked any type of agreement compared to 37 percent of married/separated couples and 42 percent of common-law/separated parents (Marcil-Gratton and Le Bourdais, 1999). There were variations in these proportions by region.

²⁴ Research shows that the older the children, the less likely non-resident fathers are to remain involved (e.g., Moyer, 2001).

²⁵ The survey did not ask how long ago the parents had separated, so it is not possible to determine if those separated or divorced after May 1997 were more likely to have support agreements.

Possible reasons why relatively few parents took the opportunity of the legislative changes to apply for a variation of an existing order include:

- parents wanted to avoid a renewal of parental conflict;²⁶
- parents were able to negotiate satisfactory but informal arrangements without the assistance of the legal system;
- the pre-guidelines amount was roughly equivalent to what could be expected after a successful variation application;
- parents preferred not to incur the trouble and expense of going back to court for relatively little return; and
- parents lacked information on the changes (see below, section 5.1.7).

The lower-than-expected number of variations is a short-term issue, however, as over time the number of parents with pre-guidelines orders will decrease as children mature and become ineligible for child support.

In summary, consistency has been achieved for the straightforward cases where the separation or divorce is processed by the system. Given the relatively large proportion of parents without a private or a court-ordered child support agreement (from 32 to 43 percent, depending on the information source), it is less clear whether the objective of consistency in child support arrangements is a reality for all Canadians. This situation may not be one that can be readily addressed by the justice system; some parents may never be reached by the child support guidelines.

4.1.3 Parental Conflict

The guidelines including the table amounts are mandatory. Separating and divorcing couples therefore know in advance what a court must order for child support. The framers of the guidelines assumed that the conflict in arriving at a mutually agreeable amount for child support would diminish. Although there is no direct quantitative evidence on changes in the degree and type of conflict between parents since the implementation of the guidelines, the perceptual data

²⁶ For example, some parents may reject any contact with their ex-partner, even if that contact is at arm's length. Most family law practitioners attributed the fewer-than-expected number of variation requests to the desire to avoid any renewal of conflict.

available suggest that there may have been a reduction in conflict around the determination of child support because of the guidelines.²⁷

The majority of *separating and divorcing parents* who participated in Parenting after Separation educational sessions in Alberta agreed that “the guidelines reduce conflict and tension between partners by making the calculation of child support orders less biased” (Sieppert et al., 1999). Conversely, the survey of B.C. child support recipients and payers on the caseload of the MEP in that jurisdiction who had pre- and post-guidelines agreements found that there were no significant differences in the extent of respondent reports on conflict about child support when pre-guidelines cases were compared with post-guidelines cases (Canadian Facts, 1998b). It should be noted that there are two methodological concerns about this study. First, respondents may not have accurately remembered the degree of their earlier conflict accurately and second, the sample may not be representative of support recipients and payers in general.

The large majority of *family law practitioners and other stakeholders* interviewed for this evaluation believe that the amount of conflict over child support has decreased because of the guidelines. They stated that conflict is particularly reduced in cases where custody and access are not in dispute and where income is easily determined. A substantial group, albeit a minority, stated that “conflict is coming out in other ways”, such as in disputes over custody, access or matrimonial property.²⁸ In this view, among parents in high conflict relationships, the areas of dispute have simply shifted from child support to other matters. In particular, these stakeholders commented that there is increased litigation on the 40 percent standard for shared custody; this observation is related to the fact that the support amount often changes (decreases) when custody is shared between the parents.

Seven out of ten professionals who attended a 1998 British Columbia information session on family law believed that the guidelines had met the objective of reducing conflict between parents (Paetsch et al., 2001b; 1998). The majority of family law practitioners, including mediators, canvassed at continuing education programs in 1998 and 1999 also agreed that the guidelines were successful in reducing conflict and tension between parents (Child Support Team, 2000a).

²⁷ Pre- and post-Guidelines studies of separating and divorcing parents would have been required in order to explore whether the guidelines affected the conflict between parents on child support issues. The research cited here relies on retrospective accounts by parents, which are prone to memory loss and the influence of intervening events.

²⁸ In the survey of mediators done in 1999, mediators were asked whether mediation of custody and access issues had changed after the guidelines. About one-third said that it is harder to mediate custody and access since the guidelines came into effect but the majority of respondents (53 percent) said they found no difference or that it is easier now (Child Support Team, 2000a).

Another indicator of parental conflict is the percentage of cases that litigate. The majority of family law practitioners interviewed for this evaluation said that the guidelines contributed to a reduction in the number of cases litigated on child support issues. Also, lawyers at continuing legal education seminars estimated that there was a substantial increase in the percentage of parents who settle by consent since the implementation of the guidelines (Child Support Team, 2000a). Consistent with this, the Survey of Child Support Awards found that the vast majority (about 90 percent) of child support cases dealt with under the guidelines were settled by consent (Bertrand et al., 2001).

A few respondents argued that it should be recognized that the legal structure cannot change the amount of conflict between separating and divorcing parents – only programs can. From this perspective, more parent education, mediation and other alternative dispute resolution programs are important components of reducing conflict.

By and large, therefore, family law practitioners and provincial/territorial officials believed that in the majority of cases, parental conflict over the determination of child support has been reduced by the guidelines. The exceptions are more complex cases where discretion is required. While new programs and services addressing parental conflict, directly or indirectly, were introduced in most jurisdictions during the Initiative, no respondent attributed the perceived reduction in conflict to these programs. While new programs may have assisted in achieving reduced parental conflict *in general*, respondents attributed most of the decrease in parental conflict *on child support amounts* to the legislation, not to programs.

4.1.4 Efficiency of Case Processing

The guidelines were intended to improve the efficiency of the legal process by giving greater guidance to the courts and to parents in establishing the levels of child support orders and encouraging settlement earlier in the process than in the past. This objective appears to have been largely achieved, according to parents and stakeholders.

The limited data on changes in case processing suggest that the guidelines have been effective in increasing efficiency. As already mentioned, the Survey of Child Support Awards found that about nine of ten divorce cases are settled on consent. Participants in Alberta's Parenting after Separation seminars were asked about this Guideline objective: 80 percent agreed that the guidelines make the legal process more efficient (Sieppert et al., 1999).

The large majority of family law practitioners, including mediators, surveyed in 1998 also believed that efficiency had improved because of the guidelines (Paetsch et al., 2001a; 2001b; 1998; Child Support Team, 2000a). When asked specifically about the speed with which cases are being resolved, about three out of four lawyers either agreed or strongly agreed that “cases are being resolved more quickly since the implementation of the guidelines” (Paetsch, 1998; Child Support Team, 2000a). Almost two-thirds of mediators said that agreements were reached more quickly since the guidelines began and 16 percent said there was no change; only 6 percent said that agreements take longer than in the past (Child Support Team, 2000a).

The stakeholders interviewed for this evaluation also agreed that the efficiency of the separation/divorce process had been improved by the guidelines. According to most provincial/territorial respondents and family law practitioners who felt able to comment on this question, the processing of straightforward cases (e.g., first marriages, employed as opposed to self-employed non-custodial parents) is faster in terms of child support issues. This is because in the simple cases the amount is predictable. Indeed, the award amount is a “given”. It was noted, however, that their perceptions were impressionistic, based on anecdotal information rather than quantitative data.

Some respondents noted that the addition of services such as mediation might have contributed to the increased efficiency of the separation and divorce process, but the introduction of the guidelines was seen to be the paramount factor in the speed of settlement of child support issues. As indicated above, there was the perception that litigious couples found other areas of dispute (custody, access or property settlements, for example) when the determination of child support was not at issue.

Thus, the weight of the evidence suggests that the efficiency of case processing is improved and the speed of settlement of child support issues has increased, and that these changes can be attributed to the guidelines.

4.1.5 Coordination of the Development and Implementation of the Guidelines

Coordination can be defined as managing dependencies between activities. The federal government is responsible for the *Divorce Act* whereas the provinces and territories are responsible for separation and the administration of justice as well as the delivery of all programs in the family law area. Therefore, there is a mutual dependency between the two levels of government: the federal government relies on the provinces/territories to ensure that the same

rules apply to separation *and* divorce and to provide services that give effect to legislative changes. This is the rationale for the provision of federal financial assistance to the provinces for family law services.

The adoption of the guidelines by most jurisdictions can be seen as an indicator of the success of federal coordinating activities.²⁹ The participation of all jurisdictions in the FPT Family Law Committee and the Task Force on the Implementation of the Child Support Reforms³⁰ contributed to this outcome. During the development of the guidelines, the FLC had the primary policy development role. In 1995, Committee members decided on the objectives and approach to be taken by the federal government. Consensus decision-making was a feature of the process and the time required for development of the guidelines allowed for resolution of a wide variety of related issues. The Department of Justice Canada then assumed the major responsibility for operationalizing the guidelines into legislation and regulations, with the continued close involvement of the FLC. Thus, policy development was done in collaboration with the jurisdictions and as a result, consistent policies were developed in almost every jurisdiction.

Once the legislation and its regulations were proclaimed, several FPT committees were established to implement the changes, with logistical and other support provided by members of the Child Support Team. The FPT Task Force on the Implementation of the Child Support Reforms, its sub-committees and working groups were an integral part of the coordination process. The Team took on the national coordinating role within this context. For example, federal legal policy personnel provided support and assistance that facilitated the adoption of the guidelines by the jurisdictions.

Few if any gaps in activities were identified by officials interviewed, and duplication of effort was said to be minimal. Information was shared among jurisdictions and between levels of government and most of those responsible for guidelines implementation were well informed. At the same time, as a provincial respondent commented, “the emphasis on involving jurisdictions sometimes resulted in consultations moving too slowly; there was a struggle for consensus where there was unlikely to be any”. As did others, this official said that the federal Team “did a good job of consulting”.

²⁹ The only jurisdiction that did not adopt the guidelines was Québec. Even in this case, coordination influenced some aspects of that jurisdiction’s policy and legislation: efforts were made to integrate and clarify when each set of guidelines would be used.

³⁰ One of the contributors to the success of coordinating activities was the provision of federal funding for a designated contact person in each jurisdiction; this official was also frequently the jurisdiction’s representative on the Task Force.

Representatives of the provinces and territories do not generally perceive that the functioning of their family courts and supporting programs are “coordinated” by the federal government, except in terms of the federal role as a conduit of information among jurisdictions and as a source of financial assistance. However, it is clear that the Initiative, through the efforts of the Child Support Team and FPT committees, contributed to the relatively uniform implementation.

4.1.6 Changes in Child Support Amounts

An increase in the amounts of child support amounts was not an explicit objective of the guidelines. On the other hand, to many observers information on changes in the amounts is necessary in order to fully assess the success of the guidelines.

There are only limited pre-guidelines data on the amounts of child support awarded prior to the proclamation of the guidelines. The two sources are interviews done for this evaluation and an analysis of quantitative data from 1991 and 1992 (Stripinis, 1994) compared to data collected by the Survey of Child Support Awards from 1998 to 2000 (Bertrand et al., 2001). With regard to interview findings, there was no consensus among respondents interviewed in 2001 on whether child support amounts had changed. A number said that the extent of the change, if any, depended on the income of the payer and the number of children involved.

A comparison between the 1991-1992 data and data from the Survey of Child Support Awards³¹ found that, for sole custody cases: (a) the post-guidelines amounts were higher than the pre-guidelines amounts, (b) payer income is a stronger predictor of the post-guidelines amount than it was pre-guidelines, and (c) for lower and high income parents, the post-guidelines amounts were significantly higher than before the guidelines were implemented.

Among the drawbacks to this analysis of the effects of guidelines on child support amounts are small sample sizes, which prevented a breakdown by jurisdiction, and the age of the pre-guidelines data. These factors are problematic because many stakeholders believe that there were differences by jurisdiction in award amounts prior to the guidelines. For example, Alberta had high pre-guidelines child support awards because of a higher court ruling (*Lévesque*) in that jurisdiction. In addition, it is believed that the amounts of awards increased between 1992 and 1997 when the guidelines came into effect (Bala, 1999). This perception, if accurate, suggests that the increases, at least in part, may have predated the start-up of the guidelines at least in some jurisdictions.

³¹ This comparison took into consideration the changes in the taxation rules for child support payments.

In conclusion, there is no definitive way of identifying how much child support amounts changed with the advent of the federal guidelines but there are indications that the size of awards may have increased.

4.2 Support Enforcement: Changes to Federal Enforcement Tools, Reciprocal Enforcement and Coordination Issues

The objectives of the support enforcement aspect of policy development were to assist the provinces and territories in enforcing support obligations by providing MEPs with new and improved enforcement tools, and to coordinate the implementation of these improvements. Staff of the Child Support Team also became involved in the coordination of reciprocal enforcement of support among the jurisdictions and between the jurisdictions and other countries.

Amendments to the *Family Orders and Agreements Enforcement Assistance Act* introduced the Canada Customs and Revenue Agency as an information source for the tracing of persons in default or in breach of a support order. The amendments also permitted the withholding of licences that are under the authority of the federal government, such as passports and licences issued by the federal Department of Transport. As part of the changes, the federal government introduced electronic access to the Family Law Assistance Section (FLAS) in the Department of Justice Canada by provincial/territorial maintenance enforcement programs: on-line access to the FLAS by means of the Internet, and bulk processing of requests for tracing, interception and garnishment by means of file transfer protocols were both part of the federal plan to reduce costs and increase the speed of the response by the FLAS.

This section first discusses the operational issues that have arisen from the introduction of electronic access to the FLAS. This is followed by a discussion of the success of each of the enhanced federal enforcement mechanisms. This section then describes the federal role in the reciprocal enforcement of maintenance and support orders (REMO/RESO) and concludes with a discussion of the federal coordinating role in support enforcement.

4.2.1 Operational Changes to the Federal Enforcement Program

On-line computer access was included in Bill C-41 to facilitate tracing and interception applications. While there have been improvements over time, the system interface between the

MEPs and the FLAS continues to present difficulties. Some MEPs are unable to transmit requests for tracing and interception on-line. The problems appear to be related to firewalls provincially and federally,³² changes in federal systems³³ and slow response times on Internet connections. This aspect of the Initiative continues to undergo developmental work.

In addition, file transfer protocol (FTP), which is a “batch” process for sending a large number of requests at once, is not used by most MEPs. Those that do use FTP find the process cumbersome – the requirement that an affidavit be sworn for each request sent via FTP is an impediment to the smooth functioning of this process. The federal government is considering changing this requirement.

A summary of the problems encountered can be found in the following comments by MEP staff contacted in 2000 (by the Child Support Team) and in 2001 (for this evaluation):

- Access to the FLAS system by means of the Internet must be faster. There continue to be delays in transmitting requests for tracing.
- Procedures to confirm or validate social insurance numbers (SINs) should be improved. Because of automation, manual checks of errors in SINs or missing SINs, which had been done before Bill C-41, had been abandoned by Human Resources Development Canada staff responsible for matching information provided by the MEPs to federal data banks.
- The affidavit requirements for the process of file transfer protocols should be removed.
- The reporting of tracing results should be improved. The material received back from the federal government is cumbersome and requires staff time for interpretation.
- More current debtor addresses and better employment information are required. Most information received by the MEPs is out-of-date.

Federal government officials are well aware of these concerns. Several projects have been undertaken to explore the reasons and provide possible solutions. Specifically, research has: looked at the verification of the social insurance numbers by Human Resources Development Canada (i.e., those that are provided by the MEPs in tracing applications); examined methods of improving tracing services to locate debtors; collected detailed information on MEP procedures and tracing needs; reviewed “new hire” programs in the United States; and, reviewed federal databases that could be used to provide data on newly hired employees. As a result of the latter

³² Because of the security requirements of the *FOAEA* system, provinces needed to install security software in their systems that were not necessarily compatible with their existing systems. This factor, together with problems of incompatibility between *FOAEA* and the provincial firewalls, has led to delays in provinces using the new *FOAEA* system to its full potential.

³³ For example, the changes required to the FLAS systems because of Y2K.

projects, a long term plan was developed for implementation of a federal tracing service that includes information on newly hired employees.

Some MEP respondents commented that the federal government did not take sufficient time to identify the potential problems in developing an electronic interface with the jurisdictions before system development began. Although the federal government did consult with the jurisdictions during the development of electronic access to the FLAS, the area is both highly technical and evolving. It should not be surprising that interface with 12 (now 13) different government agencies proved difficult. It may be that neither the MEPs nor the federal government had sufficient experience or expertise in the design of such systems and, as a result, many of the problems were not anticipated. Another important factor is that the computer systems of MEPs are at widely varying levels of development. At present, the full potential of on-line access to the FLAS has not yet been achieved.

4.2.2 Improvements in the Tracing of Debtors

The purpose in adding Revenue Canada, now the Canada Customs and Revenue Agency, to the databases searched by the federal support enforcement program³⁴ was to increase the ability of provincial/territorial MEPs to locate debtors. In particular, the residential address of the debtor and the name and address of debtor's employer – obtained from income tax returns – were to be provided by this new source of information.

As a result of the introduction of electronic transmission to the FLAS discussed above, in Canada overall, the number of requests for tracing information *declined* from fiscal years 1996-97 to 1998-99. By FY 2000-01, however, the number of tracing requests was almost as high as in FY 1996-97 (13,800 compared to 14,200), suggesting that problems relating to electronic transmission may be in the course of resolution. In FY 2000-01, the MEPs in Alberta, Ontario and New Brunswick made fewer applications for tracing than they did in the year prior to the Initiative. These decreases may be related to the lack of dedicated search resources (e.g., staff) or other operational issues in these MEPs.

The effect of the addition of location information from income tax returns was further diminished by the age of the information. The location and employers of debtors, many of

³⁴ Federal information banks housed at Human Resources Development Canada were already used before the Initiative to help to locate individuals who had breached child support orders or spousal agreements.

whom exhibit highly mobile employment patterns, are often out of date by the time that the MEP receives the information back from the federal government.

In summary, the changes to federal tracing have had no or only a slight impact on support enforcement because of operational constraints and because information on the address or employer of the debtor is often outdated. As indicated in the last section, the federal government is addressing this situation by exploring the utility of adding more “locate” sources within the federal government.

