

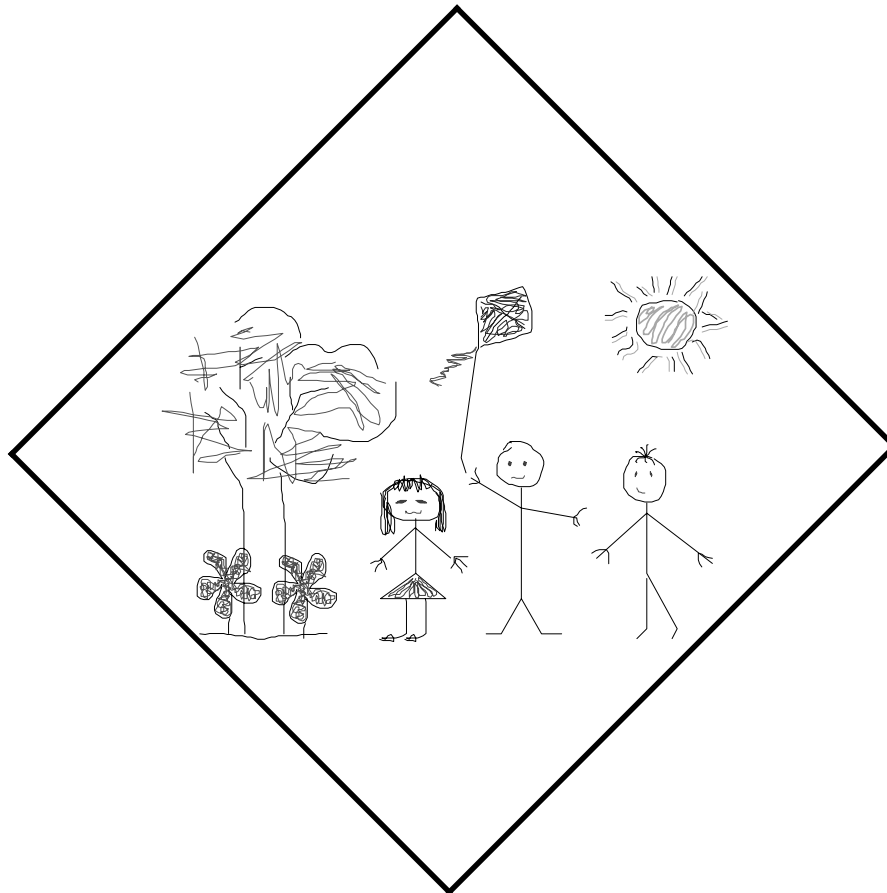


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# CHILD SUPPORT IMPLEMENTATION AND ENFORCEMENT PROJECTS FUNDED FROM 1997 TO 1999

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## Activity Summary Report



# **Child Support Implementation and Enforcement Projects Funded from 1997 to 1999**

## **Activity Summary Report**

Provincial/Territorial Implementation and Project Development Unit  
Child Support Team  
Department of Justice Canada

*Aussi disponible en français*

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(Minister of Justice and Attorney General of Canada)

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## INTRODUCTION

The Department of Justice Canada established the Child Support Team in 1996 to help implement the Federal Child Support Guidelines and new and enhanced support enforcement measures. A key element of these efforts is the Child Support Implementation and Enforcement Fund. In effect from April 1996 to March 2001, the Fund provides financial assistance to provincial and territorial governments for their implementation and enforcement work.

The Child Support Team's Provincial/Territorial Implementation and Project Development Unit prepared this report to account for the activities of the Department of Justice Canada in the areas of child support and enforcement. It provides an overview of provincial and territorial projects financed through the Fund from 1997 to 1999. The report deals only with federally funded activities, and so does not provide a comprehensive picture of the work any one province or territory has done to implement child support guidelines or enhance enforcement programs. It does offer a national picture of the initiatives provincial and territorial agencies and courts have undertaken with federal financial assistance.

## BACKGROUND

In the 1980s, divorcing and divorced parents, family law professionals and others regularly asked for better ways to determine child support. In 1990, the country's ministers of justice and attorneys general asked the Federal-Provincial-Territorial Family Law Committee, a group of family law specialists, to examine these concerns and recommend ways to address them. The Committee's recommendations, submitted in 1995, included a proposal for child support guidelines under the *Divorce Act*. Such guidelines would prescribe the amount of child support that the non-custodial parent should pay based on his or her income, the number of children concerned, and the province or territory of residence.

In March 1996, the federal government announced it would introduce tax and family law reforms to improve the way child support awards are determined, taxed and enforced. The Minister of Justice later tabled Bill C-41 to amend the *Divorce Act* and related legislation. The amendments came into force on May 1, 1997 and introduced the child support guidelines and new measures to encourage and enforce support payment. Subsequently, provincial and territorial governments introduced complementary legislation in response to the federal reforms.

Jurisdiction over family law matters, including child support, is split between the federal and provincial/territorial governments. Federal law applies to child support ordered in cases of divorce, while provincial/territorial law applies in all other support cases. Child support issues for parents who are separated or were never married are dealt with under provincial/territorial legislation. Provincial/territorial laws also apply when an agreement between the parents, rather than a court order, sets out the child support arrangements.

Traditionally, recipients of child support payments had to take it upon themselves to enforce child support orders when former spouses failed to pay. Many support recipients found it difficult, both financially and procedurally, to find the help they needed. In 1983, the Federal-

Provincial-Territorial Family Law Committee recommended that the provinces and territories establish maintenance enforcement programs to help alleviate these problems, and by 1989 every province and territory had such a program in place.

Provincial and territorial maintenance enforcement programs provide two services. First, they facilitate support payment by forwarding payments from payers to recipients. In addition, they pursue orders that are in arrears. In such cases, program staff work to locate the payer and find a means of collecting the funds, such as seizing a payer's bank account or other assets. Program staff have additional power through the *Family Orders and Agreements Enforcement Assistance Act*. The Act allows provincial and territorial authorities to obtain information from federal data banks to trace defaulters and to garnishee any payments due to them from federal sources such as tax refunds, employment insurance benefits and pensions. Program staff also take other steps to encourage compliance with support orders. For example, a maintenance enforcement program may have a driver's licence suspended, or report the payer to the credit bureau. The measures provincial/territorial enforcement programs use to enforce support payments may vary, but all rely heavily on automated information and financial systems.

