



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

October 2002

**Evaluation Division
Policy Integration and Coordination Section**



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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.

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.

2. OBJECTIVES OF THIS EVALUATION

The objectives of this evaluation were 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.

3. 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.

4. EVALUATION FINDINGS

4.1 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.

4.2 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.

4.3 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 child support arrangements;
- Research on the characteristics of non-payers;

- Evaluations of family justice programs and services; and
- Performance measurement.

5. RECOMMENDATIONS¹

5.1 Appropriateness of Program Design

The evaluation found that there were clear benefits to the team model that 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 team consisting of policy officials, researchers, communications and program staff who were physically located together; and (c) a co-ordinated approach among Team members to most if not all activities. The evaluation also concluded that the amalgamation of the Child Support Team with the Family, Children and Youth Section had improved the co-ordination between child support and other family law policy areas.

Recommendation 1: The team model should be retained if the Department proceeds with another family law initiative.

Management Response:

We strongly agree with this recommendation and recognise the benefits of this model. There was a strong connection between the success of the Child Support Initiative and the interdisciplinary team model. The interdisciplinary approach was central to all aspects of the Child Support Initiative, from policy development to implementation to monitoring. The reporting structure, physical proximity and extensive internal interaction of team members generated “cross-fertilisation” and a level of synergy that resulted in products that were holistic and multi-dimensional. For most staff this was a brand new policy area. The learning curve was greatly reduced through participation in Team meetings, on F-P-T conference calls and in ad hoc strategy sessions. Much of the intensive collaborative work by individual members of units was facilitated by the shared familiarity of Initiative goals, history and day-to-day operating principles.

The original Child Support Team has now been integrated into the Family, Children and Youth Section, taking with it the multidisciplinary approach. With this move, the team

¹ The Management Response was prepared by the management team – Virginia McRae, Elissa Loeff, Lise Lafrenière-Henrie, Danièle Ménard, Dianne Chartrand, Kathleen Malone-Aubrey, Karen Bron, Jim Sturrock – with the assistance of Jane Gibson, George Kiefl, Andrew Fobert, Rose Marie Braden, Linda Revell-Hince, Jean Marquis, Benoit Guilbert, Danielle Bruyère and Janice Miller

approach is now operational in an area where the policy development work is on-going, rather than oriented to a specific and time-limited goal. Any new family law Initiative undertaken by Family, Children and Youth Section would take advantage of the multi-disciplinary team model already in place.

The evaluation found that there were clear benefits to having one person whose sole job was to ensure that the objectives of the Initiative were achieved and who had the authority to redirect efforts and reallocate resources as required to meet objectives.

Recommendation 2: Should the Department proceed with another family law initiative, consideration should be given to assigning one person full time responsibility for managing the initiative and having that person report to the Senior General Counsel, Family Children and Youth Section.

Management Response:

A structure similar to this worked well with the Child Support Initiative. It is premature to comment on the precise organisational configuration for any new family law initiative falling within the purview of the Section. Consideration will be given to assigning overall responsibility to a single manager reporting to the Senior General Counsel.

The FPT Task Force on the Implementation of the Child Support Guidelines greatly facilitated the implementation of Bill C-41 by providing a forum for information sharing, collaboration and co-ordination.

Recommendation 3: Future departmental initiatives should establish similar task forces when enacting legislation that will have significant effects on the provincial/territorial administration of justice.

Management Response:

We agree that the Task Force was very beneficial to the implementation of the Child Support Initiative. Given the shared constitutional jurisdiction over child support and because jurisdictions are responsible for implementation, the achievement of desired policy outcomes clearly depends on maintaining close and co-operative relations with jurisdictional counterparts. The Child Support Team found that the close partnership, from day one, between the Federal government and the jurisdictions in the development

and implementation of child support guidelines significantly enhanced the overall outcome.