4.2.3 Interception/Garnishment of Funds

Interception of federal funds such as income tax and GST refunds did not greatly change with Bill C-41. The main changes were that MEPs are no longer required to provide a copy of the child support order and the application process can be done electronically. Both changes were intended to improve the ease by which the funds can be intercepted.

Provincial/territorial respondents were satisfied with the interception of federal funds owing to the debtor, although some concern was expressed as to the timeliness with which the FLAS informed the MEP that the monies had been intercepted. The *amount of money garnished* as a result of MEP requests rose by 28 percent between FY 1996-97 and FY 2000-01.³⁵ In FY 2000-01, almost \$83 million were intercepted, primarily from the Canada Customs and Revenue Agency (income tax returns) and Human Resources Development Canada (for employment insurance).

The federal government is exploring additional sources of funds that can be intercepted, such as GST business rebates.

4.2.4 Federal Licence and Passport Denial

The denial of federally issued licences and passports to child support debtors is a new approach to maintenance enforcement at the federal level. It is intended for use as a last resort when other

³⁵ There was a steady annual increase in the amounts garnished from 1993 to 1996. Because of this pre-existing increase in garnished amounts, it seems that the increase between 1997 and 2000 is merely a continuation of the trend occurring prior to Bill C-41 and therefore not attributable to Bill C-41. In fact, the increase in the amounts garnished is probably related to an increase in MEP caseloads.

measures have failed. The goal is to encourage defaulters to contact the maintenance enforcement program to arrange a payment schedule. These provisions were viewed as successful by representatives of MEPs.

After the *FOAEA Act* changes came into effect, there were about 12,000 applications for licence and passport denial. About 880 passports, 70 transport licences and 18 of both passport and transport licences have been suspended. In roughly three-quarters of the 12,000 cases, debtors were placed on a “control list” in order to deny them a passport or federal licence should they apply. In FY 2000-01, the FLAS processed 6,512 applications for the denial of passports and aviation and marine licences, an increase of 45 percent from the previous year.³⁶

Monitoring data from Quebec illustrate that licence/passport denial can be an effective tool for MEPs. Two-thirds of debtors responded to the notice of application for denial by entering into a repayment agreement, without resorting to the denial process.³⁷ Other research on the effects of passport denial was conducted by the Initiative. A follow-up of a feasibility study by the RCMP, whose members seized passports of payers who were in arrears, found that a substantial proportion of payers either paid the arrears, made arrangements to pay, or other positive outcomes occurred. In fact, more than one-half of the arrears were paid.

A second study of licence and passport denial undertaken in Manitoba had less positive results. Only 20 debtors in the sample of 172 had passports and none had federal licences; 20 percent of the 172 arrears cases made one or more voluntary payments after being served with a licence denial notice before the end of the study period. The large majority of debtors, almost 90 percent, were believed to have left the province before receiving the notice; 30 percent were believed to be out of the country. The reasons why MEP officials had delayed issuing a notice of denial require further investigation. It may be that the use of passport denial as a *very* last resort is ineffective. However, it should be noted that this research was done within two years of the start-up of the passport denial provisions. In addition, the MEP’s information system was not robust enough to conduct a definitive study.

The difference in outcomes between the two studies is also related to the nature of the samples: the RCMP sample was confined to debtors that could be located. Moreover, the effect of in-person collection of suspended passports by uniformed RCMP members must be considered.

³⁶ Family Children and Youth Section, Policy Sector, Department of Justice Canada. *2000-2001 Annual Report Child Support Initiative*, 2002.

³⁷ The source for this information was an interview with a Quebec official.

Applications for licence/passport denial are made by most MEPs but some programs make much more use of this provision than do others. Additional work on the reasons why provincial and territorial enforcement officials make application for licence/passport denial may assist in the development of guidelines on its appropriate use.

An operational problem with the passport denial provisions has arisen: there is no consistent way in which suspended passports are seized when the payer does not voluntarily return the document. This situation is being monitored by federal Justice Department officials.³⁸

The large majority of MEP respondents said that federal licence and passport denial is a useful addition to support enforcement as it gives them leverage in negotiations with the “won’t pay” group of debtors. Passport denial is particularly useful in encouraging persons in arrears who live outside of the province or territory to make contact with the MEP.³⁹ There is some question, however, as to whether all MEPs are making full or appropriate use of the licence/passport denial provisions (e.g., make the request in a timely fashion).

4.2.5 Reciprocal Enforcement of Maintenance/Support Orders (REMO/RESO)

Federal government officials took a larger role in the reciprocal enforcement of support orders than was anticipated at the outside of the Initiative. The FPT REMO/RESO Working Group that was established during the Initiative has a number of objectives including:

- the improvement of communication among REMO/RESO officials in provinces and territories through the provision of fora to discuss issues relating to the REMO process;
- the development of positive working relationships among Canadian jurisdictions, resulting in easier more frequent and productive communication respecting cases, procedures and legal issues on an ongoing basis;

³⁸ Section 76 of the *FOAEA Act* provided that every person who is notified that a passport issued to the person has been suspended under Part 3 of the Act and who fails to return the passport to a Passport Office, or who subsequently uses the passport after being so notified, is guilty of an offence punishable on summary conviction and liable to a fine not exceeding \$5,000. This provision ensured that, if the passport is not returned, a peace officer has the authority to investigate and apply for a warrant pursuant to section 487 of the *Criminal Code* to seize the revoked passport. The Department has conducted discussions with the Passport Office to inform the public of the passport denial scheme. This would involve including a notice in passport applications advising applicants that their applications will be refused if they are subject to a licence denial application under the *FOAEA Act*.

³⁹ Many more people have passports than have federal licences.

- the facilitation of contacts between Canadian and foreign officials and the provision of a forum to meet with REMO officials from other countries to further reciprocal arrangement processes.

The federal role in reciprocity includes the coordination of reciprocity efforts of the provinces and territories. Federal activities are wide ranging, such as responding to initiatives of the Working Group and the Enforcement Sub-committee, responding to requests to establish arrangements with other countries, informing provincial/territorial officials of international issues affecting reciprocal enforcement, coordinating the collection of case law and research,⁴⁰ and sharing information with other countries and among the jurisdictions. Uniform reciprocity legislation and accompanying procedures were developed collaboratively by the federal and provincial/territorial governments by means of the Task Force, Enforcement Sub-committee, REMO/RESO Working Group and the FPT Family Law Committee. Federal officials collaborated on the development of an operational document to help implement the *Inter-jurisdictional Maintenance Establishment and Enforcement Protocol*, which is designed to improve the timeliness and effectiveness of inter-jurisdictional tracing efforts and other enforcement activities. Such activities are expected to improve REMO/RESO activities in the MEPs and other relevant agencies.

Most provincial/territorial respondents were satisfied with the federal activities in the reciprocal enforcement of support orders. As one MEP representative said, the current emphasis on REMO/RESO is long overdue; the federal government's role should be to set up the linkages among provinces and facilitate the information sharing process. Respondents valued the opportunity to meet and network with their counterparts in other Canadian jurisdictions. The major contribution of the federal government mentioned by respondents was the facilitation of information exchange both nationally and internationally. In particular, the establishment of international contacts was appreciated. Representatives recommended that the federal role as a conduit and contact for information in enforcement outside Canada be continued. A small number of provincial respondents viewed reciprocal enforcement of support orders as a provincial responsibility to which the federal government can contribute little, except for facilitating relationships with other countries and providing financial assistance for research and inter-provincial meetings. This viewpoint was a minority one, however, and most reciprocal enforcement officials in the jurisdictions recommended that the federal coordinating role be continued.

⁴⁰ Research was done that described each jurisdiction's procedures and policies regarding sending and receiving a reciprocal order from another province or territory.

4.2.6 Coordination with the Provinces and Territories, with Other Federal Departments and Internal Departmental Coordination

During the life of the Child Support Initiative, the approach of the federal government was one of "collaboration and partnership" with the provincial/territorial enforcement programs. In seeking this outcome, the federal government must tread a fine line between offering assistance, partnership, and leadership and interfering in an area that is primarily provincial/territorial jurisdiction. As in other areas of family law, there are interdependencies between the two levels of government. In addition to making changes to the federal legislation, as in the amendments to the *FOAEA Act*, there must be FPT coordination to make the policy changes concrete. It is necessary for the federal and provincial/territorial governments to work together to make the administrative, procedural and information system changes to enable the successful implementation of the amendments. The technological problems in MEP-FLAS automated communications have been an unexpected stumbling block to implementation.

There are large differences among MEPs and in the past, they have tended to be isolated – from each other, from other sectors of their provincial/territorial governments and from the federal government. The inception during the Initiative of the Enforcement Sub-committee of the Task Force and the REMO/RESO Working Group considerably improved cross-jurisdictional information sharing and problem solving. The in-person and teleconference meetings of these committees assisted in the development of a shared understanding of the enforcement issues that must be addressed by the jurisdictions with the policy and other (e.g., financial) assistance of the federal government; priorities were established; and procedures to improve the day-to-day functioning of MEPs were developed. Although directors of MEPs have held annual meetings for a number of years, the contact among enforcement officials greatly increased during the Initiative.

Though there has been progress, the perception among some jurisdictional officials is that there is not a strong partnership between the two levels of government in the maintenance enforcement area. (An exception is the federal assistance provided with regard to the reciprocal enforcement of maintenance orders with other countries.) This attitude is not necessarily a criticism of the federal government's performance, but rather a reflection of the provincial perception of autonomy of provincial/territorial support enforcement activities.

With regard to coordination with other federal departments, the Initiative has been active and reasonably successful – for example, amendments to the *Bank Act* permitted MEPs to more

readily obtain account information of support payers from financial institutions. In other areas, such as developing procedures for locating and enforcing orders against Canadian Forces personnel and obtaining permission for MEPs to have access to social insurance numbers of payers, there has been less success. Although there has been “movement” on enforcing orders against members of the Armed Forces, negotiations are not yet concluded. The issue of the use of the SIN is a sensitive matter involving privacy issues which are currently under review.

The Family Law Assistance Section is in a different sector from other child support-related activities. While there was and is active, regular liaison between the FLAS and other family law staff, several federal officials recommended that the FLAS be merged with the Family, Children and Youth Section in order to better integrate the policy, research and operational aspects of federal enforcement responsibilities. This view is not held by all. Other officials regard the separation of the two sections as appropriate, stating that the separation of policy and operational matters permits an independent assessment of policy issues before their implementation by the FLAS.

4.3 Summary

The Child Support Initiative was clearly successful in terms of policy development and legislative support: all jurisdictions except one adopted the federal Guidelines. (Québec adopted its own Guidelines.) Moreover, it appears that the objectives of fairness and consistency in the treatment of children in similar circumstances, reduced parental conflict, and enhanced efficiency of case processing have been met to a large extent. It must be recognized, however, that some parents will continue to negotiate private child support arrangements or refuse to have any connection to the other parent, some will continue to be in conflict, and child support is only one reason why separating and divorcing parents proceed to court.

The enhanced support enforcement tools are, on the whole, appreciated by the MEPs although technical and other problems have thus far prevented the full achievement of the objectives of the changes to the federal enforcement program. The federal government is addressing these problems and additional policy development and research on new approaches are presently under way.

It is clear that the Initiative improved consultation and information sharing among family law and MEP officials across Canada. In order to provide leadership and to ensure efforts are managed in a coordinated manner, the federal government must seek and obtain the active

cooperation of the provinces and territories. As a result of the Initiative, FPT collaboration increased well beyond that which had occurred in the past.

5. SUCCESS OF COMMUNICATIONS, PUBLIC LEGAL EDUCATION AND TRAINING

The overall objective of the public communications, education and training component was to raise public, stakeholder, and professional awareness and understanding of the child support reforms by providing information to the affected public and training to practitioners directly involved in implementing the changes.

The communications function involved departmental efforts to improve understanding of the guidelines and improvements to enforcement among the affected public, practitioners and service providers. The development and dissemination of print and Internet-based materials and a toll-free information line were among the mechanisms employed to reach persons affected by the family law changes. Staff of the Child Support Team, especially those in the Policy and Communications Units, were responsible for these activities.

Public legal education was also undertaken by provincial and territorial governments often with financial assistance from the Child Support Implementation and Enforcement Fund, and by non-governmental organizations such as public legal education and information (PLEI) associations with federal and/or provincial/territorial financial assistance.

Training of family law professionals was done both by policy staff of the Child Support Team who made presentations at a large number of conferences, workshops and other meetings, and by law societies, bar associations and other umbrella groups. These latter educational sessions were often partly funded by the Initiative. Provincial and territorial governments typically assumed responsibility for the training of court staff, sometimes with federal financial assistance.

5.1 Communicating Information to the Public

5.1.1 Federal Toll-free Information Line

The toll-free line, which has operated from 1996⁴¹ to the present, is the first time that the Department of Justice Canada has instituted a national information service in the family or criminal law areas. Maintained by trained operators, its purpose is to disseminate publications and other information on the guidelines and maintenance enforcement to the public and professionals, including the referral of callers to the appropriate agency. Advertisements in print media and a Canada Customs and Revenue Agency mail-out to recipients and payers of child support were initially used to publicize the service.

Monitoring by the Child Support Team found that about 125,000 calls to the service were made from January 1997 to July 2001. The first year had the largest number of calls, at 50,000; in 1998 there were about 31,000 calls, and in the two succeeding years, roughly 18,000 calls were received. In May and June 1997 – just after the guidelines began and when support receiving and paying parents received the mail-out from Canada Customs and Revenue Agency – 25,000 calls were received. Hence, one-half of the calls made to the line in the first year of the guidelines occurred during a two month period. This suggests that the mail-out and other initial public education efforts reached many in the target audience.

Although the service is used both by the public and family law professionals, monitoring data show that the large majority of callers were members of the public. Almost one-half of a sample of callers said that they had found out about the toll-free line from “government publications” although whether provincial or federal was not specified. The most frequently asked questions were related to “how the guidelines work” (62 percent), maintenance enforcement (16 percent), tax changes (5 percent), and the effects of the guidelines on existing orders (3 percent).⁴² Although data were collected on the distribution of materials, information on the number or type of federal publications distributed to callers to the information line is not captured in a way that it can be easily analyzed.

The continued utility of a child support-only toll-free line has been questioned – in part because it is moderately expensive to operate (a minimum of one person full-time) and in part because it

⁴¹ From March to October 1996, the child support toll-free line was managed and staffed as part of the Budget Telephone Line; later it was maintained separately by the Department of Justice Canada.

⁴² These figures were calculated from the database supplied to this evaluation, and represent the “first” type of information asked by the caller (up to three types of information were coded).

is the sole service of its kind in the federal Justice Department. It could be argued that no other Department of Justice program or initiative would warrant a similar service. On the other hand, given that almost 20,000 calls were received annually (in 2000), one could also argue that the information line is meeting the needs of the public that are not being met elsewhere. Child support, and separation and divorce topics in general, may differ from other Departmental initiatives in that there is a continuous “intake” of parents seeking information about the legal process.

5.1.2 Workbooks and Other Materials for Affected Parents

A number of federal materials were developed for parents, including: fact sheets on the newest federal enforcement laws; a pamphlet, *10 Things You Should Know about the Federal Child Support Guidelines*; a 28-page booklet, *A Guide to the New Approach*, which provides a summary of the guidelines; the Federal Child Support Tables and an instruction sheet; and two workbooks, *The Complete Workbook* and *The Federal Child Support Guidelines: A Workbook for Parents*. There are no readily available data on the number of print materials printed or distributed by the federal government so that no conclusions can be drawn on the scope of their distribution.

A number of respondents observed that the *Workbook for Parents* was too difficult for many in the general public, an observation that is acknowledged by staff of the Child Support Initiative. PLEI and other respondents said that parents with low literacy skills could not utilize the *Workbook for Parents* without assistance and that other methods of transmitting the information were therefore required. On the other hand, the majority of persons who sent in a response card enclosed with the *Workbook for Parents* commented that the material was easy to understand, the organization was good, and the examples were helpful. Only 22 percent responded that the material was only fair or poor. The majority agreed that the instructions were easy to follow and the worksheets were easy to complete; only one-quarter disagreed with these statements. Response cards in the *Child Support Guidelines: a Guide to the New Approach* – a simpler explanation of the guidelines as opposed to a “how to” manual – resulted in even more positive assessments of the material. For example, the organization of the material was regarded as only fair or poor by 8 percent of those who mailed in the card.

The response card samples were almost certainly not representative – those who bother to return response cards may differ in important ways from those who do not. For example, those who

return the cards may feel more strongly about the issue or the document than do persons who do not mail the response card.

The large majority of interviewees who felt competent to comment on the quality of the public education materials stated that they were not appropriate for parents with lower literacy levels. It was also mentioned that because of the complexity of the guidelines, further simplification of the material could result in inaccurate information. The implication is that alternative ways of providing law information to parents with lower literacy skills should be developed. The federal government developed and distributed the *Family Law Information Kit*, which is directed towards intermediaries who deal with this population in response to this identified need.

5.1.3 Media and Other Advertisements on the Guidelines

Starting in the fall of 1997, advertisements introducing the guidelines and advertising the toll-free number were placed in national, local and community newspapers as well as magazines. Ads appeared on two occasions in approximately 160 newspapers across the country. The advertisements seemed to have resulted in a dramatic increase in the number of calls to the toll-free line. The minutes of the November 6-7, 1997 FPT Task Force meeting indicate that the 1-888 line received 400 calls from the previous day's advertisement and that calls to Ontario telephone line increased from 40 to 100. The total number of calls received by the toll-free inquiries in the month of November 1997 was twice as high as for the preceding three months. This indicates that the ad was effective in catching readers' attention and encouraging them to seek more information.

In the winter of 1998, additional advertising was done in selected family magazines to raise awareness about the child support guidelines, and to promote the federal-provincial-territorial toll-free telephone lines. In March 1999, a slightly revised version of the ad appeared in national daily and community newspapers. The ad appeared in daily newspapers three times and twice in community newspapers.

A national campaign was undertaken to inform Aboriginal peoples about the child support guidelines, the toll-free telephone line and the Internet site. The campaign ran for two months, included radio announcements, and newspaper advertisements in English, French and Inuktitut. As part of the campaign, a poster and a special version of the pamphlet, *10 Things You Need to Know about the Federal Child Support Guidelines*, were produced and distributed to band offices, friendship centres, and Aboriginal child and family services.