As a result of the changes to federal and provincial/territorial child support laws, many people sought to amend existing agreements or have courts vary child support orders. Similarly, amendments providing for enhanced enforcement measures, such as licence suspensions, provided maintenance enforcement agencies with new powers and responsibilities. These changes had a significant impact on the courts and other family law services.

## **CHILD SUPPORT IMPLEMENTATION AND ENFORCEMENT FUND**

To help provincial and territorial family courts, family law services and maintenance enforcement agencies implement child support guidelines and enhance enforcement measures, the federal government established the Child Support Initiative. This five-year program includes the \$63.6-million Child Support Implementation and Enforcement Fund for provincial and territorial initiatives. The majority of the funds—\$50 million—is for activities associated with the implementation of child support guidelines. The balance—\$13.6 million—is available for activities to strengthen maintenance enforcement programs, particularly with respect to child support.

The Department of Justice Canada consulted extensively with its provincial and territorial counterparts to ensure this financial assistance program met their needs. As a result of those consultations, the federal, provincial and territorial deputy ministers of justice endorsed in November 1996 a statement of objectives and principles for the Fund and agreed on the allocation of funds among the provinces and territories.

Below are brief profiles of the projects supported by federal funds from 1997 to 1999, drawn from the provincial and territorial funding proposals and progress reports submitted to the Child Support Team. The two main sections that follow, Implementation Projects and Enforcement Projects, are each organized around six activities.

## IMPLEMENTATION PROJECTS

The Implementation component of the Fund allows 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 also facilitates the development of mechanisms for regularly updating awards.

The Child Support Team's Provincial/Territorial Implementation and Project Development Unit, in consultation with the provinces and territories, identified six areas of activity under the Implementation component:

- **Coordination:** coordinating activities to implement the Federal Child Support Guidelines;
- **Enhancing Existing Services:** developing or improving existing client and court services to meet workload increases;
- **Provincial and Territorial Guidelines:** adopting provincial guidelines that parallel the Federal Child Support Guidelines;
- **Public Information:** supporting public awareness and understanding of the Federal Child Support Guidelines;
- **Innovative Approaches:** developing, testing, implementing, monitoring and evaluating innovative ways to meet the demand for variations to existing support agreements and orders, and for new agreements and orders; and
- **Monitoring:** monitoring the effects of the legislative changes.

The provincial and territorial projects funded under each of these activities are described below.

### **Coordination**

The deputy ministers of justice and deputy attorneys general established the Federal-Provincial-Territorial Task Force on Child Support (FPT Task Force) to plan for the implementation of Bill C-41. The FPT Task Force is co-chaired by a provincial official and the Child Support Team Leader. It facilitates national planning and coordination of activities such as public awareness, research and evaluation, child support enforcement and guidelines implementation. The provinces and territories adopted a variety of committee structures. For example, British Columbia's Ministry of Attorney General established a planning process that involved six Ministry branches and other ministries and agencies.

Manitoba's Department of Justice established two committees to oversee preparations for and implementation of the family law reforms. The Internal Implementation Committee included representatives of the provincial departments and agencies dealing with family law and support



issues. The Consultation Committee comprised representatives of the bench, the Manitoba and Canadian bar associations and provincial departments.

In Saskatchewan, the Department of Justice's Policy Planning and Evaluation Branch and an interdepartmental committee chaired by the branch director have a five-year mandate to oversee the implementation and evaluation of child support activities and reforms.

Nine provinces and territories used Fund resources to hire project coordinators or managers. Typically, these individuals are responsible for consultation and planning activities, including participation in the FPT Task Force and its subcommittees, administration and accountability. In some cases, the project coordinators are also expected to be involved in a range of planning and program development activities. For example, New Brunswick's project coordinator manages training, public information and research activities.

In Newfoundland, the project coordinator reviews the role of support application workers and the viability of existing forms, and is exploring the potential for technology to provide service to remote areas. Along similar lines, Nova Scotia's project coordinator participates in the development of provincial child support guidelines and oversees the court-based intake assistants' service.

Yukon also hired a project manager whose duties include administrative and planning support for the territory's Child Support Working Group, participating in the FPT Task Force, supporting local information initiatives on the guidelines and preparing submissions and reports on activities financed by the Fund.

### **Enhancing Existing Services**

Most jurisdictions applied portions of the resources available to them under the Fund to projects, among others, intended to meet the anticipated one- to two-year bulge in applications to vary existing child support agreements and orders, to deliver training and to introduce the procedural changes required by the legislative reforms.

*Training:* All the provinces and territories used Fund resources to train staff and others. While the content of the training was common, each province and territory adopted a delivery strategy appropriate to its size, geography, and court and service structures. In British Columbia, for example, three-person training teams held two-day general workshops for the 350 program staff in six regions. The 1997 workshops covered the guidelines, their application and the resulting operational changes. In addition, groups such as family maintenance enforcement program staff, child support clerks and family justice counsellors received specialized training. For example, family justice counsellors took one day of training on a child support calculation software program. In 1998–1999, the province provided more training on the child support guidelines and software program.

In eastern Canada, Nova Scotia used a combination of direct and train-the-trainer approaches to train court, maintenance enforcement, community services, and public legal education and information staff on the child support guidelines. The province also delivered special training sessions for Family Maintenance Income Support Program staff, family lawyers, mediators and judges, some in cooperation with professional associations and the Department of Justice Canada. The province's 1998–1999 training activities covered the provincial and Federal Child Support Guidelines, and included child support calculation software training for court, community services and legal aid personnel. A conference on the guidelines for the legal community, held in cooperation with the Continuing Legal Education Association of Nova Scotia and the Canadian Bar Association's Family Law Section, took place on December 4, 1998.

*Systems Improvements:* The Northwest Territories, Nova Scotia, British Columbia and Prince Edward Island bought or leased computer equipment and applications to help staff and agencies meet increased operational demands. Nova Scotia introduced an automated information system designed not only to meet operational needs but also to track documents and produce standard court forms and reports.