A major goal of the Initiative was that all jurisdictions would implement guidelines. This has been achieved, in law or practice², in every Canadian jurisdiction. Most provinces and territories have adopted the Federal Child Support Guidelines under provincial or territorial laws. Four provinces have adopted guidelines that differ from the federal guidelines, with only Québec opting for a significantly different model. The guidelines for these four provinces have been “designated” for use in cases under the *Divorce Act*, unless one of the parents lives outside the province in question, in which case the federal guidelines always apply. All child support determinations in Canada are therefore made pursuant to guidelines, regardless of the marital status of the parents and regardless of whether they fall under provincial legislation or the *Divorce Act*. Thus, a significant level of intra provincial and national harmonisation has been achieved. It is our view that these results would not have been possible without the existing F/P/T structures, particularly the Task Force and the Family Law Committee. For any new initiatives, the Family, Children and Youth Section will take advantage of the newly created Co-ordinating Committee of Senior Officials – Family Justice, a body composed of members of these FPT groups.

This evaluation found that there was good co-ordination within the Child Support Team, primarily as a result of information sharing and joint decision-making at the Co-ordinator level. There is room for improved co-ordination at the working level, however.

Recommendation 4: Co-ordinators should ensure that they share with their staff information on the work of other units, by providing complete debriefings of the co-ordinators’ meetings and distributing the minutes of unit meetings to all staff.

Management Response:

We agree with this recommendation. Information sharing is an essential ingredient of the multidisciplinary approach. The Family, Children and Youth Section has implemented a process to ensure that the minutes of unit meetings are distributed to all members of the Section. Debriefings on co-ordinators’ meetings and the sharing of information amongst all members is a communication challenge that has been raised to a level of high priority.

² Alberta has not adopted Guidelines, as yet, but has a practice directive that instructs provincial courts to use the *Federal Child Support Guidelines*.

Although sporadic performance measurement did take place, the Initiative did not consistently collect performance information or use performance information as a basis for planning subsequent activities. Only limited performance information was available to inform the evaluation of the Initiative.

Recommendation 5: The Family, Children and Youth Section should place high priority on developing and implementing a performance measurement system that will provide the information needed to identify whether activities are achieving the intended results, and to report on results. The Family, Children and Youth Section should consider whether this could be best achieved by assigning performance measurement responsibilities to staff within each of the existing units, hiring a performance measurement analyst whose sole responsibility would be to assist each of the units in measuring their results or by some alternative arrangement.

Management Response:

We agree with this recommendation. Should the Department proceed with another family law initiative, it will develop and implement a performance measurement strategy that would assess whether activities are achieving the intended results, and will report on these results. The mechanism under which such a strategy would be implemented will have to be determined at the time. It is quite conceivable that an evaluator/analyst may be required early on in the initiative until such time as staff members become more familiar and comfortable with performance measurement. As part of policy development, the Research Unit will take responsibility for ensuring that measurable objectives and suitable research designs become standard components of all activities.

5.2 Policy Development

The evaluation concluded that there is a need for continued policy development to enhance the national scheme for child support enforcement.

Recommendation 6: The Department should continue on-going policy development on a system to track newly hired workers, means of garnishing federal transfers to self-employed persons, the identification of additional sources of funds that could be intercepted, the development of an enforcement strategy for suspended passports; and means of improving MEP success rates for tracing and locating requests sent to FLAS.

Management Response:

We agree with this recommendation. It is important to continue the significant work undertaken during the initiative to develop, enhance and implement federal measures to assist provincial/territorial enforcement agencies to enforce support orders.

The feasibility study on developing and implementing a *New Employee Tracing Program* in Canada has been completed and work has started on implementing the recommendations. Other studies, looking to improve the tracing and locating of individuals in default of family support obligations, showed that additional types of information, such as the location of assets at financial institutions, would be very helpful. Another study identified possible means of accessing sources of federal funds owing to self-employed persons. The Department is following up on these studies. A two-year feasibility study on the enforcement of suspended passports was recently completed. The department and the RCMP are examining ways to continue enforcing the return of passports that is consistent with the results of the study. Further work will depend on funding.