The mailing to over 700,000 persons identified by Canada Customs and Revenue Agency as recipients or payers of support was done soon after the federal guidelines were proclaimed. The Agency included information on the new tax treatment and the Department of Justice Canada enclosed a pamphlet about the federal Guidelines and informed people about its toll-free information line.

The independent effects of the media campaign on public awareness and knowledge of the guidelines cannot be precisely determined. It is, however, worth repeating that the toll-free information line received 50,000 calls in the first year, one-half of which were received in the first two months after the introduction of the guidelines. The impact of publicizing the toll-free telephone number is therefore uncertain, but the number of calls suggests that many affected members of the public were reached by the mention of the line in the media and other advertisements.

5.1.4 Media Advertising on Support Enforcement

In the fall of 2000, the Department began a limited television campaign to encourage the payment of child support and to promote positive parenting in part because MEPs had advocated public education on the importance of child support. The television ad cost approximately \$400,000 to make and \$1.7 million for air time. The ad played from October 1 to October 15 on national networks in peak viewing times and an additional eight weeks on specialty networks, such as sports and women's networks, beginning in late January 2001. The advertisement contained the message that children need love, attention and financial support from both parents. The ad included the telephone number of the general federal toll-free line for viewers to call for further information.

An assessment of the audience reach of the television ad can be made. In October 2000, 6,400 calls were received by the federal information line, a number which was over five times as large as the average for the preceding three months and over ten times as large as for October 1999, which suggests that some of the target audience were being reached.

Another way of assessing the effect of the advertisement is whether viewers remembered its content. The evaluation of the television advertisement conducted in late October 2000 found that unaided recall⁴³ of the advertisement was 21 percent nationally (Pollara, 2001). Aided recall

⁴³ "Unaided recall tests top-of-mind recall, while aided recall tests whether the ad was stored in memory" (Pollara, 2001: 7).

was 30 percent nationally: 9 percent of respondents clearly recalled the ad and 21 percent had a more vague recollection. Women were more likely to recall the ad than were men. Recall levels were lowest in Alberta and British Columbia and highest in Quebec. The polling company responsible for the public opinion survey categorized the recall figures as “acceptable to good” given the number of airings. However, audience recall is only the first stage of assessing the success of advertising in the mass media. There is no information on the effects of the ad in changing attitudes (e.g., towards those who pay and do not pay child support) and behaviour (e.g., the promotion of “positive parenting”): changes of this nature are the ultimate, long term objectives of media campaigns.

Many of the respondents for this evaluation were unaware of federal public education efforts on support enforcement. When asked about the advertisement, many had not seen the ad on television. Other respondents believed that it was televised too infrequently to have any effect on public attitudes. Some believed that the message of the advertisement, while worthy, may have only limited impact on the “hard core” group who do not pay child support. Several officials remarked that one television ad is unlikely to change attitudes, and that a full-scale social marketing campaign, using media in addition to television, is required if this objective is to be reached.

5.1.5 Child Support Web Site

In 1998, the Department began a child support Web page on the Department’s Internet site to provide parents with information on the Child Support Initiative. It also provided a source of legal and research information for family law professionals and others concerned with the more technical aspects of the reforms. In 1999, a list of selected case law and summaries was added to the site. In the summer of 2000, following focus testing with potential users, the Department revamped the site to make it more user-friendly.

It is difficult to determine the effects of the Web page on awareness and knowledge of the guidelines. Monitoring of the hits and downloads of the page was intermittent and concluded in mid-2000. In June 2000, for example, the child support Web homepage was the tenth most accessed page in HTML format on the entire site of the Department of Justice Canada; the Ontario tables and the *Workbook for Parents* were the first and second most accessed PDF documents; and, four other child support documents were also in the top ten downloaded PDF files. Data for other months in 2000 indicate that the tables of awards, *The Complete Workbook* and the *Workbook for Parents* were also high on the list of downloaded documents

(approximately 1,000 downloads in a month). The implication of this finding is that some parents may be educating themselves on the guidelines by means of the Internet and that this information source should be continued.

5.1.6 Activities of Provincial Governments and Non-governmental Organizations in Law Information

Many of the activities described in this section were funded by the federal government, either through federal contributions to the provinces and territories or directly to the PLEI organizations.

All or almost all provincial and territorial governments developed public legal information on the guidelines. Examples of activities are provincial toll-free information lines, information centres, public information sessions, programs to educate children (via videos, curricula for schools), videos on child support and other family law issues, pamphlets and other written material, and parent education programs which always included sections on the guidelines. In some cases, the province contracted with PLEI organizations to undertake public awareness activities whereas in others, provincial government staff directly delivered the service.

PLEI organizations distributed information materials supplied by the two levels of government, developed informational and/or divorce kits, organized and conducted information sessions, workshops, conferences, and presentations on family law including child support, operated the provincial toll-free line or provided information via the organization's own telephone services and the Internet. In Ontario and British Columbia, information was developed in languages other than English and French. While there are no national data on the distribution of federal and provincial materials on the guidelines, the Prince Edward Island PLEI organization distributed about 1,300 child support pamphlets annually between FY 1998 and FY 2000.

At the request of the Child Support Team, PLEI organizations looked at the information needs of hard to reach target groups such as parents with low literacy levels, rural and immigrant populations and Aboriginal people. In general, the 1999 research concluded that these groups were not reached by the public education undertaken by the two levels of government in the first two to three years of the guidelines. It was also found that "intermediaries" – usually representatives of community agencies and social services who encounter separating and divorcing parents – were unclear about the contents of the guidelines. It was recommended that these groups be targeted to increase the likelihood that they can transmit basic information to

their clients. In response to this need, a Family Law Information Kit suitable for use by service delivery personnel was developed. The Kit brings together a range of information about family law including child support. Many PLEI organizations have accessed federal funding in order to distribute the Kits in their province or territory.

5.1.7 Are the Affected Public Aware of the Guidelines?

Because both levels of government and NGOs widely disseminated information on the child support guidelines, it is impossible to determine their independent effects. The best that can be done is to utilize findings from surveys and other information-gathering exercises to find out how many affected parents are aware of the new child support rules regardless of what agency provided that information.

Just over one-half of family law practitioners interviewed for this evaluation believed that newly separating and divorcing parents were aware of the guidelines. While a few respondents thought that affected parents were well informed, consistent with a public opinion survey (Canadian Facts, 1998b), many suggested that this group is “vaguely” aware of the changes. In this national survey, two-thirds of separated/divorced parents acknowledged some recollection of the guidelines. When their memory was jogged by mention of specific changes, 85 percent of separated and divorced parents recalled changes to child support laws. This proportion is largely accounted for by the parents who were aware of the changes to the income tax treatment of child support payments (72 percent). Only four out of ten persons were aware of guidelines that outline rules and tables that contain amounts or that agreements made before May 1997 can be renegotiated (Canadian Facts, 1998b: 10). Women, recipients of child support and parents with higher incomes were more likely to be aware of the changes. Therefore, at the time of the survey, awareness of important aspects of the guidelines was limited. Although follow-up surveys were initially planned, no further research was undertaken.

The survey also found that most (63 percent) of respondents mentioned the mass media as a source of information on child support. A “government channel” was cited by 28 percent and 18 percent of the total specifically recalled pamphlets that they had received in the mail. The pamphlet may be the Canada Customs and Revenue Agency mail-out to recipients and payers that included information on the guidelines.

Two-thirds of child support recipients and 54 percent of payers who had been aware of the changes were satisfied with the amount of information they had received. While the majority of

respondents were satisfied with the information they had received on the guidelines, a sizeable minority were dissatisfied and these parents were disproportionately in low income groups. These findings suggest that more effort needs to be focused on disseminating information to parents in lower income and educational brackets.

Although the federal government has made efforts to reach “hard to reach” groups – Aboriginals, low literacy and low income parents, and recent immigrants, for example – a number of obstacles must be overcome. Experts on disseminating law information suggest that face-to-face methods are often more effective than mass media or written materials in reaching many in the hard to reach category. Even video presentations may not be as effective as a conversation with a trusted person. If true, this emphasizes the importance of getting family law information to the intermediaries referred to above.

Different types of education on family law and child support obligations may be needed for specific groups. For example, segments of the immigrant population have no cultural acceptance of a relationship between parents once they part and hence no expectations for child support.

Although survey results indicate that a majority of parents have some awareness of the guidelines, many do not. Despite the development and distribution of the *Family Law Information Kit*, there is a continued need for information on child support and other aspects of family law to be communicated to affected parents. As couples separate and divorce, they need information – there are always new clients entering the family law system, many of whom lack information. In addition, personnel in community-based agencies that have the greatest proximity in the target group tend to have a high staff turnover; there is therefore a constant need to educate staff on the guidelines.

In summary, the dissemination of information on family law should be continued, with emphasis on informing intermediaries and marginalized groups of the basics of the child support rules.

5.2 Training of and Information for Family Law Practitioners

The Initiative undertook informational and training activities directed towards the legal and mediation communities. Activities included direct mailing of information to lawyers and judges, advertisements in legal publications, and funding of and presentations at information/training sessions with provincial and territorial government staff, lawyers, mediators and judges. In June 1997, the Department of Justice Canada mailed material on the new laws to approximately

12,000 family law lawyers and judges who may hear child support cases. In 1998, the federal government placed advertisements in selected legal and accounting publications to inform the professional community about publications that could assist them, such as the *Complete Workbook* and the *Reference Manual*.

The materials for practitioners were *The Federal Child Support Guidelines: The Complete Workbook*, which was developed for the professional community and parents (but mainly for the former); and *The Federal Child Support Guidelines: Reference Manual*, which was developed for judges, lawyers and accountants. Stakeholders who had consulted the materials directed towards professionals found them helpful and relevant. Analysis of response cards returned by users of the *Reference Manual* and *The Complete Workbook* found that practitioners – almost all lawyers – were satisfied with the usefulness of the publications, the ease of understanding, and their overall quality. There was little indication that the publications have outlived their usefulness. In fact, several lawyers recommended that the *Reference Manual* be updated and re-published regularly.⁴⁴

Another source of information/education for family law professionals is summaries of case law, which have been placed on the child support Web site since 1999. The extent to which legal professionals consult this source is not known.⁴⁵ However, a sampling of the number of user sessions in early 1999 suggests that there are a substantial number of users: in a three month period, there were from 439 to 1,056 user sessions per month lasting an average of three to seven minutes, depending on the page and the month.⁴⁶

Lawyers and mediators were interviewed for this evaluation. Family law lawyers were unanimous in stating that non-specialist lawyers were often not proficient in the guidelines. While a good deal of information is available on the child support Web site as well as in more traditional sources such as lawyers' periodicals, these lawyers may not seek out or attend to the available material. A number of respondents believed that nothing could be done or only compulsory attendance mandated by the law societies could improve this situation. From the federal government's perspective, the majority of federal activities to date were designed to inform specialist legal practitioners. This approach was reasonable given the need to inform family law lawyers who (presumably) handle the majority of cases. There is no easy solution to reaching the generalist lawyers whose practice occasionally includes family law matters.

⁴⁴ The *Reference Manual* lacks discussions of the most recent case law.

⁴⁵ There was an attempt to monitor the number of hits on the Child Support Web site, but the reporting framework changed over time thereby making it impossible to track the use of the site.

⁴⁶ The source of these data is <http://firenze.lexum.umontreal.ca/webtrends/jcdoj/>. Figures in the body of the report are for February to April 1999.

Family mediators who were not legally trained commented that they were not in the “lawyer loop” on child support-related information and would appreciate more training and materials. “As case law informs the direction in the courts, we must be kept abreast of these developments if we are to be of help to the parents we deal with in our practices.” Another mentioned that the federal materials are good but “without training, they are less easy to completely understand”.

Many respondents remarked that the federal role in the development and distribution of information was excellent and indeed unprecedented. Most practitioners and provincial/territorial officials interviewed were unaware of, or had forgotten, the federal role in training. This is because most training for lawyers was conducted in continuing legal education sessions that were organized by law societies or bar associations. Many would not be aware that the federal government contributed funds to the organizers of these sessions or that policy staff on the Child Support Team personally delivered a large number of presentations.

5.3 Summary

A large variety of Guidelines-related communications activities and materials were provided for both family law professionals and the public by the Child Support Team, PLEI organizations with funding from the Initiative, and by the provinces and territories also usually with federal financial assistance. The response of persons interviewed for this evaluation to the federal activities and materials was positive. There remains a need to provide information to the affected public, as members of the public usually do not pay attention to information on issues relating to marital breakdown until they are personally involved. In addition, there are segments of the population that probably have not been reached by information efforts: those with low literacy skills, immigrant communities, non-English/French speaking parents, intermediaries for these groups, and community and social service providers in general. These latter groups are secondary target audiences that require continued efforts to inform and educate.

This evaluation and other surveys indicate that information and training efforts were successful in reaching the majority of family law professionals. Family mediators who are not lawyers and non-specialist lawyers, as a group, were identified as still requiring training and/or information. Whether the federal government should make additional efforts to provide information on the guidelines to generalist lawyers is uncertain; it may be that that role is better assumed by law societies. On the other hand, if provincial/territorial law societies and other training groups are

unable to take on the training and education of generalist lawyers, then it may be appropriate for the federal government to continue in its training efforts directed at the legal community.

6. SUCCESS OF THE CONTRIBUTIONS COMPONENT

This component – involving federal financial assistance to the provinces and territories – was the primary means of implementing the federal policy on child support and support enforcement. From April 1996 to March 2000, the Child Support Implementation and Enforcement Fund provided assistance to the jurisdictions to cover part of the costs they incurred to implement the child support guidelines and the new enforcement measures. In April 2000, the Fund was replaced by the Child-centred Family Justice Fund. The new Fund expanded the focus of federal funding to developing and improving family law programs and services that deal with child custody, access, child support and support enforcement issues in a more integrated manner.

6.1 The Allocation of Federal Financial Contributions

In consultation with the jurisdictions, it was decided that the federal contributions under the Child Support Implementation and Enforcement Fund would be allocated to the jurisdictions on the basis of their population size. Although PEI, the Yukon and the Northwest Territories⁴⁷ received slightly larger allocations than their populations would warrant, spokespersons in these jurisdictions raised the concern that more resources are required because the costs of guidelines implementation and enforcement changes are similar to costs in larger jurisdictions. In some cases, the costs are actually higher. This is especially an issue in the territories where travel and other costs are higher than in southern Canada.

Maintenance enforcement programs (MEPs) were allocated \$13.6 million for four years from FY 1997-8 to FY 2000-01 for enhancements to their programs.⁴⁸ This amount can be compared to the \$50 million allocated for the implementation of the guidelines. From the perspective of some MEP officials, this differential was disproportionate and reflected the lower priority placed on support enforcement.

⁴⁷ And, subsequently, Nunavut when it became a territory.

⁴⁸ Contributions from the Brighter Futures Initiative were still in effect in FY 1996-7 – an amount of about \$5 million over five years to the 12 jurisdictions.

Table 6.1 shows the actual expenditures by jurisdiction for the Child Support Implementation and Enforcement Fund for four years of the Initiative and the projected expenditures for the fifth year.

Table 6.1
Federal Contributions by Jurisdiction for Implementation of the Guidelines and Support Enforcement:
Actual Expenditures for FY 1996-97 to 1999-00 and Projected Allocation for FY 2000-01

FY:	Actual expenditures in \$ millions				Projected	Total
	96-97	97-98	98-99	99-00	00-01	
Nfld.	0	0.297	0.405	0.323	0.273	1.298
PEI	0.005	0.106	0.268	0.200	0.195	0.774
NS	0	0.288	0.670	0.427	0.417	1.802
NB	0.006	0.331	0.414	0.375	0.410	1.536
Qué.	0	4.650	4.777	3.453	2.826	15.706
Ont.	0	5.918	4.442	3.737	4.910	19.007
Man.	0.007	0.681	0.667	0.622	0.532	2.509
Sask.	0.025	0.626	0.660	0.378	0.508	2.197
Alta.	0	1.455	1.588	1.459	1.419	5.921
BC	0.020	1.283	2.952	1.927	1.726	7.908
Yukon	0	0.143	0.083	0.067	0.272	0.565
NWT	0	0.120	0.144	0.144	0.145	0.553
Nun.	0	0	0	0.109	0.138	0.247
Total	0.063	15.898	17.07	13.221	13.771	60.023

Sources: Data supplied by the Family, Children and Youth Section; and for the projected amounts in FY 2000, Family, Children and Youth Section, Department of Justice Canada, *Federal Funding of Provincial and Territorial Child Support, Support Enforcement and Child Custody and Access Projects: 1997-2001* (first line).

Through reprofiling, jurisdictions were able to move some of their allocations to later years in the Initiative. In addition, small surpluses were identified that were then made available to jurisdictions that identified funding needs meeting the priorities of the Fund. While provinces and territories appreciated the opportunity to obtain additional funds, the short time lines to prepare proposals and spend the monies before the end of the fiscal year meant that many were unable to take advantage of surplus funds. The reasons for the inability of jurisdictions to spend their annual allocations differed, but were sometimes related to different priorities and planning cycles. More than one million dollars were lapsed in FY 1997-98 to 1999-2000, almost all of which involved the Implementation component of the Fund.

6.2 Child Support Implementation and Enforcement Fund, FY 1996-97 to FY 1999-2000: Implementation Component

The Implementation component of the Fund was designed to allow the provinces and territories to develop, test and implement innovative, efficient and cost-effective measures to help parents obtain child support orders and vary existing orders. It was also designed to facilitate the development of mechanisms for regularly updating awards.

There were six primary areas of activity established for the Implementation component of the Fund, each of which is discussed in turn in this section:

1. funding to support the coordination of activities to implement the guidelines;
2. funding to support the development/enhancement of existing services to meet the objectives of the guidelines;
3. funding to support the adoption of provincial guidelines that parallel the federal Guidelines, including changes to court rules; communications, education of court staff and professionals, preparation of materials and undertaking information sessions; provincial legislative changes; and policy development;
4. funding to support public awareness and understanding of the guidelines;
5. funding to support the development, testing, and implementation of new and innovative models and services for meeting the objectives of the guidelines and other services in which the guidelines have a direct impact;
6. funding for monitoring the impacts and effects of the legislative changes.