*Increased Staff Resources:* Newfoundland and Saskatchewan committed Fund resources to increase the number of staff available to the courts and other agencies. Newfoundland hired five new support application workers for Supreme Court centres throughout the province. These workers provide information on the child support guidelines, accept original and variation applications, help parents with financial disclosure documentation, prepare files to ensure compliance, calculate child support awards and prepare agreement documents. Saskatchewan recruited eight court clerks but did not create specialized child support guidelines positions. All court clerks, including the new ones, now provide information about the guidelines and how to make a variation application, assist people using the self-help variation kit, and process filing and orders documents.

*Court Rules:* The scope of projects to revise the court rules and procedures varied across the country. Nova Scotia, for example, ensured that rules and forms complied with guideline requirements and also examined the court process in family proceedings, including considering provisions to allow parents to use conciliation and mediation services before committing to a hearing.

British Columbia developed a complete set of new rules for family cases in provincial court, including rules for special procedures (e.g. seeing family law triage counsellors) at five pilot provincial court registries.

New Brunswick, in addition to revising the rules for compliance, introduced a new rule to simplify the process by which parties consent to change a child support order. Now parents need only a consent order to vary a child support order and do not have to file a motion or application.

Ontario introduced an expedited procedure for child support variations in 1997–1998, and in 1998–1999 developed a new set of family rules for the Unified Family Court and the Ontario

Court. The new rules provide case management for all family cases, focus on early resolution, provide for full disclosure of financial information relevant to child support awards, and enhance the enforcement of child support orders.

*Lawyer Referral Line:* To help low- and middle-income parents dealing with variations in support agreements and orders, Saskatchewan and Nova Scotia organized lawyer referral lines. The public legal education associations in these provinces, with financial assistance from the government, maintain special toll-free lines to provide callers with a list of family law lawyers in the area who offer an initial consultation for a small fee (approximately \$25).

*Mediation:* Two provinces, Alberta and New Brunswick, financed mediation services through the Fund. Alberta's goal was to expand the availability of mediation services throughout the province, with particular emphasis on rural areas. New Brunswick hired additional court social workers/mediators on two-year contracts to deliver the free mediation service available in all eight court locations. Other provinces and territories developed and delivered mediation services that were supported, at least in part. A description of these projects are described below under the heading Innovative Approaches.

### **Provincial and Territorial Guidelines**

Following the introduction of the Federal Child Support Guidelines, each province and territory had to decide whether it would adopt the federal guidelines or create its own to apply to provincial family law matters. Since May 1997, most provinces (Newfoundland, Nova Scotia, Prince Edward Island, New Brunswick, Ontario, Manitoba, Saskatchewan, British Columbia, the Northwest Territories and Yukon) have adopted or slightly modified the federal guidelines. On May 1, 1997, Quebec adopted separate provincial guidelines that apply in divorce cases (as stated in subsection 2(5) of the *Divorce Act*). The federal government provided Fund resources to four provinces and territories working on their own guidelines.

British Columbia used some of the funding to support work leading to the amendment of provincial legislation and of provincial and Supreme Court rules to implement child support guidelines. The project also supported the implementation of the resulting program and administrative changes. Newfoundland used federal contributions for similar activities.

After its provincial guidelines were proclaimed on May 1, 1998, New Brunswick used Fund resources to print materials, provide professional services and cover expenses for staff travelling to four training sessions. The province amended its court rules as part of this project. The amendments included procedures for quick variations of child support orders.

The Yukon used Fund resources to offset the costs of preparing its guidelines, conducting information sessions, and developing and distributing other communications materials. It also put funding toward training and information sessions for members of the legal profession.

## Public Information

Seven provinces, the Yukon and the Northwest Territories used Fund resources for public information activities related to the federal guidelines. Most grouped their activities into one public awareness campaign, producing and distributing pamphlets, kits, fact sheets and booklets, setting up and maintaining toll-free public enquiry lines, and delivering or sponsoring public meetings and information sessions. All the provinces and territories helped develop the national print media campaign sponsored by the Child Support Team. Some provinces adapted the national print ad using resources from the Fund. Quebec and the Northwest Territories also sponsored radio and television spots and developed Web sites. The development of public information and education materials and programs is ongoing, prompted by changes in policy and procedures, revised needs and experience.

*Toll-free Lines:* All the provinces and territories and the Department of Justice Canada operate toll-free information lines to ensure that parents can obtain accurate and timely information about the guidelines. Nova Scotia, New Brunswick, Ontario, Manitoba, Saskatchewan and British Columbia financed these public services through the Fund. Saskatchewan's program illustrates the type of service the lines offer. Operators provide general information about the guidelines and how to change an order, and suggest sources of legal advice. They also refer callers to the province's Maintenance Enforcement Office, the Department of Justice Canada, Revenue Canada (now, the Canada Customs and Revenue Agency), Saskatchewan's Department of Justice or the Saskatchewan Registrar's Office, and distribute print materials upon request.

By and large, the services are well received, but have not been used as extensively as was anticipated. For example, plans for Ontario's enquiry line, which the Ministry of Finance operates under an agreement with the Ministry of the Attorney General, anticipated the line would receive 2,000 calls per day. In fact, it logged only 25,000 calls from May 1, 1997 to March 31, 1998. The province will, nevertheless, continue to provide this service.

In 1998–1999, British Columbia introduced an automated service featuring recorded messages backed by officers who answer questions.

*Public Information Sessions:* New Brunswick and Ontario held public information sessions for separating and divorcing parents and any other interested people. Free information and advice services available from court social workers in family court offices complemented New Brunswick's public information sessions.

Ontario took a somewhat different approach to delivering public information about the federal and provincial guidelines. The Ministry of the Attorney General developed a standard curriculum, then trained members of the bar to deliver public information sessions. In 1997–1998, the lawyers delivered 270 presentations in 75 communities, which the province promoted through pamphlets, newspaper ads, posters and public service announcements. In 1998–1999, on the advice of family lawyers, the province discontinued the information sessions. Instead, family courts received funds to establish Family Law Information Centres and to develop public information materials for them. The province set up the prototype for this service in

Ottawa to provide information on the child support guidelines, intake services, and information and referral services to family law litigants.

Many provinces and territories have developed parenting education programs. These are discussed in greater detail under Innovative Approaches, below.