The Department has also carried out research on data matching processes to provide a greater understanding of the barriers to improving the success rate of MEP trace and locate requests sent to the FLAS. This research has shown that across jurisdictions, FLAS and MEP systems are in variable states of “readiness” to effectively sort and use the tracing data they receive and that MEPs need effective mechanisms in place to sort and update the tracing data they receive, from whatever source. The research has also shown that there are strengths and limitations to any new employee data. The Department has also identified the need to put routine feedback mechanisms in place so that FLAS can monitor the effectiveness of the new data sources.

Most provincial/territorial officials interviewed for this evaluation spoke highly of the federal activities relating to the reciprocal enforcement of support orders. Respondents particularly valued the role the federal government had played in setting up linkages among provinces, facilitating information sharing both nationally and internationally.

Recommendation 7: Given the increasing mobility of the Canadian population, the Department must continue its efforts to support the reciprocal enforcement of child support orders. The Department’s role in co-ordinating exchanges between different jurisdictions with and outside Canada should be continued.

Management Response:

We agree with this recommendation. Central co-ordination is essential to realise the objectives of assuring uniform compliance, regardless of the location and re-location of support payers. Subject to funding, we will continue the co-ordination and facilitating role in FPT forums addressing inter-jurisdictional support enforcement issues. Uniform provincial territorial legislation intended to stream inter-jurisdictional support order processes has been facilitated by federal participation. Amendments to the *Divorce Act* to harmonise its procedures with this new ISO legislation will soon be tabled.

This evaluation found that, due to increasing sophistication in enforcement tools and systems there is a need to provide uniform and up-to-date training and development for all enforcement staff on the reciprocal enforcement of out-of-province orders.

Recommendation 8: The Department should consider offering centralised training for MEP staff on operational issues relating to FOAEA and GAPDA and assess the jurisdictions' interest in training for REMO/RESO.

Management Response:

We agree with this recommendation. Uniformity of application of initiative components is important. Such training would help not only with federal/jurisdictional linkages but would enhance the opportunity to maximise “good practice” amongst provinces/territories to improve compliance. Work has started in consultation with the provinces and territories on the development of a national training plan. Initial steps have included looking at the existing experiences of our international partners in the development of a national training strategy. Further work will be dependent on funding.

The location of FLAS in a different sector from the FCY was not an issue that the evaluation was designed to address. However, some departmental respondents did raise the issue. There are differing views on whether the location of FLAS affects the integration of policy, research and operational aspects of federal enforcement responsibilities and on where FLAS should ideally be located.

Recommendation 9: The Department should undertake a systematic review of the advantages and disadvantages of FLAS's location and develop an arrangement that best serves the achievement of mutual objectives.

Management Response:

We agree with this recommendation. It is true that a collaborative relationship was developed between Initiative members and the Family Law Assistance Section over the course of the Initiative and that this co-operation was of mutual benefit.

However, it became clear that a longer term agreement, not only on location/reporting relationships, but on mandates, roles and responsibilities between FLAS and the FCY Section need to be clarified. Work is now being done to formalize the working relationship between FCY and FLAS.

The *Divorce Act* was amended in 1997 to provide for agreements between the federal, provincial, and territorial governments to set up provincial child support services that would help the courts determine child support amounts and that would periodically recalculate child support orders based on updated income information. To date, only Newfoundland and Labrador has sought a designation of their child support service pursuant to section 25.1 of the *Divorce Act*.

Recommendation 10 The Department should continue to work with the provinces and territories to develop recalculation mechanisms.

Management Response:

We agree that it is important to continue working with the provinces and territories through CCSO Family Justice. The Department of Justice has encouraged the jurisdictions to set up provincial child support services under section 25.1 of the *Divorce Act*. Newfoundland and Labrador is the first jurisdiction to seek such a designation. British Columbia, Nova Scotia and Saskatchewan have also piloted services that provide administrative mechanisms to recalculate child support as well as providing integrated family dispute resolution processes. Other jurisdictions, such as Prince Edward Island, New Brunswick and Alberta, are currently developing recalculations services. Quebec is considering developing a recalculation service.