Uniformity in services and programs was not an intended outcome of the Child Support Initiative. Rather, the provinces and territories were free to identify their programming needs based on their own situations within broad parameters cited above. However, in the first few years of the Initiative, the jurisdictions were concerned about what was seen as unexpected emphases in the operationalization of the funding priorities (not so much the priorities themselves) (Evaluation Division, Department of Justice Canada, 1999). Several jurisdictions objected to the emphasis on programs that focused exclusively on child support. From their perspective, it was more desirable to establish integrated, holistic programs and services for separating and divorcing parents that included matters other than child support, such as custody and access. Because of the expanded focus of the federal contribution agreements, these concerns had almost entirely evaporated by the time of this evaluation in 2001.

From the perspective of the federal government, as the Fund was established to meet federal policy objectives on child support and maintenance enforcement, it had more conditions attached than did previous funding programs. Initially, there was federal concern that the Implementation Component of the Fund not be utilized for family law programs in general, but only for programs and services specifically relating to child support. This concern was no longer a factor after the mandate of the Initiative was changed to incorporate other family law issues.

The following table shows the distribution of provincial/territorial in-kind contributions and federal financial assistance for each of the six priority areas for the Implementation Component of the Child Support Implementation and Enforcement Fund.

Table 6.2
Provincial In-kind Contributions and Federal Financial Assistance to the Provinces and Territories, Implementation Component, Priority Areas in Percentages, FY 1997-98 to FY 1999-2000

Priority area:	FY 1997-98		FY 1998-99		FY 1999-2000		Total	
	Provincial	Federal	Provincial	Federal	Provincial	Federal	Provincial	Federal
Coordination	1.9%	10.0%	2.3%	8.9%	3.0%	11.1%	2.4%	9.9%
Improve existing services	44.7%	31.7%	73.1%	20.9%	65.1%	11.7%	60.3%	22.4%
Provincial guidelines		0.3%		0.1%			0.0%	0.2%
Public awareness	0.4%	16.4%	0.1%	8.4%	0.3%	4.4%	0.2%	10.3%
Innovative services	52.6%	40.1%	24.4%	58.0%	31.4%	68.6%	36.8%	54.3%
Monitoring	0.4%	1.5%		3.7%	0.3%	4.2%	0.2%	3.0%
Total %	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Total dollars	30,913,545	12,824,987	27,160,532	12,781,308	28,929,256	9,414,474	87,003,333	35,020,798

Source: Family, Children and Youth Section

6.2.1 Coordination

Ten percent of federal monies went towards intra-jurisdictional coordination for the implementation of the guidelines and associated programs, and this percentage remained constant between 1997 and 1999 (Table 6.2). The funds assisted in paying for provincial/territorial participation in the FPT Task Force and sub-committee meetings. Three-quarters of the jurisdictions also used federal funds to hire a coordinator for guidelines implementation. In the first year of the Initiative (FY 1996-97), each jurisdiction received \$50,000 to start implementation planning.⁴⁹ This amount and the coordination funding overall

⁴⁹ In FY 1996-97, five jurisdictions received about \$60,000 in contribution agreements, which were expended on start-up activities (not shown in table form).

may have helped to stimulate the planning process, especially in smaller jurisdictions. Coordination funding was viewed as helpful by all jurisdictions, with several jurisdictional representatives stating that attendance at FPT meetings would have been impossible without federal contributions. Given the crucial role of the Task Force and other committees, it can be concluded that the funds used for coordination contributed to the success of the Initiative.

6.2.2 Improvements to Existing Services

Most activities in this category were meant to be short term, intended to assist the provinces and territories in the start-up of the guidelines. A variety of programs/services were funded under this category, including training of personnel, a lawyer referral line for the public, leasing of computers and software, information system development, adding staff to deal with unrepresented litigants as well as the anticipated increase in court workload, changing court rules and procedures, and expanding parent education programs and mediation services.⁵⁰ When it became apparent that, in most jurisdictions, there was not going to be a large increase in requests for variation of existing orders, the new staffing positions were either phased out or their responsibilities modified.

This funding assisted the provinces and territories in the accommodations necessary to meet their administration of justice obligations required by the amendments to the federal child support legislation. In some jurisdictions, some funding in this category was used to expand the delivery of existing mediation and parent education programs, which may contribute to decreases in parental conflict and a faster resolution of cases.

The proportion of federal financial agreements allocated to this priority decreased from 32 to 12 percent from 1997 to 1999. Overall, 22 percent of federal contributions fell into this category.

6.2.3 Provincial/territorial Guidelines

This aspect of the Implementation Fund included policy development on provincial/territorial guidelines and the associated changes to court rules. Since the federal guidelines were adopted or provincial guidelines developed by all jurisdictions, these tasks would have been undertaken regardless of federal financial contributions. However, federal monies assisted the few

⁵⁰ Indeed, items funded under the “improvements” category were also funded under “innovative programs”, depending on the jurisdiction. This is because the program pre-dated the Initiative, i.e., was already in existence (e.g., parent education programs).

jurisdictions requesting funds in this category. Only 0.2 percent of federal assistance went towards developing provincial guidelines.

6.2.4 Public Awareness

Funding in this priority area was used for the development and printing of information packages, information sessions for the public and professionals, provincial toll-free public inquiry lines, videos for parent education and children's education programs, the development of a communications strategy, and variation kits. As was discussed in Chapter 4, the effects of provincial/territorial activities in this area cannot be differentiated from the public awareness activities of the federal government and PLEI organizations. The provinces and territories usually used the federal communications material, adding jurisdiction-specific information as required. The availability of accurate information on the federal legislative changes undoubtedly reduced duplication of effort.

Jurisdictions varied in the extent to which federal funding was used for public awareness activities, from none to about one-quarter of their total contributions. From 1997 to 1999, ten percent of federal funding fell into this category, and there was a decrease in the three years, from 16 to 4 percent.

6.2.5 Innovative Programs

Included in this category were new programs or services⁵¹ designed to cope with the anticipated number of variation applications as well as new agreements and orders. Many programs were aimed at assisting parents without legal representation. The services included special court clerks and duty counsel, self-help kits, child support software, child support centres, and work stations at court equipped with the software to prepare support applications.

Although some of these services were introduced to assist parents seeking variations, they have been maintained as they serve multiple purposes, for example: the provision of information on the guidelines to the public; assistance in preparing applications and drafting agreements; and quality control measures for the courts. Child support centres became family law information centres. These programs and services benefit both the parents, by assisting them through an often bewildering process, and the justice system, by expediting the processing of separation and

⁵¹ That is, new to the jurisdiction, not necessarily new in family law services.

divorce matters. It is believed that these centres are especially helpful for unrepresented parents, especially those with more limited literacy skills who may prefer one-on-one help in understanding the process.

In the view of the federal government, “innovative services” were especially important because it was initially hoped that the jurisdictions would use this category of funding to pilot a child support service, as found in section 25.1 of the *Divorce Act*.⁵² For a variety of reasons including constitutional issues, no jurisdiction was prepared to undertake the development of pilot projects until FY 2000-01.

Although reluctant to develop child support services, the jurisdictions implemented a sizeable number of new support- and family law-related programs, most often parent education and mediation. In fact, in about one-half of the jurisdictions, there was an increase in the percentage of federal funds directed towards new services between FY 1997-8 and FY 1999-2000. In another two provinces, the large majority of federal monies were used for innovative services in each of the three years. There was an increase from 40 to 69 percent in the amount of federal funding going towards “innovative” services. This rise in the proportion of funds directed at “innovative” or at least new-to-the jurisdiction programs suggests that the federal objective of providing the impetus for programming improvements consonant with federal policies may have been achieved.

To most provincial/territorial and federal respondents, parent education and mediation services have a strong potential to reduce parental conflict and hence the demand for court services. The extent to which these programs as currently constituted achieve these objectives is not yet completely known. There is evidence from British Columbia (a mandatory Parenting after Separation Program) that fewer parents went to court and, if they did, had fewer court appearances than those in comparison sites (British Columbia Dispute Resolution Office, 2001). Some jurisdictions found that *voluntary* parent education programs were attended primarily by mothers and/or “take-up” rates were low. Because of this, education programs have been made mandatory in several provinces, either on a limited basis or throughout the jurisdiction. Another issue is that the majority of parent education programs are informational, and do not involve direct skills- building of participants. Research suggests that the latter programs, even when

⁵² Under section 25.1, the Minister of Justice can enter into an agreement with a province or territory that authorizes a designated provincial/territorial child support service to assist courts in the determination of the amount of child support, in addition “to recalculate, at regular intervals, in accordance with the applicable guidelines, the amount of the child support order on the basis of updated income information”. The recalculated child support amount would come into effect within 31 days, unless one of the parents applies to have the matter reviewed by the court.

confined to a small number of sessions, are more effective than informational programs (Kirby, 1998).

6.2.6 Monitoring the Effects of the Guidelines

Federal financial assistance in this category was used primarily to offset the time of court staff responsible for collecting data for the Survey of Child Support Awards and for staff to participate in the Research Sub-committee of the Task Force. A few jurisdictions used funding in this category for project evaluation and other research services. Three percent of federal financial contributions fell into this priority area.

6.2.7 Summary

Federal financial contributions greatly assisted the jurisdictions, especially the smaller provinces and territories, in their implementation of the guidelines. Coordination funding was viewed as helpful by all jurisdictions, with several jurisdictional representatives stating that attendance at FPT meetings would have been impossible without federal contributions. Given the importance of the Task Force and other committees, it can be concluded that the funds used for coordination contributed to the success of the Initiative.

More than one-half of the federal contributions to the jurisdictions went towards innovative services that were in keeping with federal policy objectives. The increase from 40 to 69 percent in the amount of federal funding going towards innovative services in the three years suggests that there was a considerable improvement over time in the direction of the funding.

Another 22 percent of federal assistance was to improve existing services. Although most jurisdictions did not experience the influx of applications for variation of existing support orders that was originally anticipated, the monies for services and programs to meet the expected demand for court services were re-directed appropriately when it became apparent that the influx was not going to occur. In most cases, services introduced to assist parents seeking variations of existing orders have been maintained because they serve multiple purposes, for example: the provision of information on the guidelines to the public; the provision of assistance in preparing applications and agreements; and quality control measures for the courts. Evaluations of these programs and services and other innovative programs that were federally supported (e.g., parent education courses and mediation) point to some benefits for both the parents, who are assisted

through an often bewildering process and for the justice system, as the processing of separation and divorce matters is expedited. These programs and services are particularly helpful to alleviate the situation of unrepresented litigants.

6.3 Child Support Implementation and Enforcement Fund, FY 1997-99 to FY 1999-2000: Enforcement Component

The overall objectives of the \$13.6 million enforcement component were to assist the provinces and territories in their enhancements to programs and enforcement mechanisms for the collection of support orders; and to improve the federal support enforcement program (tracing, interception/garnishment and licence denial). Six primary areas of activity were established for the Enforcement component of the Fund for 1997 to 1999:⁵³

1. funding to support the development and enhancement of computer systems/capabilities necessary to access the *FOAEA Act* enhancements;
2. funding for monitoring the impacts of system changes, administrative changes, and enhancements to enforcement mechanisms;
3. funding to support the systems design changes necessary to meet the data collection requirements of the National Maintenance Enforcement Survey coordinated by the Canadian Centre for Justice Statistics.
4. funding for the testing of new or innovative approaches to improve support enforcement mechanisms;
5. funding for public legal education and information to increase public awareness related to changes in maintenance enforcement programs with regard to federal enhancements to support enforcement;
6. funding for administrative changes, system upgrades, staff additions, enhancements, and improvements to procedures to meet anticipated demands for the handling of variations and/or original child support orders.

The following table shows the proportion of federal assistance going towards each of the priority areas.

⁵³ The annual amounts available to the provinces and territories, and the percentage of the total of \$13.6 million, were as follows: FY 1997-8: \$3 million, 22 percent; FY 1998-9: \$4.5 million, 33 percent; FY 1999-0: \$3.5 million, 26 percent; FY 2000-1: \$2.6 million, 19 percent

Table 6.3
Provincial In-kind Contributions and Federal Financial Assistance to the Provinces and Territories,
Enforcement Component, Priority Areas in Percentages, FY 1997-98 to FY 1999-2000

Priority area:	FY 1997-98		FY 1998-99		FY 1999-00		Total	
	Provincial	Federal	Provincial	Federal	Provincial	Federal	Provincial	Federal
Access <i>FOAEA</i>	0.5%	10.9%	0.9%	10.0%	3.7%	22.7%	1.6%	14.5%
Monitoring	0.9%	7.5%		1.2%	0.4%	2.8%	0.4%	3.5%
National survey support		1.0%	0.0%	5.7%	0.4%	11.2%	0.1%	6.3%
Innovative approaches	1.6%	23.4%	6.1%	34.3%	2.5%	19.6%	3.6%	26.2%
Public awareness	0.3%	4.8%	0.3%	13.2%	2.0%	6.1%	0.9%	8.5%
System changes	96.7%	52.5%	92.7%	35.6%	91.0%	37.6%	93.4%	41.0%
Total %	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Total dollars	21,487,292	3,072,517	27,322,699	4,288,430	24,912,433	3,836,965	73,551,424	11,133,298

6.3.1 Changes to Access the *FOAEA* Act Enhancements

Federal financial contributions to MEPs included monies to enable the MEPs to communicate with FLAS over the Internet. System changes were made in most jurisdictions but as technical problems have been encountered, access is not as well developed as first anticipated. From 1997 to 1999, almost 15 percent of federal funding went towards upgrades to accommodate the transmission of information between the provincial/territorial and federal governments.

6.3.2 Monitoring Impacts

Only a few jurisdictions availed themselves of federal funds to monitor the impact of changes to systems or enforcement tools. Overall, about four percent of federal funds went towards this priority. Monitoring of the effects of the guidelines on the MEP and a project evaluation were among the activities funded in this category. The lack of attention paid by MEPs to monitoring the effects of changes is related to their current focus on what are perceived as their core function, which involves obtaining child support from payers and passing that money on to the recipients: to most MEPs, system changes to increase automation have higher priority than do monitoring, evaluation and research.

6.3.3 National Maintenance Enforcement Survey (NMES)

With funding from the Initiative,⁵⁴ the Canadian Centre for Justice Statistics, in collaboration with the MEPs, is in the process of developing a survey that will collect aggregate data from each MEP. The Survey will describe the caseloads registered in maintenance enforcement program systems, including the number of cases, their characteristics, the extent of default and compliance, the amount of arrears and the types of enforcement actions taken. The Maintenance Enforcement Survey standardizes definitions of concepts such as default and compliance rates. Phased implementation in the provincial and territorial enforcement programs began in late 1996, and is continuing.

Governments will use the information for policy and program development, research and evaluation. The academic community and non-governmental organizations may also find the data useful. The majority of MEPs received contribution funding for the system changes required to operationalize the “data definitions”. In early 2002, only a small number of provinces were able to report data in the desired format because of delays occurring at both the CCJS and provincial/territorial levels. (The National Survey is about three years behind the original schedule.) Six percent of the federal contributions to the jurisdictions went towards the development of the National Survey.

Because the NMES collects aggregate rather than case-based data, its utility is limited to answering questions identified during the construction of the survey. Aggregate data are inflexible; reorganizing the numbers in order to answer newly determined policy or research questions is impossible. The Survey is a first step in collecting uniform data on the functioning of support enforcement programs in Canada. Ideally, case-based data would eventually be collected but this goal is very long term in nature.

6.3.4 Innovative Approaches

Federal financial contributions were used to develop policies and procedures to improve compliance rates, such as drivers’ licence suspension, a special investigation unit, reporting defaulters to credit bureaus, and experimenting with the use of private collection or “skip tracing” agencies. In Ontario, there was an evaluation of a pilot study of the effectiveness of using private agencies in collections. Although the evaluation report has not been released, the

⁵⁴ The Canadian Centre for Justice Statistics received about \$214,000 annually from the Child Support Initiative to develop the National Maintenance Enforcement Survey.

findings apparently indicate that the use of private collection agencies can substantially increase collections.

Overall, over one-quarter of federal funding fell into this category, and there was no change in the percentage over time. One provincial MEP spokesperson said that “innovative” approaches had been exhausted; in this view, there are few additional enforcement tools that would improve collections. Rather, the MEPs need to improve their existing methods to enforce compliance with support obligations by increasing their staff resources and improving their information technology to support existing methods of enforcement. This perspective is not held by all MEPs, some of which have only begun to explore enforcement tools such as credit bureau reporting and drivers’ licence suspension.

6.3.5 Public Awareness

Few MEPs used federal financial assistance to undertake public awareness campaigns and only nine percent of the total expenditures from 1997 to 1999 involved this priority. Examples in this category were the development of an information video, brochures, and information sessions with stakeholders. There is little information on the effects of these activities. While client surveys have been undertaken by some MEPs (e.g., British Columbia), information on changes over time on public/client/stakeholder awareness of MEP practices and procedures are not yet available.

6.3.6 System Changes

The largest category of federal financial contributions, 41 percent, was for changes to systems. Much of the funds were for improvements to computer systems and other technological upgrades (e.g., to automatic voice response telephone systems) that were aimed at improving the effectiveness and efficiency of MEPs. Many of these changes would have been made eventually, but the availability of federal funds allowed the changes to be done in a more timely fashion. From the viewpoint of some federal officials, however, the system changes appear to be never-ending and with no discernible payoff in terms of improvements in enforcement. That is, there may in fact be improvements but they are not apparent to the outside observer; MEP data on compliance rates are not sufficiently reliable or detailed to draw any conclusions about changes over time in compliance.

6.3.7 Summary

Maintenance enforcement programs are increasingly dependent on information technology in their day-to-day processing of child support payments, dealing with recipients, locating payers and enforcing orders. Although the MEPs at present differ in their degree of automation, all are in the process of upgrading their systems to meet their caseload and workload demands. If funds directed towards the CCJS survey on maintenance enforcement (the NMES) are included, a minimum of 62 percent of federal monies were used for technological, automation-related purposes. This proportion may be appropriate since enforcement programs everywhere – at least in other English speaking countries – are moving towards highly automated systems to increase their effectiveness and efficiency. However, it is not known if funding technological improvements is more likely to increase the effectiveness of enforcement efforts than funding “innovative” programs.