*Atlantic Symposium:* The Atlantic provinces held a symposium on the guidelines in September 1999 for lawyers, judges, mediators and accountants.

### **Innovative Approaches**

Nine provinces undertook innovative projects designed to respond to the anticipated demand for variations to existing child support agreements and orders and for new agreements and orders. In some cases, provinces and territories undertook projects similar to those discussed above under Public Information. Most projects dealt with mediation or parent education; some combined both.

*Mediation:* All provinces and territories support family mediation services because they can be an alternative to litigation or lawyer-assisted negotiations, reduce conflicts between parents and improve compliance. Nova Scotia and Manitoba implemented similar projects, with the help of project managers employed with Fund resources, to develop a group of experienced and certified mediators to deal with child support matters.

Nova Scotia, which does not have a province-wide mediation service, introduced the Mediation and Mentoring Project. It is designed to develop, through mentoring, a corps of certified mediators able to meet the standards of practice of Family Mediation Canada. In the mentoring program, interns gain experience under the supervision of a certified trainer. They are not charged for the training, but must volunteer their services for 30 cases after they have been certified. To qualify as an intern, an applicant must be a member of Family Mediation Nova Scotia, have had a minimum of 40 hours' training in mediation processes and skills, hold a degree in behavioural sciences, law or an acceptable equivalent, and be prepared to take 180 hours of training.

The interns first observe five mediations, then co-mediate 10 sessions with their supervisor and 10 more with another intern while under supervision. After meeting these requirements, the intern mediates on his or her own, under supervision, until he or she has met all the training requirements.

Manitoba's Mediation Internship and Comprehensive Co-mediation Pilot Project recruits lawyers and family relations specialists and trains them to work together in separation and divorce cases. Lawyers and family relations specialists who meet the selection criteria follow a supervised practicum to qualify for certification as family mediators under the accreditation standards of Family Mediation Canada. These requirements include a minimum of 60 hours of conflict resolution and mediation theory education and skills training, at least 70 hours of related training in areas such as family violence and power imbalance issues, and completion of the practicum.

Ontario provides mediation service at all Unified Family Courts and at the Ontario Court in Toronto, and the province has received funding to build on these services. In 1997–1998, the Ministry of the Attorney General provided funds to maintain the Dispute Resolution Officer project at the Superior Court in Toronto. For this project, which has been well received, lawyers donate one day a month to mediate cases. In 1998–1999, the Ministry conducted a pilot project on mandatory referrals to information about mediation. Located in Kingston, the pilot focussed on support variations and included a mandatory session for parents with a court-connected mediator to explore whether mediation would be an appropriate process for them. Preliminary results from the project are positive. Of the 106 cases referred for mandatory sessions, two thirds proceeded to full mediation. In addition, the Ministry provided some funding in 1998–1999 to help establish a mediation roster for the Superior Court.

Quebec provides pre-hearing mediation services that parents must, by law, attend if there is a dispute, except if, for example, one of the parents is disabled or resides outside the province, or if there is an issue of family violence. Parents who have no agreement or are seeking a judicial ruling must go to one information session on the mediation process unless they opt for mediation in the first place. The provincial government pays for these services, and fully certified mediators (12,074 as of June 1999) deliver them. Quebec's justice department reports that 38,896 people used some form of mediation service from September 1, 1997 to October 31, 1998. Among them, 9,208 attended a couple's information meeting, 7,481 went to a group information session, 4,587 applied for an exemption and 17,620 attended mediation meetings.

New Brunswick provides court-based mediation services under the umbrella of the family support services of the Unified Family Court. The services, which court social workers provide, include the following:

- Intake: assessing client needs, helping clients choose the appropriate dispute resolution mechanism, screening for suitability of an alternative dispute resolution mechanism (requires training in assessing the presence of spousal abuse, for example), helping parents fill out forms and review documents, and crisis counselling (e.g. providing referral services).
- Alternative Dispute Resolution: providing mediation and negotiation services for child support (including calculating and re-calculating support according to the child support guidelines), custody and access and division of basic and routine property, preparing mediated agreement or consent orders submitted for court approval, and preparing financial statements and other related documentation.
- Paralegal Functions: providing some paralegal functions for the Domestic Legal Aid lawyers on contract.

Under this project, New Brunswick redesigned its court social worker services to enhance the availability of alternative dispute resolution services. The project involved a temporary increase

in the number of court social workers during the “bulge” and redesign process, after which new staff will take over the paralegal and administrative duties. The province developed non-mediation settlement services for cases in which mediation is neither recommended nor possible. Finally, court social workers received additional training to enhance their mediation skills.

*Parent Education Programs:* Several provinces offer seminars to help separating and divorcing parents understand and deal with their children’s needs. Manitoba’s goals for its program illustrate the general expectation in this area:

- to provide information to separating or divorcing parents about how their behaviour can affect the adjustment and well-being of their children; and
- to promote cooperative parenting arrangements.

Entitled *For the Sake of the Children*, Manitoba’s program includes two three-hour parent education sessions providing information about the child support guidelines, legal and financial issues, and child development. The topics covered in the sessions include the separation experience, parenting plans, alternatives to court, reorganization, self-care, ongoing parenting and communication, children’s reactions and needs, and the benefits of cooperation and costs of conflict. In each case, the parents receive information to help them understand the perspectives and needs of their children. Participants attend sessions designed for low-conflict relationships with high levels of contact between parents or high-conflict relationships with low levels of contact between parents. Parents complete a questionnaire and receive advice from program staff to determine which session to attend. The program is voluntary, save that anyone obtaining mediation services through the Family Conciliation Program must attend the first session. Anyone receiving mediation services through the Mediation Internship and Comprehensive Co-mediation Pilot Project must attend both sessions. Manitoba has also produced two videos. The first is a teaching tool setting out scenarios for parents and offering options on how to address certain common situations. The second reviews legal points, including the child support guidelines.

British Columbia offers a program for parents to learn about the effects of separation on children, ways to build a positive parenting environment, opportunities to resolve family disputes through conciliation, mediation, counselling and the court process, including the advantages and disadvantages of each, and the child support guidelines. The province reports that, although participants rate parenting-after-separation programs positively, attendance at voluntary programs is poor. In 1998–1999, the province ran a pilot project to assess the implications of making attendance mandatory prior to the first provincial court appearance.