When they were implemented in 1997, the Federal Child Support Guidelines significantly changed the way Canadian courts determined child support amounts. Five years later, it is clear that the Guidelines are working well. Child support amounts are predictable and consistent, and the vast majority of parents are setting child support amounts without going to court. Still, there is room for improvement, in terms of what the law says and in terms of how it works. *Children Come First, A Report to Parliament Reviewing the Provisions and Operation of the Federal Child Support Guidelines* details recommendations for improving some aspects of the Guidelines.

Recommendation 11: In collaboration with provinces and territories, the Department should continue to develop and refine child support policy, taking into account the recommendations of the Report to Parliament.

Management Response:

We fully agree with following through on all recommendations from the Report to Parliament and working with the provinces and territories in amending our respective child support Guidelines

The Department has announced its intention to introduce reforms to custody and access policy. Any such reforms are likely to have an effect on the Child Support Guidelines.

Recommendation 12: The Department should develop enhancements to the Child Support Guidelines in keeping with modifications to relevant family justice reforms.

Management Response:

We fully intend to continue to refine and/or to develop child support policy so that child support laws are consistent with family law reforms.

5.3 Communicating Information to the Public

There is a continued need to provide information on the child support guidelines, given that people do not seek out the information on child support until they need it.

Recommendation 13: The Department should continue to make the publications on child support available to members of the public and to post them on the departmental website.

Management Response:

We agree with this recommendation. The Family, Children and Youth Section continues to update time-sensitive publications, and reprint and distribute all of its publications for the benefit of both the general public and professional groups and to post them on the website. We work closely with PLEI organizations and provincial/territorial jurisdictions to provide high-quality information to Canadians. As acknowledged in the Evaluation

Report, the general public requires a continuous flow of information about child support because it is of ongoing relevance to different segments of the public; that is, those individuals who are, for the most part, in the initial phases of separation. We continue to monitor the number of 'hits' on our website.

The Department does not maintain easily accessible information on the number of publications printed or, with the exception of the information line database, the distribution of child support publications. Such information is required to inform decisions on reprinting and shipping, but also to determine whether they are reaching the intended users.

Recommendation 14: The Department should capture information on the printing and distribution and redistribution of key publications in a readily accessible format (e.g., a database), so that periodic checks can be conducted to determine whether they are reaching intended users. This will require that provincial/territorial governments and PLEI organizations provide the Department with information on the re-distribution of federal publications.

Management Response:

We agree with this recommendation. We currently collect data on the number of publications distributed to the public and to provinces/territories through our 1-888 number. We do not consistently include in our database all requests from the provinces and territories for bulk quantities of our publications. We will expand the database to include the number of publications we send in bulk to them and we will approach them about the feasibility of their tracking the distribution of our materials.

There is a continued need to provide information on the guidelines and other family law matters to parents facing language, literacy, cultural or other barriers. The family law kit that is distributed to intermediaries is a promising approach and the feedback cards that have been returned have for the most part been positive. However, there is no rigorous information on the effectiveness of the kit or the extent to which it is reaching intended users.

Recommendation 15: The Department should assess the effectiveness of the family law kit in providing intermediaries with information that they can use to inform people who would otherwise not be able to access the information they require on family law matters and determine whether it is reaching intended users. This will require working in collaboration with the PLEI organizations that re-distribute the kit.

Management Response:

The Family Law Information Kit for Service Providers Project aims to provide a resource to help service providers (such as social workers, mediators, guidance counsellors, nurses, etc.) to better serve their clients. The service providers are the "users" of the kits, although the ultimate "end user" of the information is their client. These "end users" are hard-to-reach populations and that is why service providers are conscripted to act as intermediaries to redistribute this information to their clients.