6.4 Child-centred Family Justice Fund, FY 2000-01

The three components of this Fund are Family Justice Initiatives, Incentives for Special Projects and Public Legal Education and Information and Professional Training.

1. Family Justice Initiatives: Activities include family justice programs and services that deal with family law matters including child support, support enforcement, reciprocal enforcement, and custody and access programs.⁵⁵
2. Incentive for Special Projects: This component promotes alternative dispute resolution mechanisms at the provincial/territorial level, especially those that determine, vary or recalculate the amount of child support.
3. Public Legal Education and Information and Professional Training: Activities to enhance knowledge, promote the development of materials, and inform the public and the legal community about child support guidelines, support enforcement measures, custody and access services, and related family law matters are included. Unlike the first two components, non-governmental organizations involved in promoting public awareness and education or professional development and training for family law professionals are eligible for contribution funding for this component.

⁵⁵ The Department of Justice Canada identified 11 principles to guide the Family Initiatives component.

This broadening of the scope of federal financial assistance was also important in securing the active collaboration of provincial/territorial governments in policy discussions on custody and access.

6.4.1 Family Justice Initiatives

This component is structured and managed in the same manner as the earlier Child Support Implementation and Enforcement Fund: each jurisdiction is allocated a portion of the available funds based on its population, it must submit proposals and obtain approval of the projects it proposes to implement or maintain in that year, and the projects must fall within one of the following areas of activity that have been identified as priorities. Table 6.4 shows the percentages of the total allocations devoted to each priority category in FY 2000-01.

1. funding to support the coordination of child support, support enforcement and custody and access activities;
2. funding to support joint FPT consultations on family law;
3. funding to support the enhancement of existing or the development, testing, implementation and monitoring/evaluation of innovative child support, support enforcement and custody and access activities under an integrated services model;
4. funding to support the enhancement of existing or the piloting and establishment of alternative dispute resolution (ADR) mechanisms to determine, vary or recalculate the amount of child support;
5. funding to support the enhancement of existing or the development, testing, implementation, and monitoring/evaluation of innovative support enforcement activities;
6. funding to support provincial/territorial efforts on reciprocal enforcement;
7. funding to support legislative and policy development, research, monitoring and evaluation activities on child support, support enforcement and custody and access;
8. funding to support public awareness and understanding of the Family Justice Initiative.

In FY 2000-2001, the federal government planned to contribute \$16 million to the provinces and territories to assist with programs and services falling in these activity areas. As in the earlier years, the contributions were for salaries and benefits of policy and line staff involved in coordination, project management and policy development; staff training; hardware and software acquisition or lease; travel to FPT meetings; and information system improvements. Unlike earlier years, part of the fund was dedicated to support provincial/territorial consultations with

stakeholders and parents on their views on child-centred family law matters (priority 2). To this end, consultative sessions were held in many communities throughout Canada.

Table 6.4
Federal Financial Assistance to the Provinces and Territories, Family Justice Initiatives,
Priority Areas in Percentages, FY 2000-01

	Federal
Priority area:	
Coordination	6.1%
Family law consultations	0.7%
Innovative activities, integrated services model	29.9%
ADR mechanisms	27.9%
Innovative support enforcement activities	20.9%
Reciprocal enforcement	2.7%
Legislative/policy development, research, evaluation, monitoring	8.3%
Public awareness	3.5%
Province-in-kind	-
Total %	100.0%
Total dollars	15,995,903

Source: Family, Children and Youth Section, November 2001.

The family law programs to which the federal government contributed included supervised access and custody assessment projects, the development of a brochure to provide litigants with information on case management procedures, the provision of family law-related information to the public, the development of a pilot project to assess the impact of ADR services in determining or varying child support amounts, mediation services, policy development on the recalculation of support orders and a mediation program, self-help work stations to prepare child support forms, and a separation education program.

Among the services/projects funded in support enforcement were a “plain language” review of print and electronic materials, translation of information material into multiple languages, on-line access to accounts of recipients and payers, the development of procedures for default hearings, electronic commerce projects, the provision of MEP liaison services to family justice centre clients, and improvements to interactive voice response (telephone) systems.

6.4.2 Special Projects

The Special Projects component is a small amount of funding (\$145,000 annually or \$1.3 million over three years from FY 2000-01 to FY 2003-04) used to promote the development of alternative dispute resolution mechanisms at the provincial/territorial level, including processes to determine, vary or recalculate child support. Recalculation models must be timely, be cost-efficient for parents seeking to have child support recalculated, be accessible to parents, and should facilitate agreement between parents on the amount of child support. Three jurisdictions obtained funding under this component in FY 2000-01.

6.4.3 Public Legal Education and Information and Professional Training

This component of the Child-centred Family Justice Fund will help non-governmental organizations to develop and deliver professional training and public legal education and information materials. The objective of this component is to increase knowledge, to support the development of public information materials, and to inform Canadians and the legal community about child support guidelines, support enforcement measures and programs, custody and access services, and related family law matters. In FY 2000-2001, grants and contributions to the NGOs totaled about \$272,000. In addition, \$159,000 were allocated for core funding of PLEI organizations through a program administered by the Programs Branch in the Department of Justice Canada.

Among the funded projects were a guide to mediation, the development of videos on mediation and divorce, self-help kits to vary child support orders placed on the Internet, and a guide on the child support guidelines for intermediaries.

6.4.4 Conclusions

As yet there is no information on the results of the revisions to the priority areas for federal financial contributions, and the effects of the funds cannot be determined. Funding for innovative services in family law and alternative dispute resolution mechanisms accounts for almost 60 percent of the contributions, suggesting that the contribution agreements supported the policies of the federal government.

6.5 The Effects of Federal Financial Contributions

From the perspective of federal officials, contribution agreements with the jurisdictions assisted them in their short term implementation activities.

From the viewpoint of provincial/territorial officials, especially those from the smaller jurisdictions, without federal financial help they could not have done much in the way of programming, except the bare minimum required to implement the guidelines. If it had not been for federal assistance, fiscal restraint in their jurisdictions would have prevented the development of new services/programs, or their development had been speeded up because of the availability of federal funding. Also, programs could be expanded beyond the major urban areas because of the federal monies.

Spokespersons from several jurisdictions recommended that more core funding be provided by the federal government and less federal emphasis be placed on pilot projects.⁵⁶

We need funding that isn't just pilot funding. We are doing things that aren't just pilots – we want programs that can be accessed for ongoing family law services and are looking towards integrated family law services.

The negative effects of the uncertainty of continued federal contributions were cited by several spokespersons. Jurisdictions are sometimes unwilling to develop programs or services requiring significant infrastructure because of this uncertainty. Fiscal restraint in some provinces and territories made governments reluctant to approve expenditures – especially for innovative services – even though most of the funding was coming from the federal government.

It is difficult to plan when there is uncertainty about the continuation of funding. Ministries do not support pilot projects because they don't like to have to withdraw services. Funding should be established for a longer time period.

Other provincial/territorial spokespersons also recommended multi-year funding. In the view of many, the federal government needs to recognize that the jurisdictions have different funding and legislative cycles and multi-year arrangements would assist the provinces/territories in meeting their administrative needs. The funding process is a labour intensive one for both levels of government, and longer term agreements may be both more cost-effective and efficient. From

⁵⁶ “We had to come up with new programs when we could have used sustained funding for ongoing programs.”

the perspective of the federal government, longer term financial arrangements were available but the jurisdictions did not seek them out because of the difficulties of developing long range plans.

It was also emphasized that the federal government should continue to respect that the jurisdiction might not share its priorities and be open to flexible interpretation of the funding parameters. These comments are not unique to the family law area: indeed, they are characteristic of provincial/territorial perceptions of other FPT funding arrangements. Multilateral negotiations tend to be required to build consensus in the FPT arena when there are overlapping or conflicting missions. Reflecting this observation, respondents noted that communication and other difficulties had arisen in the first few years of the Initiative (reported in the mid-term evaluation). By the conclusion of the Initiative, there was a “greater sense that the two governments were working together”.

Since few projects or services developed by the provinces and territories were subject to long- or even medium-term follow-up of clients (outcome evaluation), their effects on parents, children and the family law system cannot be ascertained. Certainly, in the experience of provincial/territorial officials, the services such as support clerks, intake workers and child support centres were of great benefit to the courts because they ensured compliance with the guidelines (and greater “quality control” in agreements): smoother, more efficient court processing of separation and divorce cases was the result. Parent education and mediation/conciliation programs are also believed to have assisted in the early resolution of disputes as well as reducing parental conflict, at least in the short term. While the evaluations of these programs have uniformly reported very high levels of client satisfaction with the information/mediation provided, this does not necessarily mean that satisfaction is translated into changes in attitudes and behaviour. Additional research is required to determine whether such changes occur. As mentioned earlier, there is some evidence that the demand for court services may be reduced by parent education. The evaluation of the British Columbia Parenting after Separation program suggests that couples who participated in parent education required less court resources and, perhaps, were more likely to seek mediation services, than those who did not (British Columbia Dispute Resolution Office, 2001). With regard to the longer term, almost every federal respondent suggested that parent education programs and mediation services as well as other projects that directly assist separating and divorcing parents were probably the best use of federal resources.

There is uncertainty with regard to the effects of federal contributions on maintenance enforcement programs. Most federal funds are used to improve service delivery. Given the critical role played by information technology in the day-to-day operations of MEPs and the fact

that MEPs everywhere are moving towards highly automated systems to increase their effectiveness and efficiency, federal funding of technological improvements may be an appropriate means of improving support enforcement. At present, it is not known whether collection rates have improved because of technological improvements. In the future, data from the National Maintenance Enforcement Survey should provide this information.

Electronic communication with the Family Law Assistance Section encountered technical difficulties and the full impact of this federally conceived innovation is not yet known. The National Maintenance Enforcement Survey has also been delayed. On the other hand, the past several years have seen the introduction of major additions to the battery of enforcement mechanisms, such as drivers' licence suspension, credit bureau reporting, and computerized access to provincial databases for tracing purposes. These innovations, to which the federal government has contributed funds, have the potential to increase the payment of child support by the "won't pay" (as opposed to the "can't pay") defaulters.

6.6 Summary

The contribution agreements helped to implement a major change to family law and contributed to the achievement of federal objectives. Federal financial assistance is regarded as very important by all jurisdictions, with officials from smaller jurisdictions stating that little beyond the necessary changes could have been achieved without the federal monies. To a certain extent, the federal contributions towards family law-related programs permitted the jurisdictions to experiment with new programs or to extend the availability of programs beyond the major urban centres. According to provincial/territorial stakeholders, federal financial assistance to family law programs should continue, preferably with additional funds and sustained and "core" funding (not only for "innovative" programs). Respondents in all groups mentioned the problems presented by the large number of unrepresented litigants, a situation that is exacerbated by the difficulties encountered by low to medium income parents in obtaining a legal aid certificate for family law matters. Many projects and services have been established to counteract the effects that parents without retained counsel have on the justice system.

Contribution funds provided to the MEPs allowed for computer system upgrades and other technological improvements that enhanced their efficiency and effectiveness, thereby improving client service and, possibly, collection rates though there are no data available to determine whether this is the case.

In summary, the contribution agreements enabled the jurisdictions to implement the legislative changes, to provide services required by separating and divorcing parents, and to improve their ability to enforce support orders.

7. SUCCESS OF THE RESEARCH COMPONENT

The objectives of this component were to support the implementation of the Initiative through undertaking original research, monitoring existing databases on Canadian families, providing interpretation of social science research and data to policy analysts, the public and the provinces/territories, and monitoring new programs/projects developed by the provinces and territories. The research was intended to provide timely feedback to the Department of Justice Canada and the FPT Task Force; to provide information needed for the comprehensive review of the provisions and operation of the child support guidelines for Parliament by May 2002 as required by the *Divorce Act*; and to support this evaluation of the Child Support Initiative.

A large number of research projects were undertaken in the following areas:

- development of the formula for the table amounts, monitoring the table amounts and undertaking simulation exercises;
- monitoring the implementation of the guidelines by means of the Survey of Child Support Awards and other studies;
- monitoring the implementation and functioning of support enforcement initiatives;
- communications and legal information;
- evaluation of selected projects to which the federal government contributed financial assistance;
- special studies on the social context of separation and divorce, including analyses of surveys conducted by Statistics Canada; and
- socio-legal studies on custody and access issues.

7.1 The Research Framework and its Operationalization

A detailed research framework was developed in 1997 and 1998, the purpose of which was to describe the empirical research required to meet the objectives outlined above. The research priorities in *Child Support Initiative Research Framework* (Child Support Team, 1999a; 1998)

were developed in consultation with the other members of the Child Support Team and the Task Force, especially the Research Sub-committee. The *Framework* was intended to and in fact did function as a road map for research undertaken both in-house and by researchers under contract. While the *Framework* was seen as valuable by some, its development and the associated consultation process were time consuming. The *Framework* was widely distributed to stakeholders and others for comments; very few were received other than from Task Force members bringing into question the utility of extensive distribution of research plans. The delay in finalizing the *Evaluation Framework* may have affected the timeliness of some of the research projects, in particular some of the work on support enforcement. On the other hand, the *Framework* was met with approval by the Standing Senate Committee on Social Affairs, Science and Technology:

The Committee is satisfied that the government has given careful thought to the extremely wide range of issues relevant to a thorough evaluation and to the research strategies that will enable it to provide answers to the many questions that have to date lacked empirical data. We are confident that by the year 2002, when the Minister of Justice will report to Parliament on the operation of the Guidelines, that there will be a solid foundation upon which to draw conclusions.⁵⁷

Thus, while the extensive distribution of the *Framework* may have produced little response from the public and stakeholders overall, the formal presentation of the research plan was extremely useful in garnering support for the Initiative from a key stakeholder group as well as from provincial/territorial officials.

The research agenda was hampered by the absence of national, standardized baseline data on the functioning of the child support and enforcement systems and on family courts in general. The lack of experienced researchers in the family law and support enforcement areas also posed difficulties for research. There was a learning curve required for in-house and contract researchers before they became familiar with child support and support enforcement issues. The unavailability of researchers with experience in these areas may also have contributed to the delays in fulfilling the research program. However, one benefit of the research program was that Canadian social scientists both in and outside of government acquired experience and expertise in family law and maintenance enforcement. A second challenge faced by the research component was the absence of quantitative information on the processing of family law cases by

⁵⁷ The Federal Child Support Guidelines Interim Report of the Standing Senate Committee on Social Affairs, Science and Technology, Issue 15, June 1998, page 18.

the justice system, especially the lack of national, pre- and post-legislation (i.e., longitudinal) data on child support amounts and other case processing features. The implication for this evaluation is that there is no way of determining whether changes in amounts of child support occurred as a result of Bill C-41. However, the research agenda included a major multi-jurisdictional project that obtained case-specific information on the processing of divorce cases post-legislation (the Survey of Child Support Awards, described below).

About half a dozen studies outlined in the *Framework* were not undertaken. The reasons include inadequate resources and staff, research questions that proved to be irrelevant, and issues that were of low priority such as garnishment practices under *GAPDA*. Another factor is that before the end of the Initiative, the research plan was expanded to include custody and access research questions, thereby requiring re-direction of staff time and other resources.

Approximately \$2.7 million were spent on contract research and related expenses from 1997 to 2000. Almost two-thirds of this amount involved monitoring the implementation of the guidelines and research on support enforcement.

7.2 Developing and Monitoring the Child Support Amounts

The table amounts are, of course, integral to the guidelines. The Child Support Team was responsible for the development of the formula for the table amounts as published in 1997. A regular re-examination of the effects of income tax changes on the table amounts in the guidelines is also being undertaken. This work ensures that changes in the federal and provincial taxes and benefits do not negatively affect the underlying fairness of the mathematical calculations involved in the generation of the child support table amounts. The formula used to create the table amounts has been found to be “robust”. Even though there have been changes to the income tax regimes in all jurisdictions since 1997, the changes have had a minimal impact on the table amounts and there is no large difference from those initially published. Based on this finding, the FPT Family Law Committee decided that updated tables need only be published every five years, or whenever tax changes have a substantial impact on the table amounts.⁵⁸

Several family law practitioners recommended that the federal government announce the findings of the reviews, even if the table amounts are not changed. An announcement of this sort would increase practitioner and parent confidence in the fairness of the amounts.

⁵⁸ The actual amount of the change is not specified in federal documents.

In-house research included an array of mathematical simulation studies and presentations on a variety of scenarios to address the impact of potential policy changes on child support amounts. Most studies involved taking consideration such factors as the taxes paid by each parent, government transfers, income levels and number of children living with each parent. The standard of living test, for example, was examined in terms of the effects on parents of including in the test the National Child Benefit, the GST credit, EI premiums and Canada Pension Plan contributions. These studies are valuable to policy officials because they inform them, in advance, of the effects of policy decisions.

In addition, federal researchers continue to liaise and provide feedback to commercial child support software developers – the software is used by family law lawyers, family law centres and by the courts in a number of jurisdictions – in order to ensure that the software correctly calculates award amounts.

The operationalization of the guidelines into table amounts is a major success of the Initiative. The table amounts are seen as reasonable by most recipients and payers as well as professionals involved in family law matters. As far as can be determined, the guidelines did not produce a discernible backlash among payers of child support; there was no apparent increase in non-compliance according to officials from maintenance enforcement programs. The absence of a widespread backlash indicates that the payers in general do not perceive the amounts to be unfair.

7.3 Monitoring the Implementation of the Guidelines

Four methods of monitoring the implementation of the guidelines were planned: the Survey of Child Support Awards, the collection of data on stakeholders' views of the guidelines, reviews of case law and a survey of parents' views of the guidelines. The audience for this research included policy personnel at both levels of government, this evaluation and Report to Parliament as required by the 1997 amendments to the *Divorce Act*.