Mediators and social workers from Saskatchewan’s Department of Justice, facilitate a six-hour parent education program using a facilitators’ manual they developed. The sessions cover a range of topics, including options for resolving disputes, stages of separation and divorce, child support guidelines, children’s reactions to separation and divorce and parenting after separation and divorce. Sessions are offered in 14 centres throughout the province. Professionals attended

sessions held around the province to learn about the availability of the parent education program for their clients. Saskatchewan has also developed an educational program that includes videos for children experiencing separation or divorce. Specific curricula designed for children (ages 6 to 9 years), pre-adolescents (9 to 12) and adolescents (12 to 16) provide information about the separation and divorce process, and the kinds of problems children may encounter, and suggest ways to deal with these problems. Community agencies interested in using the curriculum are encouraged to do so.

In 1998, Newfoundland ran a parent education pilot project. Participants attended three two-and-a-half hour sessions on child support issues, legal matters, child-parent perspectives and skills building aimed at helping parents cope after separation. The government plans to expand the program throughout the province.

Alberta's Departments of Justice and Family and Social Services jointly offer six-hour seminars that focus on the needs of children and encourage parents to settle differences through mediation. The courts now require parents in all contested divorces to attend a session. The departments provide a video to remote locations where the expense of live presentations is prohibitive.

Volunteer facilitators in the Dartmouth and New Glasgow family courts deliver Nova Scotia's parent education program. The sessions include skills building aimed at helping parents avoid conflict, especially conflict that implicates children. In 1998–1999, the province made parent education sessions available in other communities.

Ontario provides parenting information sessions at all Unified Family Court locations. The province also contributed funds to continue (and possibly expand) the highly successful Parenting Information Pilot Project in Toronto. This project, co-sponsored by the Donner Foundation, features evening sessions with family lawyers on the court process, as well as with social workers to help separating and divorcing parents focus on the best interests of their children.

*Court Services Staff:* Alberta, Nova Scotia, Quebec and Ontario now all require staff to deliver effective service in compliance with new court rules and guideline-filing requirements while reducing costs.

Alberta established Queen's Bench Child Support Centres in Edmonton and Calgary to provide information and publications to the public and to respond to calls to the province's toll-free information line. Staff help individuals assemble information for variation applications, determine the need for information from a spouse, complete court forms, and refer parents to counsel, legal aid or a mediation service. In addition, Centre lawyers help the courts process the increased documentation relating to child support applications.

Nova Scotia has introduced court-based intake assistants. Located in each judicial district, intake assistants help process applications to vary agreements and orders, track documents and ensure they meet filing requirements and follow court rules. Intake assistants also provide information



and assistance to the public and, with the help of case-tracking systems, ensure parents file documents before a hearing date and contact those who do not.

The role of the intake assistants changed when the anticipated flood of variation applications did not materialize. The focus of their work shifted from processing applications to providing direct services to parents, particularly unrepresented parents, by helping them complete forms and file packages, requesting information from third parties, referring parents to sources of legal and financial advice, and ensuring that draft court orders contain the clauses that are required by section 13 of the Federal Child Support Guidelines. The intake assistants also use the ChildView software program to help parents and the courts calculate child support amounts.

Quebec's *greffiers spéciaux* (special court clerks) ensure rapid processing of proposed child custody and support agreements filed with the court. They review proposed agreements that involve separation or divorce matters that must be submitted for judgment (except granting a separation and nullifying a marriage or divorce). Following a review, the clerk takes one of three actions. He or she may ratify the agreement. Or, if the clerk has concerns about whether the agreement is really safeguarding the child's interests, he or she may ask for additional information from the parents. Finally, if there is no agreement, the clerk may refer the application to court. In the latter case, the clerk informs the parents and their counsel of the hearing date.

Child support intake services in Ontario received funding in 1998–1999. Located at each court, intake staff provide special assistance to parents whose case involves a claim for child support or a variation application. Intake staff distribute information kits, respond to enquiries and process court documents and requests for copies of orders. They also gather statistics, help parents complete forms and refer parents to community resources. In the fall of 1999, these functions were transferred to the Family Law Information Centres at all Unified Family Courts. The Centres also offer mediation services and parental information sessions for clients, as well as lawyers from Legal Aid Ontario.

*Other Service Staff:* British Columbia introduced non-court-based child support clerks, at 28 Family Justice Centres to provide intake, administrative services and early settlement opportunities to parents making variation applications. The clerks provide information on settlement options, accept variation applications, make financial disclosure documents available, perform calculations and, when parents are in agreement, prepare appropriate documents for confirmation by the court. The model is based on a successful pilot project at the Burnaby/New Westminster Family Justice Centre. In another pilot project, British Columbia assigned child support clerks to Supreme Court locations to check documentation before the court considers these cases. The province has reduced this service to two days per week and assigned the clerks to Family Justice Centres for the other three days.

## **Monitoring**

Alberta, British Columbia, Nova Scotia, Saskatchewan and Ontario devoted Fund resources to activities related to monitoring and evaluating the child support guidelines. Yukon, Manitoba and Prince Edward Island are evaluating specific programs under this activity area.

Alberta hired a research officer to work closely with the Department of Justice Canada's research officials on a short-term data collection project (Survey of Awards). Two part-time data collectors provided information to the Child Support Team on divorce cases in Edmonton and Calgary.

British Columbia designed a comprehensive framework to evaluate its pilot projects. The framework calls for, among other things, a survey of service providers, baseline data compiled by matching provincial and territory enforcement information with federal income tax data (from the T1, General Return) supplemented by court records, and an assessment of the child support clerk function.

Nova Scotia held participant evaluations of parent education sessions, evaluations of the role of intake assistants and the use of the ChildView software program. Further, in cooperation with the Public Legal Education Society, the province assessed the knowledge and information needs of service providers regarding the guidelines, and monitored the use of the guidelines information line.

Saskatchewan developed an internal review and evaluation process to track the impact of the child support guidelines on services and programs and to contribute to program and policy development. The priority issues fall into two broad categories: the impact of the child support guidelines and new tax treatment, and the impact of the provincial implementation strategy. Activities included enhancing the maintenance enforcement database to collect information on variations and an ongoing case law review.