Since the service providers are the intermediaries, they are in the best position to assess the appropriateness of the material contained in the kits and to evaluate the relevance of the information to their client. For this reason, it is the service providers who are asked to evaluate the kits through the use of the response card included with each kit. So far this year, 92 reply cards were returned to us of the 7500 kits produced last year, most with very positive comments. We know that this constitutes self-selection and is therefore not an ideal tool for evaluation. However, this is all we feel we can afford in the way of assessing effectiveness. The cost of conducting a rigorous evaluation of the Family Law Information Kit for Service Providers Project might be greater than the cost of the entire family law kit project. The provincial PLEI organisations with whom we contract to assemble and distribute the kits receive very little money from us for preparing and distributing the kits. The budget does not allow them to evaluate the effectiveness of the kits - neither in the hands of the service providers nor from their clients' perspective. However, we are confident that the Family Law Kits project is meeting users' needs. Anecdotal information received from PLEI groups involved in the project last year suggests that the kits are very popular. Requests for more kits have burgeoned and all stocks are depleted as service providers become aware of the kits and their potential for aiding their clients. Thus, a proxy measure of effectiveness could be ascribed to the increasing demand by PLEI and by service organisations.

The toll-free line provides information to people who otherwise may not know where to get the information they need. In 2000, the line received 20,000 calls, the large majority of whom were from parents.

Recommendation 16: The toll-free line should be continued. If the number of calls is not sufficient to keep the operator fully occupied, the operator should be given other tasks to perform when not handling telephone calls.

Management Response:

We agree with this recommendation. We have a practice in place such that the operator(s) have other communication-related duties. In fact, the job descriptions reflect other duties in addition to answering calls. We will continue to review the job descriptions to ensure that they remain current.

Analysis of the patterns of calls to the toll-free line suggests that the advertisements that were placed in newspapers and magazines to advertise the line resulted in increased numbers of calls.

Recommendation 17: The Department should periodically advertise the telephone number for the toll-free line in selected newspapers and magazines.

Management Response:

We strongly agree with this recommendation and will do so as budgets permit. Operators of the toll-free line have been very successful in responding to inquiries in a timely fashion. The widest possible distribution of the number should contribute to enhanced access to justice.

Recommendation 18: In order to assess the relative effectiveness of advertising the toll-free number in specific magazines and newspapers, the Department should collect information on which publications best reach affected parents.

Management Response:

We agree with this recommendation. Our database currently records the source of callers' information on the toll-free line, including a generic reference to various media. We will adjust the database to identify specific newspapers and magazines.

5.4 Communicating Information to Professionals

Many stakeholders who were interviewed for this evaluation found the Reference Manual particularly useful.

Recommendation 19: The Department should keep the Reference Manual up to date and republish regularly.

Management Response:

We agree with this recommendation. This has been the practice in the past and will be continued. It is essential that professionals have up-to-date legal reference material available to them in a timely manner, especially in light of on-going regulatory changes to the Federal Child Support Guidelines.

The training provided by the Legal Policy Unit was well received.

Recommendation 20: The Department should consider providing in-person training by legal policy officials to lawyers and other professionals who will be directly involved in the implementation of legislation that has been significantly changed.

Management Response:

We agree with this recommendation. Policy officers have actively and increasingly participated in numerous conferences and professional training sessions. However, this alone is not a practical means of providing training on a large scale. It should be complemented by other more resource effective strategies such as developing training modules. In order to assess the effectiveness of different training methods, appropriate research methods will be implemented as part of the process.

Family mediators reported that they need training so that they can fully understand and benefit from the federal materials on child support issues.

Recommendation 21: The Department should explore means of providing training on child support issues to family mediators.

Management Response:

We agree with this recommendation. The Child Support Team made extensive efforts to reach mediators. Besides funding two train-the-trainer sessions through Family Mediation Canada, we presented at mediation conferences, funded mediation conferences, funded mediation pilot projects and funded child support/mediation publications. With the development of policy and programs leading to expanded mediation services in many jurisdictions, it is important that these sorts of activities continue. We will continue to include mediation professionals as a target group for any future training program.