7.3.1 Survey of Child Support Awards

The purpose of the Survey of Child Support Awards (SCSA) was to collect implementation data on the guidelines to determine how they were being used (Bertrand et al., 2001; 2000).⁵⁹ The Survey was undertaken in 11 jurisdictions and cost about \$500,000.⁶⁰ Phase I, which was essentially a pilot stage, lasted from November 1997 to May 1998 (Hornick et al., 1998; 1999); Phase II was scheduled to conclude in March 2002 but it has been extended for an additional two years. Most court locations are in major urban areas and two-thirds of the cases are from Ontario and Alberta. This latter situation means that the overall findings are greatly affected by the data from two provinces. The methodological limitations of the Survey were acknowledged by federal officials, who also emphasized that the Survey was a good start; an expansion of the study to include separation cases and more court sites would greatly improve the value of the research.

Without the Survey, it would have been impossible to obtain quantitative information on the extent to which and how the guidelines were implemented. The Survey revealed that the guidelines have been implemented in the manner intended by the federal government, at least in the study courts. The drawback of the information published to date is that the analysis is cursory in nature – additional analysis would be useful for both federal and provincial policy and research personnel. Analyses by federal researchers of this dataset should be continued. The influence of the findings from the SCSA on policy development is hard to determine: policy makers differ in their attitudes towards the Survey. Some view it as offering concrete evidence of how the guidelines are functioning, including the identification of areas requiring additional policy scrutiny, whereas others see the Survey data as only of peripheral relevance to policy development. The latter mentioned, for example, that it was more important to have information on issues such as why some separated parents have informal agreements and others have none at all – i.e., information that would never be available from court files. Very few provincial/territorial officials spontaneously mentioned the SCSA, suggesting that it is not highly salient in their overall perspective of the Child Support Initiative. At the same time, if the

⁵⁹ Specifically, the Survey was to assess whether the amount of child support awards was in line with the guidelines; the extent to which special or extraordinary expenses were included; the extent to which “other”, non-Guidelines arrangements were made; the use of undue hardship provisions; and the level of compliance with the information requirements in section 13 of the guidelines. Originally, only data on *Divorce Act* cases were collected but at the request of a few jurisdictions, the Survey also began to collect information on cases dealt with under provincial legislation. Separation matters are excluded from the analyses in the published reports.

⁶⁰ This amount excludes the costs of data coding from court files, which is paid for by the contribution agreements between the Department of Justice Canada and the provinces and territories. The data coding costs are probably between \$25,000 and \$35,000 annually.

Survey had found that the guidelines were *not* being followed, it is much more likely that its findings would have been cited.

If new data elements were added, the Survey could be used to determine the effects of future changes to the *Divorce Act*. The Survey could then also be used to monitor and evaluate amendments relating to custody and access. Federal government respondents recommended that the Survey be continued with a larger number of courts,⁶¹ with the addition of separation cases, and with modifications to its content in order to be able to monitor future amendments to family legislation. There is no other source of quantitative data on separation and divorce. Until now, the Survey has only captured a relatively brief “snapshot” of the functioning of divorce courts in Canada. Continuation of the Survey would greatly assist future research and evaluation in family law.

7.3.2 Surveys of Practitioners

A second approach to monitoring was the collection of attitudinal and experiential data from lawyers, judges and mediators who attended conferences and continuing education sessions, several findings from which were cited in Chapter 4 (Child Support Team, 2000a; Paetsch et al., 2001a; 2001b; 1998). The input from these surveys was helpful to policy personnel and this evaluation because they provided a broader perspective than was possible from other sources, such as members of the Advisory Committee.

7.3.3 Case Law Reviews

The reviews of the case law are designed for family law practitioners and FPT policy officials. The reviews were distributed at training sessions but as mentioned earlier, the extent to which practitioners seek out this information on the child support Web site is not known.

7.3.4 Survey of Parental Attitudes towards the Guidelines

Small scale surveys of parents who had attended parent education programs or who were clients of a provincial enforcement program were asked a few questions on the guidelines, the results of

⁶¹ The provinces and territories selected the courts for participation. Some provinces are not well represented; for example, Victoria is the sole participating court in British Columbia.

which were reported in Chapter 4. The two national surveys that were done on knowledge of the guidelines and on custody and access (Canadian Facts, 2001; 2000) found that non-custodial parents were under-represented in the samples. It became apparent that it is very difficult to find a representative sample. For a variety of reasons, payers and would-be payers of child support⁶² do not identify themselves as such when polled, so that the representativeness of the findings becomes questionable. Consequently, there was a reluctance to use public opinion polls as a primary method to collect data on parental attitudes.

7.4 Monitoring the Functioning of Support Enforcement Initiatives

A number of research projects were undertaken to assist the federal and provincial-territorial governments in improving enforcement mechanisms. The Child Support Team responded to the need for information that emerged as operational problems were identified – for example, the functioning of the amendments to the *FOAEA Act*. About a dozen topics were examined. The following are examples:

- Exploratory work on the factors associated with compliance with payment of support orders was undertaken. The ultimate purpose is to develop approaches to maximize compliance through the alleviation of factors that inhibit it. This important study on compliance and non-compliance began as a pilot project in Prince Edward Island with follow-up work done in four other jurisdictions. The research involved both analysis of data from the information systems of MEPs and interviews with payers, recipients and other stakeholders. Also included was a “best practices” component to assist MEPs in their approaches to support enforcement and a detailed description of the operations of the participating MEPs.
- Research on the administrative and operational procedures for REMO cases was done in each jurisdiction in order to provide important information on “best practices” for reciprocal enforcement.
- Research on the way in which the social insurance numbers are transmitted by MEPs to HRDC revealed that operational problems could be overcome by a manual check of the SINs by HRDC staff – an arrangement that was subsequently put into place.
- Work was undertaken to improve tracing services to locate debtors. Studies included the collection of information on MEP tracing needs and operational issues encountered since 1997; a review of “new hire” programs in the United States; and, a review of federal

⁶² That is, separated and divorced parents with children under the age of majority who do not live with their children.

databases that could be used to provide data on newly hired employees. Because of this work, a long-term plan was developed for implementation of a federal tracing service that includes information on newly hired employees.

- Other work included a project to examine other potential sources of funds that could be garnished under Part II of the *FOAEA Act*. As a result of this work, a source was identified that could assist MEPs in garnishing self-employed debtors.

The findings from these studies were relevant to federal support enforcement policy and operational personnel, in that they informed them of steps that are required or that might be taken to improve several aspects of support enforcement. For example as a result of a study in British Columbia on the benefits of the federal tracing function, the provincial MEP made adjustments to its tracing procedures, which in turn increased the utility of the information provided to them by the federal tracing service. For its part, the FLAS section started to change its own procedures because of the information obtained from this study.

One gap identified with the enforcement research to date is that relatively little was done to assess the outcomes of changes to support enforcement tools, perhaps because federal and provincial/territorial information technology is still in a relatively early stage and unable to link specific enforcement actions to case characteristics and their payment patterns. There is also little known on why specific enforcement tools are used for what types of cases of default. It was pointed out that support enforcement research has really just begun.

7.5 Communications and Law Information Research

The audience for this research included federal and jurisdictional personnel interested in and responsible for public education materials.

An initial survey was done in March 1997 to collect baseline data on public attitudes towards child support issues; this survey asked questions on the perceived importance of making child support payments, financial obligations to new and previous families, and the amount of public support for initiatives against defaulters, such as suspension of driver's licences. A survey of the separated and divorced public was undertaken in 1998 to determine the extent to which this target group was aware of the changes to the child support laws and where the information had been obtained. Follow-up surveys on knowledge of the changes were planned but not undertaken because of lack of resources.

PLEI organizations were asked to conduct studies on selected hard to reach target groups, and to make recommendations on how to reach them. These secondary targets for law information were to be identified and PLEI organizations were to develop the materials. This research was regarded somewhat negatively, with federal respondents commenting that the findings were not new and that the reports offered little in the way of direction for future communications efforts. The reports tended to emphasize that mass communication techniques are likely to be ineffective unless combined with community-based efforts, which may require substantial re-thinking of federal approaches.

7.6 Evaluations of Selected Projects

In collaboration with the provinces, the Child Support Team funded seven evaluations of pilot projects in order to obtain and then to share information on best practices. In addition, some provinces used funds from the federal financial agreements to undertake evaluation studies (e.g., British Columbia, Alberta). Audiences for evaluations of demonstration or pilot projects include project personnel, FPT officials, and this evaluation. Evaluation of pilot projects was difficult to “sell” to the jurisdictions perhaps because of a misapprehension of the role that research can play. Reluctance to evaluate is not unusual. This is probably especially the case when the evaluation is undertaken or overseen by the funding agency. In order to gain widespread cooperation for project evaluation, it may be necessary to emphasize repeatedly that evaluation can improve service delivery, determine unintended consequences, and help in the development of lessons learned or best practices that could be useful for other jurisdictions.

It was anticipated that because resources were limited, quantitative outcome evaluations would not be possible and indeed the majority of evaluations addressed issues of process or short term effects rather than longer term outcomes. Most of the projects evaluated were small in scale, recently begun and perhaps not yet suitable for a full scale outcome assessment. The exceptions to this general conclusion were some of the evaluations of parent education/mediation programs, a few of which collected follow-up data on post-program experiences and litigation.

The effects of the findings from the evaluations of pilot projects on policy or program development are uncertain. A few provincial officials cited the results of project evaluations as evidence that their service or program was working well. The large majority did not raise the question of evaluation findings.

Federal officials were not entirely satisfied with the evaluations: the evaluated projects were “small programs” and, as mentioned, little information on outcomes was obtained. Part of the problem was that the projects were begun with no involvement of evaluators; staff were inexperienced in designing information systems and had little or no expertise in performance measurement.

With regard to parent education programs, it is possible that exposure to evaluation findings may have encouraged other jurisdictions to adopt the same or similar program content. *For the Sake of the Children*, the parent education program originally developed by the Manitoba government has been adopted by other jurisdictions, but whether it was the evaluation of the program (McKenzie and Guberman, 2000) or other factors that influenced the decision is unclear.

7.7 Selected Studies on the Social Context

In line with the *Research Framework*, a number of studies and analyses provided baseline and trend information about the broader social context of the guidelines and support enforcement initiatives. These studies were to be based on Statistics Canada and Canada Customs and Revenue Agency databases that contain information on divorce, separation, child or spousal support amounts, and the custody and access arrangements of families in Canada generally.

The periodic *Selected Statistics on Canadian Families and Family Law* (Child Support Team, 2000c) – two editions have been published – summarizes in one document a range of quantitative data on topics such as trends in marriages and divorce in Canada, changing birth rates, the changing family context of children at birth and the correlates of poverty. This type of data provides valuable background information for any discussion of family law in Canada. It was recommended by a federal official that the research function direct more resources towards the collection of contextual data such as are found in *Selected Statistics*.

The Initiative was able to utilize data from the National Longitudinal Survey of Children and Youth undertaken by Statistics Canada and Human Resources Development Canada. Analyses of the early waves of this study provided previously unavailable data on child support, types of residence of separated and divorced children, and access to the children by non-custodial parents (Marcil-Gratton and Le Bourdais, 1999). Similarly, the analysis of data from the 1995 General Social Survey on families provided new information on separated and divorced fathers (Le Bourdais et al., 2000). This information was useful to policy and program personnel. Because

of their scope (large sample sizes, national coverage) and the high quality of their analyses, these studies were of great benefit to policy makers.

7.8 Research on Custody and Access

Latterly, more emphasis was placed on researching issues relating to custody and access and approximately 15 studies were done using Initiative resources; funds were re-directed to support custody and access research. Examples of research in this area include literature reviews on high conflict divorces, shared custody, parenting plans, and the enforcement of access as well as a public opinion poll.

The national opinion poll conducted in 1999 asked separated and divorced parents questions on custody and access. As noted in section 7.3.4, there was an under-representation of non-resident fathers, which is common in such polls.⁶³ Another anomaly was that a much higher proportion of men said they had shared custody than any other source of information on the topic, suggesting that survey respondents were over-estimating the frequency of contact with their children or that the sample was widely skewed or a mixture of both factors. Federal officials regard the survey as a pilot project that provided information on the methodological limitations of polls, and not as a study that benefited policy development. Despite these drawbacks, additional analysis of the survey could provide more information on the relationships among variables, such as the factors affecting whether there is a custody agreement in place.⁶⁴

Equivocal attitudes on the custody and access research were encountered. Some federal respondents said that the research agenda lacked policy guidance on the research questions to be addressed, whereas others viewed the research as “too late” to provide input into policy development. One respondent remarked that the custody and access research was not as well planned as were the child support studies; this can be attributed to the lack of resources and time to develop a comprehensive research plan as well as the absence of previous research upon which additional research could be built. The limitations of the survey data were also cited as minimizing their usefulness for policy purposes.

⁶³ For example, Juby and Le Bourdais (1999), writing about father's contact from the General Social Survey (1995), found dramatic differences in the reporting of children between fathers and mothers. While the expectation in a survey of this type was that the same number of children would be reported by both sexes, there was significant under-reporting of the number of children reported by non-resident fathers. Juby found that the "missing fathers" are more likely to be those that have lesser contact with their children.

⁶⁴ The report contains two-way cross-tabulations, but little more extensive analysis.

7.9 Summary

An impressive amount of research was undertaken to support policy development, to monitor the implementation of the guidelines, and to provide information for this evaluation and the Report to Parliament. In particular, the Survey of Child Support Awards provided valuable information on the extent to which and in what manner the guidelines were implemented. This Survey clearly shows that the guidelines and table amounts are being used in the vast majority of cases dealt with by the study courts. The development and monitoring of the formula that calculates table amounts, simulation modelling, the Survey of Child Support Awards and the studies on social context, such as the analysis of the National Longitudinal Survey of Children and Youth, were of greatest benefit to policy makers.

Important research was also undertaken to guide the improvement of federal enforcement mechanisms including the identification of additional tracing options and garnishment sources and obstacles in operationalizing the new enforcement tools.

The research component was intended to increase the knowledge of policy makers and practitioners about specific issues, to inform policy and program decisions, and to assist in the development or refinement of policy and programs. It is apparent from interviews that the research was viewed positively and undoubtedly, the knowledge of both federal and provincial/territorial policy personnel and practitioners increased. The development of the formula for the table amounts and the simulation studies made a critical contribution to the Initiative. Research provided substantial input to policy development as demonstrated by the utility of the research on the formula. The research in support of enforcement was also beneficial to federal enforcement operations and to enforcement policy development. This research was conducted in response to an identified policy need and the researchers and policy personnel worked closely together to ensure the research would address that need. The evaluation found that the research did not by and large make a significant contribution to the development or refinement of programmes within jurisdictions, despite the best efforts of the family law research unit. For example, many funded programs were not evaluated or even well monitored (other than financially). This situation occurred for several reasons including provincial/territorial reluctance to participate in evaluations, lack of research expertise in the jurisdictions and the absence of a strong relationship between researchers and funding program staff.

Overall, stakeholders in the federal government were moderately to well satisfied with the projects undertaken and the distribution of research findings. Provincial/territorial personnel did not, for the most part, point to research as a source of important information directly relevant to policy and programming in family law but were impressed with the number and widespread distribution of the research reports.

8. CONTINUED RELEVANCE

The objectives of the Child Support Initiative remain relevant. Despite the successes of the Initiative, there is a need for the federal government to pursue the attainment of these objectives. A number of areas require ongoing policy development, program assistance, public law information, research and other work. This chapter focuses on what needs to be done in the future in order to further the objectives of the guidelines and the initiative overall.

8.1 Child Support Guidelines

The guidelines, and how they are operationalized in practice, require continued policy development and program support by the federal government.

8.1.1 Additional Amendments to the Guidelines

According to a number of family law professionals and provincial/territorial officials interviewed for this report, several aspects of the guidelines require legislative attention.

- The method of calculating the amount of child support in shared custody arrangements is discretionary, thereby leading to the possibility of inconsistency.
- The definition of extraordinary expenses should be clarified.
- Second families and step-children are outstanding issues because the guidelines do not clearly set out how these situations should be dealt with. At the same time, it was acknowledged that there is no easy solution if the non-custodial parent is in a low income category.
- Expenses associated with child/non-custodial parent contact are an issue that should be re-examined federally.

In addition, future amendments to the *Divorce Act* require monitoring to ensure that they do not affect the child support guidelines in any unexpected ways. Moreover, any amendments to the

custody and access provisions may show the need for further amendments to the child support guidelines. As all concerned in child support issues are well aware, the guidelines cannot be viewed in isolation from other family law issues.

8.1.2 Table Amounts

The table amounts are not static but dynamic, depending as they do on the amount of income tax payable in each jurisdiction. The table amounts must therefore be monitored regularly in relation to income tax changes. Based on recommendations of the FPT Family Law Committee, the federal government plans to re-publish the table amounts every five years, unless tax changes are so substantial as to require earlier updating. By monitoring tax changes on a regular basis, the tables will remain fair and consistent across jurisdictions. Several family law practitioners recommended that the re-examinations of the table amounts be publicized even when no changes are made, so as to increase practitioner confidence in their continued validity.

In addition, in order to determine the potential effects of other changes (e.g., to custody and access provisions of the *Divorce Act*) on the table amounts, the federal government needs to retain the capacity to undertake “modelling” activities.

8.1.3 Public Information and Education

A continuation of the dissemination of public information on the guidelines is required because most parents neither need nor want information on child support unless their relationship breaks down. Also, because of high staff turnover in community agencies that act as intermediaries (i.e., conduits to separating and divorcing parents) and the difficulties in reaching social service personnel, efforts targeted towards these intermediary groups should be continued. Most professionals in the law information area believe that informing intermediaries is the most effective way of accessing hard to reach parents, such as minority group members and those with low literacy levels, about the law on the guidelines.

8.1.4 Federal-Provincial-Territorial Contribution Agreements

All provincial/territorial officials argued in favour of continued federal assistance for family law programs, preferably “sustained” or “core” funding. Project-based funding is seen as much less advantageous because it:

- prevents longer term planning by the jurisdictions;
- may prevent central agencies and ministries from agreeing to innovative programs even though the federal government is to contribute a sizeable proportion of the budget – because of fears that the program will terminate once federal funding ends;
- unduly emphasizes “innovative” programs when federal financial assistance is required to maintain existing programs such as parent education and mediation;
- takes up a great deal of time in proposal- and report-writing and in the negotiations between the two levels of government.

Thus, there is a need for predictable funding so that receiving governments can better plan the programs and services to offer separating and divorcing parents.