Ontario has tracked the weekly volume of child support variations over the past two-and-a-half years, and has evaluated a number of specific projects (e.g. the mediation pilot project in Kingston). The province is now designing a more comprehensive evaluation framework.

Yukon implemented a research and evaluation strategy for its child support guidelines, as well as for the federal guidelines. In 1997–1998, Manitoba evaluated the regional and cultural appropriateness of its parent education program. Prince Edward Island evaluated its pilot projects, including the parent education and information officer projects. In addition, the province monitored the activities and results of court requests and dispute resolution approaches.

## **ENFORCEMENT PROJECTS**

The objective of the Enforcement component of the Fund is to assist the provinces and territories to improve their collection of child support by supporting innovative, strategic and effective enforcement measures. The Fund allows the federal government to be a partner with the provinces and territories to develop, pilot test and implement timely, cost-effective enhancements to existing maintenance enforcement programs.

The Child Support Team's Provincial/Territorial Implementation and Project Development Unit, in consultation with the provinces and territories, identified six areas of activity for projects under the Enforcement component:

- **FOAEA Enhancements:** developing and enhancing provincial and territorial computer systems and applications to access services under the *Family Orders and Agreements Enforcement Assistance Act* (FOAEA);
- **Monitoring:** monitoring the effects of systems and administrative changes and enhancements to enforcement mechanisms;
- **Maintenance Enforcement Survey:** supporting changes to provincial and territorial information systems design to meet the data-collection requirements of the National Maintenance Enforcement Survey managed by the Canadian Centre for Justice Statistics;
- **Innovative Approaches:** testing innovative approaches to improve support enforcement mechanisms;
- **Public Information:** delivering public legal education and information to increase awareness of changes in maintenance enforcement programs; and
- **Responses to Workload Increases:** implementing administrative changes, system upgrades, staff additions and enhancements to services to meet anticipated demands for variations and new child support orders.

The provincial and territorial projects funded under each of these area of activity are reviewed below.

### **FOAEA Enhancements**

Eight provinces and territories developed or enhanced their computer systems to allow electronic communications with the office that facilitates access to federal databases and benefits owing to payers under the *Family Orders and Agreements Enforcement Assistance Act*. The communication links to the FOAEA office, made via the Internet or file transfer protocol applications, were designed to increase the efficiency of entering tracing, interception and licence-denial applications and affidavits. The provinces and territories used Fund resources to hire coordinators, install new computers, buy encryption software, and design and integrate new automated forms and file and data exchange processes.

British Columbia's project was also designed to improve tracing and enhance the case-management system so that the province's Family Justice Programs Division could handle more search requests and new interfaces with other agencies, improve security and reduce down time. The project involved changing the division's information system and service delivery processes, and acquiring equipment and software. Policy development and the design of forms and procedures to establish data-match applications complemented the system development work.

The division also supported implementation of amendments to provincial enforcement legislation and the development of agreements and protocols to access information held by other agencies on funds owing to defaulting payers.

Nova Scotia's Maintenance Enforcement Program adapted the file transfer protocol application developed and tested in British Columbia, assigning one employee to administer on-line inquiries to the FOAEA office. Program staff encountered some difficulties implementing this process and dedicated resources in 1998–1999 to solve these problems. In addition, the province applied Fund resources to revising policy and procedures for new and upgraded computer applications and to training Maintenance Enforcement Program staff.

Since May 1997, New Brunswick has been directly transmitting federal garnishment requests to the FOAEA office. New Brunswick had hoped to move to a system that would allow all 18 enforcement officers to send garnishment and tracing applications themselves, rather than through a central officer. Due to delays in implementing the second phase of the federal FOAEA system, New Brunswick will delay this decentralization until the federal system is ready. To protect people's private information, new encryption software will have to be installed on all 18 of New Brunswick's microcomputers before the FOAEA system can be accessed.

Ontario, Quebec, Saskatchewan, Newfoundland and Yukon also devoted Fund resources to implementing data transmission capabilities and security measures to permit them to participate in the federal FOAEA system for on-line tracing, interception and licence-denial applications and affidavits. Saskatchewan also invested some of those resources in project planning and coordination.

### **Monitoring**

Quebec and Nova Scotia undertook projects to monitor the effects of systems and administrative changes and enhancements to enforcement mechanisms. Quebec's project was designed to meet the information needs at all management levels for *ad hoc* and standardized reports. The work led to the development of a tool to identify problems at the file-creation level and provide informatics reports for system managers. Testing of the system occurred in June 1998 and implementation of the system tools in November 1998. Evaluation of the system included an assessment of user satisfaction.

The Maintenance Enforcement Program in Nova Scotia completed the automation of its processes. In 1997–1998, the work focussed on producing management reports and computer-generated forms for enforcement initiatives, including provincial and federal licence denial. The project team produced 16 automated statistical reports and seven new and modified forms, and auto-generated "night jobs" and "bring forwards", and client call-back requests.

Alberta set up procedures for ongoing monitoring and evaluation of the effects of the guidelines, and addressed identified issues in 1998–1999.

## Maintenance Enforcement Survey

As part of the Child Support Initiative, the Canadian Centre for Justice Statistics launched the National Maintenance Enforcement Survey to collect and publish national information about support compliance and enforcement. Governments will use such information for policy and program development, research and evaluation. The academic community, non-governmental organizations and the general public will also find it useful. This aggregate survey will collect information about cases in maintenance programs, describing the following:

- the compliance and arrears status of payers, according to the amount due;
- the amounts due and the proportion of those amounts received;
- for cases in arrears, the percentage of dollars received and the time since the last payment;
- the number of cases in which the recipient has payments assigned to social assistance;
- the types of enforcement activities employed, by volume;
- information about default hearings;
- descriptive information about the people involved (e.g. median ages, number of children and gender);
- the proportion of cases involving reciprocal maintenance enforcement; and
- the authority (*Divorce Act* or provincial or territorial statute) under which the support order was made.