The Department regularly monitors the effects of tax changes on the table amounts in the guidelines in order to inform decisions on the need to revise the tables. To date, the changes have had a minimal impact on the amounts and the tables have not been changed. Several family law practitioners suggested that informing practitioners and parents of the monitoring and the results of the monitoring would increase their confidence in the fairness of the amounts.

Recommendation 22: The Department should inform practitioners and parents that, based on changes to taxation, the tables amounts are reviewed annually. At the conclusion of each review, the Department should state whether or not the tables need to be changed. This could be communicated by means of a notice on the Internet.

Management Response:

We agree with this recommendation. While it is true that federal/provincial/territorial policy and implementation personnel are informed annually of the exact nature of the effect of taxes on the tables, the average member of the public and even family law practitioners may not be aware that the table amounts are constantly under review in step with changing taxes. A simple internet notice, at the completion of each review, could allay fears that the tables may be out of date. On the other hand, many affected by the table amounts have expressed concern that static amounts from year to year must mean failure to keep abreast of inflation rates – a concept that is irrelevant to the underlying model. The message must minimise the risk of confusion and misunderstanding. Researchers are currently developing a simple explanation of the model behind the tables in order to avoid any perception of unfairness. Once developed, this statement could be included with the announcement of the results of the annual reviews.

5.5 Project Funding

One of the strengths of the provincial/territorial funding program was that the Department identified funding priorities in consultation with the provinces and territories. From the jurisdictions' perspective, this helped to increase the relevance of the priorities and the extent to which they met their needs.

Recommendation 23: In order to ensure that the funding priorities are practical and reflect the needs of both levels of government, the Department should identify funding priorities in collaboration with the provinces and territories.

Management Response:

We strongly agree with this recommendation. Recognizing the benefits of this approach, the Family, Children and Youth Section has since repeated this process when it developed the expanded Child-centred Family Justice Fund parameters in fiscal year 1999-2000 and would continue with this approach for any future family law initiative that involves the provinces and territories.

Another positive aspect of the funding component was that annual targets were established for the amount of funding for each priority and that these targets were different for each year of the Initiative in order to encourage the desired shift from activities required to implement the guidelines (e.g., changes to court rules) to activities that supported the broader objectives of the Initiative (e.g., parent education and mediation programs).

Recommendation 24: In order to increase the impact of funding on the attainment of federal policy objectives, the Department should continue to establish and use targets for the amount of funding to be devoted to each funding priority and, where appropriate, establish different targets over time to encourage “movement” in the types of projects undertaken with the funding.

Management Response:

We agree with this recommendation. The tying of funding to priorities does, in turn, influence policy and planning. However, the use of targets will be dependent on the overall objective of the funding programme. For example, we used targets that changed over time in the Child Support Implementation and Enforcement Fund because we anticipated an influx of orders early on in the initiative and, in the early years, monies were to be used to manage the extra workload as a result. When it was evident the influx was not occurring, the targets changed to promote the development of innovative services. Conversely, with the implementation of the enhanced and extended Child-centred Family Justice Fund, the targets were negotiated with provinces and territories and built into the overall funding parameters. They remained static, as the Fund was short-term (2000-01 to 2002-03).

Problems identified in the mid-term evaluation concerning overly detailed information requirements in proposals and reports appear to have dissipated, suggesting that the steps the P/T Implementation and Project Development Unit took to rationalise reporting requirements were

successful. The next step will be to strengthen reporting guidelines so that subsequent decisions on project funding can be results-based.

Recommendation 25: The Department should take steps to strengthen reporting requirements for projects so that subsequent decisions on project funding can be made using results information. Specifically, the requirements should be modified to ensure that consistent information is collected across all jurisdictions, and for similar types of projects so that the results can be synthesised and that stronger conclusions can be drawn regarding the effectiveness of different types of family law services and programmes.