A child support service under section 25.1 of the *Divorce Act* would reduce the need for separating and divorcing couples to go to court to establish support amounts, would reduce the burden placed on the courts by unrepresented litigants, and could be used to update orders when the payer’s income changes. Most jurisdictions support the development of mechanisms by which support orders can be updated without the necessity of a court appearance, with a caveat that adequate federal resources must be available to support such a service. A substantial number of family law practitioners also spoke in favour of a mechanism by which changes to award amounts could be made expeditiously when the payer’s income changes.

It was suggested that provinces and territories require federal financial assistance to develop the infrastructure necessary for such a mechanism. Issues that would need to be addressed include the identification of ways in which to obtain accurate information on the payer’s income and ways to avoid the creation of a government “bureaucracy” to recalculate support amounts.

The following types of projects may have the greatest impact and/or may meet the greatest need:

1. Mandatory parent education programs that focus both on the legal aspects of separation and divorce and on skills to minimize parental conflict are probably helpful to the majority of parents. Programs especially those that are “skills-based” have the potential

to reduce the amount of conflict between parents during the separation and divorce process. These programs not only benefit the children of the relationship – research has found that parental conflict is harmful to children – but also may benefit the court system because a reduction in conflict may lead to a reduction in litigation, at least in the short term.

2. Family mediation programs may benefit the justice system and parents, but policy makers and programmers should be cautious about the over-selling of mediation. As with parent education, research has found that the long term benefits of mediation may be limited. In the short term, however, mediation “works” for many families by expediting agreements and reducing parental conflict. It is less clear if mediation affects litigation overall.
3. Services for unrepresented litigants, including those that provide the opportunity for them to by-pass the court process when possible, are required.
4. There is a need to develop a method to update order amounts without the necessity of court intervention when the payer’s income changes. The child support service concept as described above may be the most effective and efficient way of varying orders in these circumstances.

Other programs, such as supervised access to deal with abusive situations, have merit but are limited to a small target group (i.e., a small proportion of the population of separating and divorcing parents require monitored visitation/changeover of their children). This is not to say that such programs are unnecessary: the potential for violence to erupt in high conflict break-ups is well known. Ways of minimizing the opportunity for such violence are necessary.

In the absence of federal funding, the jurisdictions would not have had the financial resources required to respond to the changes required by the Child Support Initiative. Similarly, any future legislative changes to custody and access would be better supported by core funding in order to be implemented effectively.

Most provinces and territories would like more input into the setting and interpretation of the priorities for federal contributions. This may not be feasible unless there is also FPT consensus on the objectives of the federal financial assistance.

8.2 Support Enforcement

8.2.1 Reciprocal Enforcement of Support Orders

Until recently, reciprocal enforcement was a long-neglected area of maintenance enforcement. Given the across-jurisdictional mobility of Canadians, there is a need to continue efforts to improve the enforcement of orders when the recipient and payer live in different provinces or territories. All respondents acknowledged that there is continued need for the federal government to provide financial and administrative assistance to the jurisdictions – to act as a clearinghouse of information, for example – and to facilitate negotiations with other countries. The large majority of respondents would like the federal government to continue its coordinating activities with regard to reciprocal enforcement of support orders within Canada and internationally, including in-person meetings and information sharing.

8.2.2 Federal Tracing, Interception and Licence Denial

The addition of the Canada Customs and Revenue Agency to the sources of information on the whereabouts of payers in arrears did not meet the needs of the MEPs. More up-to-date sources of information are required. MEPs have recommended that the federal government establish a database in order to identify the employers of debtors soon after they are hired. Studies on the feasibility of utilizing existing federal databases for this purpose have begun and should be continued. The essence of this approach is the establishment of a timely “locate” service, which does not currently exist.

Another identified need is related to self-employed debtors. Specifically, there is a need to identify and implement ways of garnishing federal transfers to self-employed persons.

Also, the passport suspension provisions, while apparently an effective enforcement tool for some payers in arrears, currently lack a procedure to seize the passport when the payer does not voluntarily return it. The extent to which the RCMP could be used to seize passports not returned by debtors is not known. The feasibility study in which passports were seized suggests that passport seizure may be an effective enforcement mechanism for some debtors but the cost benefit is not clear. The lack of a consistent enforcement strategy for recalcitrant debtors who fail to return their suspended passports remains of some concern.

8.2.3 Public Information and Education

In other Commonwealth countries and the United States, governments have expended considerable resources to educate the general public and parents on the importance of paying child support. It was suggested by some MEP personnel that the federal government should take a major role in explaining how child support affects the lives of children, in the belief that changes in public attitudes towards parental financial responsibility will affect compliance with child support obligations.

Respondents for this evaluation were divided on the need for large scale media campaigns, primarily because of their cost. As well, there may be limitations to the effectiveness of what was termed the “feel good” type of television advertisements. On the other hand, other public awareness programs, such as drinking and driving campaigns, have helped to embed in public consciousness the public and personal benefits of not driving while under the influence of alcohol. This approach is long term and positive results (i.e., attitudinal and behavioural change) cannot be achieved by sporadic, “one-shot” television or other media advertisements. Evidence from other “social marketing” campaigns suggests that they should be “broad-band” and not confined to one advertising medium. In this approach, research is required in order to determine the precise target groups to whom the information should be directed.

8.2.4 Other Roles of the Federal Government

The shared – indeed overlapping – responsibility for family law requires the provinces, territories and the federal government to work together on family law reform. For example, the consultations made by the provincial and federal governments in 2001 have raised public expectations that changes will be made in this area. Changes to the concepts and definitions of custody and access can potentially affect how MEPs interpret the law, which in turn can affect MEP policies and procedures. The integration of MEP representatives with other family law officials on national-level committees would assist in the development of better coordinated family law services.

More research is required with respect to reluctant payers, many of whom work “under the table” and/or change jobs frequently. There is also need to determine the characteristics of the “won’t pay” versus the “can’t pay” groups of debtors. There is a growing recognition that the latter may constitute a larger proportion of those in arrears than was previously known. If this is in fact the case, the need to update orders becomes especially important. A few pilot projects have been

developed by the jurisdictions to look at this issue, but more work is required. Research on defaulting payers and evaluations of pilot projects needs to be continued.

In sum, the federal government has a continued role in coordinating support enforcement by working in concert with the provinces and territories to facilitate:

- research to discover new ways of improving support enforcement, including the reasons why payers are non-compliant with their support obligations;
- further improvements in the reciprocal enforcement of support orders;
- monitoring of support enforcement internationally in order to keep abreast of recent developments and international conventions.

8.2.5 Federal-Provincial-Territorial Contribution Agreements

Federal financial contributions to the MEPs enabled development and enhancement to information systems and enforcement mechanisms. Technological improvements were and are still required by many MEPs, most if not all of which are under-funded and therefore “cash-strapped”. From the perspective of MEP and many federal officials, core funding from the federal government would create better communication, knowledge and understanding among jurisdictions, and would ensure the development and sharing of technological change and service improvements among jurisdictions.

The issue of federal financial contributions to provincial/territorial MEPs was raised by some federal respondents. While all acknowledge that the agencies are “cash-strapped”, the continued utility of funding separate and incompatible information systems was questioned.

8.3 Summary

This chapter summarized the purpose and scope of continued federal involvement in child support and support enforcement. Stakeholders were almost unanimous in recommending that the Department of Justice Canada continue funding and coordination activities in specific issue areas. There is therefore a continuing need for coordinated action. It is much less clear if an “initiative” is required for these tasks: many activities could be integrated into the routine of the specialist personnel in the Family, Children and Youth Section.

9. SUMMARY AND CONCLUSIONS

In addition to describing its main successes and the “good practices” learned during the Initiative, this chapter summarizes what needs to be done in the future in order to further the objectives of the guidelines and the Initiative overall.

9.1 Key Successes of the Initiative

- *The federal child support guidelines were adopted with little or no change by most provinces and territories. Therefore, there is legislative consistency in the handling of both separation and divorce in every jurisdiction.*

Policy, Organization and Management

- *The federal government collaborated with the provinces and territories to implement the guidelines and the changes to support enforcement found in Bill C-41. This consultative, coordinated approach was seen as successful by almost all federal and provincial/territorial officials involved in implementation.*
- *The Child Support Team – a multidisciplinary group of federal officials working together to coordinate federal implementation activities – functioned effectively.*
- *The Initiative was able to secure the financial and human resources necessary to implement the Initiative.*
- *Without federal financial help several jurisdictions could not have done much in the way of new services and programs, other than the bare minimum necessary to implement the guidelines. With the federal contributions, these provinces and territories were able to develop services and programs that contributed to meeting the federal objectives.*
- *Few if any gaps in activities were identified and duplication of effort was said to be minimal.*

The Achievement of the Objectives of the Initiative

- *The objectives of fair and consistent guidelines were achieved, according to the majority of stakeholders.* Survey data collected in conjunction with the Initiative show that divorce courts are following the guidelines: almost all divorce cases are settled at the guideline amount or above. Moreover, the evidence suggests that the post-guidelines amounts are higher than the pre-guidelines amounts for sole custody cases, although increases in the amounts of child support orders were not among the objectives of the guidelines. Despite this, the introduction of the guidelines apparently did not produce a backlash among payers of child support, so far as can be determined.
- *Parental conflict on child support issues has probably decreased because of the guidelines.* In the majority of cases, the amount of child support is no longer an issue because the amounts are mandatory.
- *Because of the guidelines, the efficiency of case processing has improved and the speed of settlement of child support issues has increased.*
- *During the Initiative greater coordination among maintenance enforcement programs, including the reciprocal enforcement of support orders, was achieved.* The intended improvements to enforcement at the federal level had a modest success: of most benefit to provincial/territorial maintenance enforcement programs was the introduction of passport/licence denial for persistent defaulters.
- *The magnitude of the public education efforts by the Department far exceeded communications activities undertaken in the past in the family law area.* Although uncertain of the details, many separating and divorcing parents have some knowledge of the child support changes.
- *Family law practitioners are well informed about the guidelines.* Federal training and communications activities contributed to this outcome.

Research

- *A strong partnership between researchers and policy officials was instrumental in the success of the guidelines.*
- *The research that was undertaken was of good quality and enabled the Department to meet its accountability requirements to Parliament (in the form of the Report to Parliament) and Central Agencies (in this evaluation).* The Survey of Child Support Awards was essential in determining the extent to which the guidelines were being followed; the Survey revealed that the guidelines were being used in the manner intended by the federal government in the study courts.

9.2 Good Practices and Lessons Learned

Policy, Organization and Management

- *The establishment of federal-provincial-territorial committees to work on implementation of the legislation and other changes improved the effectiveness of the Initiative and implementation overall. Of particular value was the sharing of information between the two levels of government as well as information-sharing among provinces and territories.*
- *The time-limited FPT committees made up of a mix of program and policy officials contributed to the success of the Initiative by providing feedback to federal officials and fora for consultation as well as for information-sharing.*
- *An external committee to provide feedback on how the changes are perceived by stakeholders is a cost-effective use of resources especially if the membership of the committee is geographically diverse and the mandate of the committee is clear.*
- *Team staffing models may improve decision-making. Such models provide a more coherent approach to the various components of initiatives – policy development, law information/communications, program funding and research – because specialists are brought together in one physical location and report to one person. Having one person accountable assists in the development of a consistent approach to implementation as well as providing a clear line of authority. The Team Leader in the Initiative had a clear vision of what was required and made continual efforts to ensure that staff shared that vision.*
- *In the team model, it is important to ensure that staff at both managerial and line levels regularly liaise with their counterparts in other areas in order to maximize the likelihood of information sharing and understanding of others' activities.*

Contribution Funding

- *There are limited quantitative data on the effects or impact of programs/services to which the federal government provided financial assistance. The few programs that had impact assessments were found to meet their objectives (e.g., in expediting the processing of divorce matters).*
- *Meaningful participation of the recipients in the priority setting process for federal financial assistance is essential.*

Performance Measurement

- *In order to increase provincial/territorial participation in performance measurement of programs to which the federal government contributes, there is the need to inform representatives at the outset of the importance of collecting monitoring data, of involving them in the development of the information to be collected, and to provide them with feedback on the results. This approach may increase “buy in”. The requirement for feedback necessitates the allocation of federal staff time to the exercise.*
- *In order to encourage projects that receive federal funding to measure their performance, a contractual requirement in conjunction with federal assistance in developing measures may be necessary.*
- *Federal officials lacked the impetus to undertake performance measurement on a routine, consistent basis. One solution to this common problem would be to make measurement part of job descriptions of selected staff.*

9.3 Areas for Additional Work

The Guidelines

- *Continued policy development is required in order to ensure that the current provisions are in keeping with developments in other family law areas, such as custody and access.*
- *A few areas of the federal guidelines require amendments.*
- *In order to maintain fairness, the table amounts need to be regularly reviewed, monitored and modelled by the federal government. The dissemination of the findings from these reviews would ensure continued support for the guidelines among provincial/territorial officials and key members of the legal community such as members of the Family Law Sub-section of the Canadian Bar Association.*
- *There is a need for research on child support that explores why some parents lack any support arrangements and others have private arrangements (i.e., without seeking assistance from lawyers or the courts).*
- *There is continued need for information on child support and other aspects of family law to be communicated to affected parents. One method recommended by public legal education personnel is to disseminate information to staff in community-based agencies that have contact with this target group.*
- *Non-specialist lawyers and non-legally trained family mediators are often not sufficiently knowledgeable about the guidelines. If the professional associations of these groups are*

unable to take on a training role, then it may be appropriate for the federal government to continue its informational efforts.

- *Continued federal assistance for family law programs, preferably “sustained” or “core” funding, is needed..*
- *Federal contributions need to be targeted at the types of programs that may have the greatest impact and/or meet the greatest need.*
- *Approaches to establishing a child support service under section 25.1 of the Divorce Act need to be piloted and evaluated in a number of jurisdictions. There is the need to develop a mechanism by which changes to award amounts, and even the initial calculation of award amounts, can be made without court proceedings.*
- *Services for unrepresented litigants, including mechanisms that provide the opportunity to by-pass the court process when possible, are required.*

Support Enforcement

- *Additional policy development on support enforcement and the reciprocal enforcement of orders among jurisdictions and with other countries is required.*
- *The federal role in the coordination of reciprocity activity among the jurisdictions and with other governments needs to be continued.*
- *Continued financial contributions to the operations of the MEPs are required for all programs are to be able to enforce support orders in an equally effective manner.*
- *The federal government could contribute to the ability of MEPs to locate defaulting payers through the development of a national scheme to track newly hired workers. The employment and geographical mobility of support payers is identified as a major problem for enforcement programs; the federal government has the unique ability to locate defaulters who are geographically mobile.*
- *The federal government needs to explore additional sources of funds that can be intercepted, such as GST business rebates.*
- *Additional work on the reasons why MEPs make application for licence/passport denial may assist in the development of guidelines on its appropriate use.*
- *Operational improvements in support enforcement at the federal level are required. The electronic transmission of information to and from the Family Law Assistance Section and MEPs needs to be improved. The two levels of government need to work together to enable successful implementation. The technological problems in MEP to FLAS communications were an unexpected obstacle.*
- *Research on ways to improve support enforcement should be continued.*

- *More research on the characteristics of reluctant payers of child support is desirable. Of special importance are data that distinguish between the “won’t pay” and the “can’t pay” groups.*

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APPENDIX: INTERVIEW QUESTIONS BY EVALUATION TOPIC

LEGEND:

AC	ADVISORY COMMITTEE
CBA	FAMILY LAWYERS, BRANCH CHAIRS, CANADIAN BAR ASSOCIATION
LEG	CONTINUING LEGAL EDUCATION ORGANIZATIONS
EC	ENFORCEMENT SUB-COMMITTEE
FLC	F-P-T FAMILY LAW COMMITTEE
MEP	MAINTENANCE ENFORCEMENT AGENCY OFFICIALS
PLEI	PUBLIC LEGAL EDUCATION & INFORMATION ORGANIZATIONS
RS	RESEARCH SUB-COMMITTEE
RE	RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS; REMO/RESO SUB-COMMITTEE
TF	TASK FORCE ON CHILD SUPPORT

Q. 6 – Fair & consistent standards established by the CSG?

AC, CBA, FLC, TF

1. An objective of the Guidelines is “to ensure consistent treatment of parents and children who are in similar circumstances”. After four years of experience with the Guidelines, to what extent do you think that this objective has been achieved – not at all, to some extent, a great deal?

PROBE: Ask “why not?” if respondent says “not at all”.

2. Another objective of the Guidelines is fairness and equity. Given the way that the Guidelines have been working in your jurisdiction, to what extent do you think that they are fair and equitable for
 - (a) the custodial parent?

(b) the non-custodial parent?

PROBE: If the respondent says the Guidelines are not fair, then of course interviewer asks “why not?”

3. Overall, do you think that the table amounts are too high, too low or just about right?
Is the payer’s income a factor?
4. In general, how satisfied are custodial and non-custodial parents with the Guidelines?
ONLY AC practitioners, CBA
 - with the table amounts
 - with the special expense provisions
 - with other provisions (please specify)
5. Considering the changes to the tax treatment, have the net amounts ordered for child support increased, decreased or stayed about the same?
Does this vary by income level? If so, in what way?
6. What is your attitude towards the recalculation mechanism as currently conceived (not as in section 25.1), especially its necessity, benefits, drawbacks, and feasibility in your jurisdiction?
TF, FLC only
7. Are there any changes that could be made to the Guidelines to further the objectives of fairness and consistency in the treatment of parents and children in similar circumstances?
 - (a) to the special expense provisions
 - (b) to the undue hardship provisions
 - (c) to other provisions (please specify)

Q.7 – Changes in the level of conflict involved in the determination of child support

TF, FLC, AC, CBA

1. Compared to before the introduction of the Guidelines, has there been a change in the amount of conflict between parents on child support issues?

IF A DECREASE: To what extent do you attribute this to the Guidelines as opposed to something else – for example, the introduction of new programs to assist parents to resolve disputes before going to court?

IF NO CHANGE OR INCREASE: Can you suggest some reasons for this?

2. Have the Guidelines affected the proportion of contested cases – are proportionately fewer cases going to trial, or going further into the court process, on child support issues because of the Guidelines?
3. Do you have any suggestions on how to reduce, or to further reduce, the level of conflict involved in determining child support?