The Canadian Centre for Justice Statistics, in addition to developing a centralized data processing and reporting system, has contracts with the provinces and territories to build interfaces to extract maintenance enforcement data from their databases. Provinces and territories used Fund resources to design and implement system changes to meet the Centre's requirements. Nova Scotia began work on building an interface for the data tables for the National Maintenance Enforcement Survey in April 1999. The work is 90 percent completed and in the testing phase.

Ontario hired a consultant in 1998–1999 to complete detailed design work and programming of its mainframe. The province produced an extract containing monthly tables in August 1999.

## Innovative Approaches

Provinces and territories designed projects in this area to test approaches to improving and supporting enforcement mechanisms. These projects covered a range of issues, including tracing defaulters, direct deposit and electronic transfer of funds, lock-box and quick-collect services, licence withholding, credit-bureau reporting, voice-response systems, reciprocal enforcement of

maintenance orders, automated court order processes, improving collection mechanisms, and Web site development.

*Tracing:* Alberta hired a consultant to study ways to locate debtors and improve collections using private companies. The creation of a Special Investigations Unit (SIU) is expected to take difficult cases from elsewhere in the Program, allowing these other areas to concentrate on the higher volume, less resource intensive cases. The SIU may have the ability to refer portions of the collection tasks to the private sector. Outsourcing to private sector agencies such as civil enforcement agencies, private investigation agencies and legal counsel, would occur when criteria for referral are met. The Yukon pilot tested a tracking officer position. The officer collected statistical data, documented tracking functions and developed draft tracking guidelines and indicators to measure the effectiveness of the tracking officer position.

New Brunswick negotiated an agreement so its Maintenance Enforcement Program can obtain on-line access to provincial data banks to help locate defaulting payers. The province anticipates the need for additional computer and communications equipment and the need to develop systems and protocols that would help trace defaulters. In the fall of 1998, Ontario implemented a private-public partnership with three collection agencies to track down delinquent parents who had not made a payment in three years. There will be an ongoing evaluation of the pilot project, which should be completed by the summer of 2000.

*Electronic Financial Transactions:* Nova Scotia completed Phase 1 of a three-phase project to introduce direct deposit service for recipients. The User Requirement Document is ready and once year 2000 issues are resolved, Phase 2 (database design) and Phase 3 (programming, testing and implementation) will begin. British Columbia also studied the feasibility of using electronic bank services for collecting maintenance payments, providing coded invoices for payers through selected institutions, depositing payments directly to recipients' accounts, and allowing funds transfer and direct payment through key-account services. Noting that "payers get agitated when they must wait in a long line to make their payments," Prince Edward Island set up a computerized system to allow electronic direct deposit and pre-authorized payments.

In a similar vein, Alberta instituted the use of quick-collect and lock-box services. The financial institution receives all mailed receipts and electronically advises the Department of Justice of the transactions. Western Union provides a confidential payment method for debtors in other countries.

*New Enforcement Measures:* New Brunswick invested Fund resources to study the effectiveness of motor vehicle licence suspension as a tool in maintenance enforcement. The study also examined opportunities to deny other licences, such as hunting licences, to motivate parents to comply with support orders. The province's work in this area included a review of the legislation and experience of provinces and territories that have implemented licence-denial schemes and an exploration of implementation options and costs. If these studies suggest that licence denial would be effective and feasible, the New Brunswick Department of Justice will apply to their government to launch such a program.

In 1998–1999, British Columbia introduced new measures to allow Family Maintenance Enforcement Program staff to pursue payers who are behind in their payments. The province considered credit-bureau reporting, withholding driver's licences, payment conferencing, personal property liens, data match with possible income sources, and enforcement against corporations.

Saskatchewan implemented provincial legislation that permits its Maintenance Enforcement Office to report defaulters to the credit bureau. The project manager consulted with officials in Manitoba, which introduced the reporting remedy some years ago. In addition, the project team changed the province's maintenance enforcement information system to facilitate reporting to the credit bureau.

Saskatchewan also pilot tested a new position, hiring a licence-withholding clerk to control the withholding function for one of the three enforcement officer teams. The province had found that licence withholding is an effective way to motivate defaulters but is quite demanding on maintenance enforcement staff resources. The clerk monitors case files to identify default payers who meet the criteria for licence withholding. Project managers found that teams with such support were 223 percent more likely to send a first notice of driver's licence withholding and 214 percent more likely to withhold a licence than those teams without administrative support.

*Interactive Voice System:* British Columbia initiated an interactive voice response system to provide clients, payers, legal counsel and other government personnel with automated access to case-specific information. In the next year, the province will add telephone lines, use plain language, add more business transactions, simplify menus, collect more comprehensive statistics, enhance payment reporting and add Victoria to the system.

The Northwest Territories will install an audio-voice response system, which child support and maintenance enforcement staff will share, to complement the public information program. The interactive voice response project was put on hold in fiscal year 1998–1999 in order to reallocate a portion of the budget to help defray some of the costs associated with the purchase of a management information system from Prince Edward Island.

Nova Scotia also launched an interactive voice response information line. The project team developed new computer-generated forms in 1997–1998, including ones for the revocation of motor vehicle privileges, default hearings, court appearances, reporting order and real property liens. The province retained the services of the company that supports its information line to prepare and implement the new scripts that incorporate information gathered by these new forms.

Alberta reports that its interactive voice response system helped the Maintenance Enforcement Program deal more efficiently with the increased volume of client calls in various areas.

Ontario implemented computer-assisted telephone services in addition to its existing interactive voice-response system. Ontario's Computer-Telephony Integration (CTI) project has reduced the time client service staff need to respond to client enquiries. The CTI application has integrated

call centre technology with desktop computers, routing calls to specific staff who have relevant case information on screen. Implementation took place in stages with full integration in 1999–2000.

*Reciprocal Enforcement:* British Columbia carried out work to ensure that its Family Justice Programs Division can, in reciprocal enforcement cases, transmit incoming and outgoing maintenance orders, and register, confirm, vary and enforce family support payments efficiently. The reciprocal enforcement project involves service delivery changes and system development activities, including query access to the family-search case management system, new screens for the reciprocal case transmittal forms and equipment upgrades. In addition, the program team is now implementing case-status query access to reciprocating jurisdictions and producing communications material.