Management Response:

We agree with this recommendation. A research design must be built into the initial design of all projects. Treasury Board's new 2000 Policy on Transfer Payments requires that any initiative comprising a grants and contributions component develop a Results-based Management Accountability Framework (RMAF). This requirement will also flow to the recipient of any discretionary funding. We have already provided some initial training to our Provincial/Territorial partners on the RMAF and will be exploring the development of standardized measures that can then be used for evaluation purposes. We see this as an important first step in obtaining consistent information on family justice services, supported by the federal government, across the country. In addition, the Programme Development Unit and the Research Unit of the Family, Children and Youth Section, as well as the Evaluation Division are working closely together to assist with evaluation of key projects.

Past experience suggests that funding recipients are more likely to accept reporting requirements if they are clearly stated and not unduly onerous, if the rationale is clearly articulated, if there is evidence that the information will be used and if the funding recipients are involved in their development.

Recommendation 26: The Department should work in collaboration with provincial/territorial staff in the development of reporting requirements in order to maximize their acceptability.

Management Response:

We strongly agree with this recommendation. As a pilot, we have begun working with the provinces and territories on the development of reporting requirements. In consultation with the Co-ordinator of the Provincial/Territorial Implementation and Project Development Unit, a consultant delivered a two-day workshop to designated

provincial officials and selected Family, Children and Youth Section members on results based management, focusing on the proposals submitted under the Incentive for Special Projects component of the Child-centred Family Justice Fund. We intend to continue involving the provinces and territories in the identification of reporting requirements for any future family law funding programs. In collaboration with provincial/territorial officials, we would like to be able to develop templates that can be used by provincial/territorial programmes to standardise reporting.

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. The funding program under the Child Support Initiative enabled the jurisdictions to establish project and services that alleviate the situation of unrepresented litigants, by providing them with information and assistance in getting through the court process without legal counsel.

Recommendation 27: The Department should continue to provide support to the provinces and territories for the establishment and maintenance of effective programs that assist those who would otherwise receive little or no assistance in going through the court process.

Management Response:

We agree with this recommendation. Access to family justice services is a priority. Unrepresented litigants have been well served by courts that have effective programmes to assist them with information, child support calculation software and so on. However, these services need to be expanded geographically and in terms of the variety of services available. Unrepresented litigants are one of the important target groups for family law services. We are currently working towards this goal. However, much is dependent on federal government priorities. Continued financial support requires approval from sources beyond this Department.

5.6 Research

The evaluation concluded that the research component resulted in increased knowledge among federal and provincial/territorial policy personnel and practitioners and contributed to family law policy development. The development of the formula for the table amounts, the simulation studies and other research on Guideline components were of particular significance in policy

development. The Survey of Child Support Awards was instrumental in providing unique Canadian data on child support and answers required for reporting on the implementation and workings of the child support guidelines. The research in support of enforcement was also beneficial to federal enforcement operations and to enforcement policy development. This research responded to identified policy needs and the researchers and policy personnel worked closely together to ensure the research would address that need. The evaluation found that, despite the best efforts of the federal Research Unit and their provincial/territorial counterparts, the Initiative was not able to develop an effective integrated programme of research across all the jurisdictions, to promote the compilation of contextual information on family justice services, the collection of baseline data and the elaboration of research designs suitable for evaluating new or refined service programmes. This evaluation also concluded that background and contextual research findings, made available by the Research Unit, were not always effectively communicated to policy and programme officers within the Department of Justice or to provincial and territorial representatives working in family justice and family law.

Recommendation 28: The Department should ensure that family justice researchers continue and enhance their efforts to engage their federal, provincial and territorial policy and programme colleagues as full partners in the research process and ensure the adequate communication of research results so that research can continue to inform policy development and provide much-needed information on the delivery of effective family law services.