Q.8 – Changes in the efficiency of legal processes required to determine child support?

TF, FLC, AC, CBA

1. Compared to before the Guidelines, has there been a change in the length of time it takes to resolve matters involving child support?

IF A DECREASE: To what extent do you attribute this to the Guidelines as opposed to something else – for example, new programs and activities (e.g., improved case management) that affect the speed of the separation/divorce process?

What programs/activities?

IF NO CHANGE OR INCREASE: Can you suggest some reasons for this?

Q.9 – Has federal financial assistance helped the jurisdictions to implement the Guidelines?

TF

AC, CBA – see end; selected questions only

1. Many expected that there would be a large number of variation applications entering the court system after May 1997, and most jurisdictions developed methods to cope with the anticipated influx. Did you actually have a large number of requests for variations?

IF YES: Were the methods that you had developed effective in coping with the volume?

IF NO: Were there other benefits to the mechanisms that you had introduced?

2. (a) Since the implementation period, what programs and activities that received federal financial assistance (up to March 2001) have been most critical to the processing of separation and divorce cases involving child support? Please specify the projects.
- (b) How did you decide that these programs and activities were needed?
- (c) To what extent would your jurisdiction have been able to undertake these programs and activities without federal financial assistance?
- (d) Have any programs or activities that received federal financial assistance moved from a pilot to a permanent status? Which ones?
Have some programs been dropped and, if so, why?
For programs still in existence: What are the current funding sources – federal and provincial/territorial, or provincial/territorial only?
- (e) What have been the effects of each major program/activity that received financial assistance up to March 2001?

Note to interviewer: Cite each project if necessary. Make sure that you make clear in your notes if the respondent is citing evaluation findings or other sources for this answer.

PROBES:

To what extent have these programs/activities contributed to achieving objectives of the Guidelines, that is:

- reducing parental conflict
- early resolution of child support issues
- greater efficiency in the processing of separation and divorce cases

3. Many jurisdictions experienced difficulty in spending federal funds in the allotted period. Was that the case for your jurisdiction?

IF YES:

- (a) What factors affected your jurisdiction's ability to spend all the available federal funds?

POSSIBLE FACTORS:

- different federal-provincial fiscal planning time frames
- delays. What caused these delays?
- lack of support in your jurisdiction
- insufficient resources to prepare proposals
- federal and provincial priorities differed

- unclear monitoring/funding requirements

(b) Has this situation improved? If yes: how was the situation improved? If no: what could be done to improve the situation?

4. How would you describe the working relationship between your jurisdiction and the federal personnel managing the Child Support Implementation and Enforcement Fund? Has there been a change over time in this relationship?
5. Did any of your programs or activities have unintended effects, positive or negative? If so, please describe.

Information sharing among jurisdictions

6. Do you feel better informed about how other jurisdictions deal with child support and other separation and divorce matters because of the Child Support Initiative? What type of information has been most useful?
PROBES:
 - results of funded projects
 - relative effectiveness of different models and practices
 - innovative dispute resolution approaches
 - public education approaches
 - other types of information (please explain)
7. What is the best method that the federal government could provide information to the provinces and territories on how other jurisdictions deal with separation and divorce processing? By:
 - newsletters
 - fact sheets
 - presentations at in-person meetings and conference calls
 - distribution of reports
 - federal officials acting as conduits
 - other means (please explain)
8. Have you or your colleagues made any changes because of learning about what is happening in other jurisdictions? What changes?

AC & CBA ONLY – practitioners only

1. Do you have any experience with programs in your jurisdiction developed to support the Guidelines?
If so, did these programs improve the situation for separating and divorcing couples? If yes, in what ways? If not, why not?

Q.10 – Changes in enforcement of support orders? and

Q.11 – Has federal financial assistance improved enforcement processes at the provincial/territorial level?

ES, MEP

Legislative Changes

1. What effects, if any, did the proclamation of the Child Support Guidelines in May 1997 have on the enforcement of support orders?
 - (a) Was there a change in compliance rates? If so, how much of a change? Do you attribute this change directly to the Guidelines or were other factors involved? What other factors?
 - (b) Was there an increase in caseload or workload as a result of variations to existing orders after the proclamation of the Guidelines? If so, how much of an increase?
 - (c) Have you experienced problems in determining the monthly amounts owed recipients? Do you attribute this change directly to the Guidelines or were other factors involved? What other factors?
 - (d) Did any other changes in enforcement – either positive or negative – occur as a result of the Guidelines?

What effects, if any, did the other legislative changes have on the enforcement of support orders? Specifically:

2. To what extent have the new federal tracing services (Part I, *FOAEA*) improved your ability to enforce support orders – not at all, somewhat, a great deal?
In what ways have they improved enforcement? Do you have any data on the effects of the new federal tracing services?
If no change, why is that?

3. To what extent have the changes in interception/garnishment of federal monies (Part II, *FOAEA*) improved your ability to enforce – not at all, somewhat, a great deal?
In what ways have they improved enforcement? Do you have any data on the effects of these changes?
If no change, why is that?
4. To what extent have the federal licence/passport denial provisions (Part III, *FOAEA*) improved your ability to enforce – not at all, somewhat, a great deal?
In what ways have they improved enforcement? Do you have any data on the effects of these changes?
If no change, why is that?
5. Did other changes in federal legislation affect your ability to enforce support orders either positively or negatively?

Federal financial assistance

6. What factors affected your jurisdiction's ability to use the available federal funds effectively?
POSSIBLE FACTORS:
 - different federal-provincial fiscal planning time frames
 - delays. What caused these delays?
 - lack of support in your jurisdiction
 - insufficient resources to prepare proposals
 - federal and provincial priorities differed, including restrictions on fund expenditures
 - unclear monitoring/funding requirements
 - any other factors?
7. How would you describe the working relationship between your jurisdiction and the federal personnel managing the Child Support Implementation and Enforcement Fund?
Has there been a change over time in this relationship?
8. (a) Other than the federal funds that contributed to systems enhancements for communicating with FLAS, in what ways did federal financial assistance assist your operations? Please specify the projects.

- (b) How did you determine that these programs/activities were needed?
- (c) To what extent would your jurisdiction have been able to undertake these programs and activities without federal financial assistance?
- (d) What have been the effects of each major program/activity that received financial assistance (up to March 2001)?

Note to interviewer: Cite each project if necessary.

Information sharing

9. Do you feel better informed about how other jurisdictions deal with support enforcement as a result of the Child Support Initiative?
What type of information has been most useful?
PROBES:
- results of funded projects
 - relative effectiveness of different practices
 - other types of information (please explain)
10. Have you or your colleagues made any changes in your MEP as a result of learning about what is happening in other jurisdictions? What changes?
11. What is the best means of providing information to the provinces and territories about how other jurisdictions deal with support enforcement? By:
- newsletters
 - presentations at in-person meetings and conference calls
 - distribution of reports
 - fact sheets or some other form of summary
 - federal officials acting as conduits
 - other means (please explain)

REMO/RESO

12. How satisfied are you with federal efforts to assist MEPs in their REMO/RESO activities?

13. (a) Have there been changes in your program's enforcement of REMO/RESO orders because of the activities of the Child Support Initiative? What changes?

IF CHANGES HAVE OCCURRED:

- (b) To what extent have the changes improved your ability to enforce out-of-jurisdiction support orders – not at all, somewhat, a great deal?
14. What REMO/RESO role, if any, would you like the federal government to take in the future – first, with regard to other countries and second, with regard to inter-jurisdictional REMO/RESO activities in Canada? Please explain.

Other Issues

15. What is the status of your jurisdiction's participation in the National Maintenance Enforcement Survey by Statistics Canada?
16. (a) To what extent has the Child Support Initiative affected the federal-provincial-territorial partnership in support enforcement – not at all, somewhat, a great deal? Why is that?
- (b) Are there any ways in which the federal role could be improved?

Q12 – To what extent was the CSI successful in communicating legislative and program changes to the public, various stakeholders and professionals?

PLEI

1. What activities relating to child support has your organization undertaken since the Guidelines were introduced in 1997?
- a. received training on the contents of the Guidelines
 - b. provided input to Child Support Initiative staff on the information needs of target groups in your jurisdiction
 - c. assessed needs of hard to reach target groups. Was this formally by means of a special study or done informally?
For what target groups?
Are there any hard to reach target groups that may have been “missed” in the initial years of public education on the changes to the child support laws? Which ones? Do you have any plans for them?

- d. received and distributed federal materials on the Guidelines. What federal materials? (Family Law Kit, Guides, Workbook for Parents, Complete Workbook, Pamphlet)
 - e. created provincial materials on the Guidelines. Did you receive provincial funding for this?
 - f. prepared and/or distributed divorce kits and/or variation kits
 - g. distributed other provincial materials on the Guidelines? What types of materials? Was this material based on the federal material or entirely new? How did your organization decide which materials to send?
 - h. other activities (please describe – these could include Dial-a-Law, operating the provincial 1-800 line on the Guidelines)
2. Did your agency organize or sponsor any public education workshops or speaking engagements on the Guidelines? If so, how many, where, with what types of audiences?
 3. To what extent were you satisfied with the materials on the Child Support Initiative prepared by the federal government? In terms of understandability, clarity, accommodation to a variety of literacy levels?
 4. By what means did you distribute information on the Guidelines to target groups?
 - mailed information upon request
 - to libraries automatically
 - displays in public locations – where?
 - via the Internet
 - video distribution – to whom? what video?
 - other (please explain)
 5. Did you get any feedback from end-users about the information that was being provided on the Guidelines and other aspects of child support? If so, please describe that feedback.
 6. What was the level of demand for information on the Guidelines in your jurisdiction? Did your organization keep track of the number of calls and other requests for information about the Guidelines? If so, could you give us the numbers from 1997 to the present?
 7. Are you satisfied with the level of federal activity on the Guidelines through media advertisements, workbooks, 1-800 line, Internet information, mail-outs, etc.? What areas could benefit from change? What types of change?

8. Were any additional programs/activities undertaken by your provincial government? Please describe.
9. Can you estimate how well informed the primary target groups (separating and divorcing parents) are about the Guidelines and other aspects of child support as a result of the public education that has been undertaken in the past few years?
10. Did any operational or administrative problems arise with regard to your work on the Child Support Guidelines?
11. Is there a continued need for information on child support and support enforcement – what type of information?
Do users have other information needs in the family law area? Please describe them.
12. Have there been any unintended effects, positive or negative, of the public information and education activities on the Guidelines?
13. Do you have any other comments on the Child Support Initiative?

Thank you for your assistance.

Q12 (cont'd)

Organizations that received federal financial assistance for training of lawyers and mediators

1. What has been the nature of your organization's contact with the Child Support Initiative since it began in about 1997? What activities were involved?
2. Did your organization undertake any workshops or training sessions on the Guidelines and/or other aspects of the Initiative? How many? For what audiences?
3. What was the level of demand for training or information on the Guidelines in your jurisdiction?
4. Are you satisfied with *the amount* of federal training activity on the Guidelines? With *the content* of federal training activity on the Guidelines?

5. To what extent were you satisfied with the federal materials on the Guidelines? In terms of timeliness of receipt, clarity, and relevance?
6. Did any operational or administrative problems arise with regard to your relationship with the Initiative?
7. (a) Can you estimate how well informed family lawyers are about the Guidelines (and other aspects of child support) as a result of the education/training done in the past few years?
(b) What about non-specialist lawyers – how well informed are they, in your experience?
8. Is there a continued need for training and information on child support? On what topics?

AC

1. Were the federal materials developed for lawyers and other professionals (e.g., the *Reference Manual*, *Workbooks*) sufficiently clear, accurate, informative and appropriate to the intended audience?
2. Are you satisfied with the level of federal activity around public education and training of professionals?
3. In your experience, are all or almost all family lawyers well informed about the Guidelines?
What about non-specialists who may deal with family law on occasion – are they sufficiently well informed?
If not, do you have any suggestions on ways to remedy this?
4. What about the affected public – to what extent are separating and divorcing parents aware of the Guidelines? Do they know that the Guidelines are mandatory not “guidelines”?
If affected public are unaware, can you suggest ways to remedy this situation?

CBA

1. Were the federal materials developed for lawyers and other professionals (e.g., the *Reference Manual*, *Workbooks*) sufficiently clear, accurate, informative and appropriate to the intended audience?

Note to interviewer: Some respondents might not be aware of the federal materials.

2. In your experience, are all or almost all family lawyers well informed about the Guidelines?

What about non-specialists who may deal with family law on occasion – are they sufficiently well informed?

If not, do you have any suggestions on ways to remedy this?

3. What about the affected public – to what extent are separating and divorcing parents aware of the Guidelines? Do they know that the Guidelines are mandatory not “guidelines”?

If affected public are unaware, can you suggest ways to remedy this situation?

TF

1.
 - (a) Was the printed material prepared by the Initiative clear, understandable and relevant to your jurisdiction (e.g., *Workbooks*)?
 - (b) Did the federal communications materials provide a good basic introduction to the Guidelines?
 - (c) In the mid-term evaluation, some officials mentioned delays in receiving federal materials. Did this cause significant problems in your jurisdiction? Has this situation improved?
 - (d) Are there any specific target groups that have been “missed” by federal efforts? Which ones?
2.
 - (a) Did your government undertake additional public education activities?
 - (b) Why was that?
 - (c) Did you access federal financial assistance for public education? Were the funds sufficient?
3. To what extent are you satisfied with the federal assistance with regard to training of professionals and other stakeholders in your jurisdiction?

4. Is there a continued need for public education on child support and support enforcement – if so, what type of information? For what target groups?

MEP

1. To what extent are you satisfied with the federal public information and education efforts on support enforcement?
2. Have you seen the TV ad that has been prepared by the federal government?
What are the impacts of the ad, if any?
Was the television ad an effective use of federal funds?
3. Are there additional federal activities that you would like to see undertaken in the public education area? If so, please describe.

Q13 – To what extent did the organizational structure of the Initiative contribute to the success of the Initiative?

TF

1. (a) Has your participation in the Task Force assisted your jurisdiction's implementation of the Guidelines? In what ways?
(b) Are there any drawbacks in your participation in the Task Force?
2. Overall, to what extent are you satisfied with the functioning of the Task Force and its sub-committees? Note: for FLC & TF members ask (a) Task Force and (b) FPT Family Law Committee. For ES members ask (a) Enforcement Subcommittee and (b) Task Force
3. (a) In the past few years, has there been satisfactory clarity in the roles and responsibilities of the different federal personnel involved in child support? Was it clear who should be consulted on specific issues?
(b) In the past few years, has there been consistency of activities and statements?
4. In the past few years:
(a) To what extent have federal personnel sought input on policy, procedures and research issues?
(b) How would you describe the consultation?

(c) Have you been given sufficient opportunity to comment on the products, such as amendments to the Guidelines?

5. A primary function of the Child Support Team was to coordinate federal-provincial-territorial implementation of Bill C-41.

(a) How successful was the Team in coordinating activities? Did federal coordinating efforts result in

- improved program or project development in your jurisdiction?
- improved information sharing among jurisdictions?
- reduced duplication of effort?

(b) Have there been any improvements in the past few years?

MEP, RS, ES, RE

1. Overall, to what extent are you satisfied with the functioning of Research Sub-committee? Enforcement Sub-committee? REMO/RESO Sub-committee? as appropriate

What have been the most important contributions of the Enforcement Sub-committee?

To what extent are you satisfied with the functioning of the Task Force and the other sub-committees?

2. A primary function of the Child Support Team was to coordinate federal-provincial-territorial implementation of Bill C-41. How successful was the Team in coordinating activities?

(a) Did federal coordinating efforts result in

- improved program or project development in your jurisdiction?
- improved information sharing among jurisdictions?

(b) Have there been any improvements in the past few years?

RS

With regard to the research done to support the Guidelines and other family law matters, to what extent have you been satisfied with the

(a) research priorities?

- (b) quality of research?
- (c) distribution of findings?
- (d) funds available to support research in your jurisdiction?

AC

1. Was the Advisory Committee an effective method by which the federal government could utilize the expertise of family law practitioners and academics?
ALSO ASK FLC
2. Was the membership of the Advisory Committee appropriate? For example, the split between practitioners and academics?

Q15 – Have there been any unintended effects, positive or negative, of the legislation or other elements of the Child Support Initiative?

All

1. Have you observed any unintended effects – positive or negative – of the legislation or other elements of the Initiative?
EXAMPLES OF POSSIBLE UNINTENDED EFFECTS :
 - backlash by payers, such as decrease in compliance rates
 - increased litigation on some topics
 - lower spousal support

Q20 – Could the outcomes of the Child Support Initiative been achieved through alternative, less costly approaches? (combined with Q16-18)

TF

1. Would you recommend that the same or similar approach be used in future changes to family law? What changes would you make?
2. What cost savings could have been achieved, if any?

Q21 What lessons have been learned as a result of the Child Support Initiative?

TF, AC, RS, ES, MEP, RE, FLC

1. What lessons, if any, have been learned as a result of the Child Support Initiative including the legislation and the associated programs? In areas such as:
 - training of stakeholders
 - public education and information
 - federal financial assistance to the jurisdictions
 - team model
 - other aspects of the organizational structure, such as the Task Force and its sub-committees
 - how to implement major changes in legislation

Future Federal Role: Questions 1 to 4

TF, FLC, MEP, ES, RS, RE

1. Do you have any recommendations on how future federal financial contributions to provincial/territorial programs for separating and divorcing parents should be made? For example, the types of projects and activities that should be a priority?
2. Do you have any recommendations on how future federal financial contributions to MEPs should be made? For example, the types of projects and activities that should be a priority?
3. If not covered in the interview: Should the federal government continue its activities in the following areas?
 - (a) REMO/RESO coordination with other countries
 - (b) REMO/RESO coordination among Canadian jurisdictions
 - (c) revisions to the table amounts in the Child Support Guidelines
 - (d) additional tracing, interception and licence denial activities at the federal level
 - (e) additional public education on the importance of paying child support
 - (f) additional public education on the Child Support Guidelines
 - (g) professional training
 - (h) other activities. Please explain.
4. Do you have any other comments on the Guidelines or the Initiative?