Alberta used Fund resources to participate in national meetings on reciprocal enforcement and liaison matters with other provinces and territories. New Brunswick participated in national efforts to develop templates for uniform reciprocal enforcement of maintenance orders.

*Automated Orders:* Manitoba initiated a project to improve, with automated court orders, the efficiency of court processes, provide fair and effective services at a reasonable cost, ensure timely enrolment in the Maintenance Enforcement Program, and improve management of financial dispositions in Family Division courts. The project team is completing the work in two parallel streams: developing an automated order that can be registered with the Maintenance Enforcement Program, and redesigning the maintenance enforcement system to accommodate the automated orders.

*Audit Standards:* Quebec invested Fund resources to improve its automated child support financial system to ensure it meets accounting and audit standards.

*Client Relations:* British Columbia identified systematic client relations problems within the four groups reporting to the director of the Maintenance Enforcement Program. The review focussed on improving processes, enhancing systems, developing key indicator reports, and reviewing the complaint-handling process, and identified activities to be eliminated or improved.

## **Public Information**

In 1997–1998, Alberta implemented a communications plan for the Maintenance Enforcement Program. Its goal was to educate creditors, debtors, lawyers, judges, elected officials, employees and the general public about the guidelines and the financial and legal obligations of payers. The initiative was also aimed at improving relationships with the employers of payers. The plan included a review of existing materials, creation of an information package for debtors and a Web site, the introduction of a community liaison complaints office, and the eventual launch of an integrated voice-response telephone system. In addition, the Program developed an in-house newsletter to educate employees about maintenance enforcement. British Columbia's communications strategy had similar goals and used similar tools.



In 1998–1999, Nova Scotia produced a public information video describing the Maintenance Enforcement Program. The video is intended for clients, stakeholder groups, law societies and others, and provides a good overview of the Program.

Ontario’s Family Responsibility Office introduced a plan to reach out to the legal community. In 1998–1999, the Office conducted information meetings with members of professional organizations such as the Family Law Association and the Ontario section of the Canadian Bar Association, and new panel lawyers. The Office also produced a guide for family law lawyers about the support enforcement legislation and processes.

Saskatchewan’s Maintenance Enforcement Office is located in Regina. As a result, residents in other communities have limited opportunities to deal directly with maintenance enforcement staff, nor do they have ready access to general and case-specific information. To help remedy this situation, the Office delivered two-hour public information sessions in eight centres in 1997–1998. In conjunction with these sessions, the Office offered people the opportunity to meet with a maintenance enforcement officer. The Office advertised the group and individual sessions in newspapers and maintenance program cheque mailings. In the individual sessions, officers had with them the documents and summaries of enforcement actions they needed to deal with specific and general issues. The group sessions were generally well attended. In all, the Office conducted 152 individual sessions, which were more successful than anticipated. The province continued the service in 1998–1999, given the success of the first sessions. The Office also updated brochures about maintenance enforcement for the public, and published a handbook for lawyers.

### **Responses to Workload Increases**

The majority of the provincial and territorial projects in this area were dedicated to enhancing maintenance enforcement information systems; however, some provinces and territories did devote resources to other activities. New Brunswick, for example, used Fund resources to cover the overtime costs for bookkeepers and enforcement officers who responded to the increased demands for variations in support orders and agreements following introduction of the guidelines. British Columbia used Fund resources in 1997–1998 to revise policies and procedures and for training to ensure staff could apply the new legislation in day-to-day case management. The training dealt with new second notice of attachment procedures, the use of licence- and passport-withholding power, guidelines for negotiating voluntary payment, and decisions on applications to vary orders or agreements because of the new guidelines or tax changes.

*Systems Development:* New Brunswick, having realized that its information system had a number of significant limitations, assessed the feasibility of modifying it to meet immediate needs, pending implementation of an integrated system. Following a favourable feasibility study, the province developed and tested a prototype database application capturing the required data elements. In 1998–1999, the maintenance enforcement database was upgraded to meet immediate needs, including year 2000 requirements and stabilizing the accounting portion of the system. Enforcement officers are now using the Windows database on-line, viewing live,

updated enforcement data, including the enforcement status of their cases and updated financial information. Plans are to also provide enforcement officers with additional automated enforcement tools such as case status reports and case prioritization tools and to provide managers with management reports.

Ontario's Family Responsibility Office hired a technology firm to develop and implement system upgrades and new applications. The work will result in enhanced client service, and enforcement and case management activities. These changes complement a new cheque-processing system. In addition to general upgrades of the system and hardware, the office developed a Windows-based interface for its mainframe case management system, a document management module to allow users to attach case documents to system files using desktop document scanning, and personal productivity tools to reduce delays and allow users to generate letters and reports. Subsequent phases of infrastructure development will see the introduction of send-receive fax capability and remote authorized-user dial-in access. The latter function will allow ministry lawyers throughout the province to access documents in court.

In 1995, Revenue Quebec developed an automated information and financial system for the collection of support orders (PAPA: *Perception automatique des pensions alimentaires*). In January 1998, the department began development work to add new functions to PAPA to accommodate legislative changes that had occurred since 1995. Efforts were also aimed at controlling operational costs, minimizing errors in calculating support payments, and giving staff consolidated reports from a number of data sources. Work was undertaken to identify the problems with the current system, define client needs and goals, and review work processes, assess the current organization and system, identify options and recommend a preferred model for updating PAPA. To this end, three studies were completed: an assessment of systems and procedures, a short-term action plan, and an implementation plan for rebuilding the system.

In 1997–1998, Saskatchewan's Maintenance Enforcement Office planned system enhancements, which included buying additional equipment and applications. Further, it implemented system reviews and modifications to ensure year 2000 compliance, improve its table maintenance capabilities, and perform new functions needed to accommodate legislative changes or to improve the efficiency and reliability of the system. In 1998–1999, the office bought additional equipment and applications to provide more officers with direct access to case management systems and external databases. The project team also designed and installed new forms and other system enhancements.

The Yukon is reviewing its maintenance enforcement computer system to identify development needs and to determine whether to enhance the existing system or build a new one. This work includes a review of the Canadian Centre for Justice Statistics' data requirements to determine whether enhancements to the Maintenance Enforcement Program are feasible.

## **FOR MORE INFORMATION**

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