Management Response:

We agree with this recommendation. Research did play a role in the success of the Initiative, and was instrumental in fostering synergy between research, policy development and policy and programme implementation. The objectives of enhancing relevance and of developing effective means of communicating research results will be entrenched in research plans. A great deal has been achieved through partnerships between federal research and policy officers as well as through collaboration within the federal-provincial-territorial research sub-committee of the Child Support Task Force. Nevertheless, greater emphasis should be placed on the process of engaging policy, programme and implementation officials who may not usually look to social science research as a conceptual framework for analysing past, present and future action. The importance of contextual and baseline information will be stressed as will the need to imbed research designs in all policy and programme development activities.

The evaluation revealed that limited research took place at the provincial and territorial levels, though the small number of locally initiated project evaluations were found to be very valuable. There was also a number of projects undertaken that involved co-operation between federal and

provincial/territorial governments, such as the Survey of Child Support Awards, which relied on provincial/territorial representatives to collect child support data in the selected sites and a series of PLEI-related projects looking at the needs of “hard-to-reach” populations. Given that all jurisdictions have recognised the importance of providing services and programmes to families that are undergoing divorce or separation and that a growing number of such services and programmes are being provided, there is a need to evaluate the success and the impacts of different types of programmes and services so as to identify effective approaches. These evaluations need to focus on the longer-term results of these programmes and services and how they may contribute to improving the efficiency of the legal system and to reducing parental conflict in the medium to long term. In addition, there needs to be more consistency in the approaches used to evaluate similar programmes, so that more rigorous conclusions can be drawn about their impacts.

Recommendation 29: The Department should take steps to promote the importance of programme and service delivery evaluation and research. It should ensure that the funding agreements signed with the jurisdictions include plans and adequate resources for this type of research.

Management Response:

We agree with this recommendation but note that implementing the recommendation has been difficult. While the Child Support Initiative had a staffed and funded Research Unit (with continuity in the Family, Children and Youth Section), most jurisdictions do not yet have such capacity, although there is a great deal of interest in participating, with the federal Unit, in collaborative research. The jurisdictions are responsible for the administration of justice and this is their main priority. A concerted effort will be made to expand the vision of this mandate to include research on the effectiveness of the family law services the jurisdictions provide. To emphasise and enable this research, the FCY Research Unit will work closely both with federal funding officers and with on-site provincial/territorial officials. With the new Incentives for Special Projects Initiative and related funding, and with the continued and enhanced emphasis on programmes and services to families experiencing separation and divorce, the Research Unit, with jurisdictional counterparts, has begun to play an expanded role in the fostering, monitoring and evaluation of provincial/territorial programmes and services. With the increasing emphasis on service delivery, if funding permits, this research role will continue.

Recommendation 30: The Department should take steps to promote consistency in the approaches used in evaluations of family justice services and programmes across different jurisdictions, so that more rigorous conclusions can be drawn about the types of services and programmes that are most effective in supporting policy objectives.

Management Response:

We agree with this recommendation. Co-ordination is necessary to ensure that standardised approaches and research instruments are adopted for conducting research on similar projects across jurisdictions. Comparative research will help identify the most effective models of service delivery, leading to assessment of the portability of such models. The Research Unit will strive to facilitate the development of a cross-jurisdictional research framework on service projects and will dedicate resources to ensure that current and proposed projects take into account the larger constituency.

Recommendation 31: Evaluations of federally funded family justice programmes and services should measure longer term impacts and the extent to which these programmes and services further policy objectives.

Management Response:

With time-limited funding and research capacities at all levels of government, evaluations of jurisdictional service programmes have been limited to assessing short-term impacts such as those relating to satisfaction with process. Such opinion-based studies do not allow for strong outcome analyses – especially of lasting outcomes for children and the sustainability of positive short-term effects. This type of research will need to be integrated with findings of national longitudinal studies that will help identify intervening variables associated with child outcomes. The FCY Research Unit will require resources to continue to work with the jurisdictions in the designing of research to evaluate new services in terms of needs, process effectiveness and real outcomes. There will also need to be national co-ordination in order to develop research strategies to ensure non-duplication of effort, and to share information across jurisdictions.

The research indicates that roughly one third of parents have informal agreements for child support. It is not known if and how amounts agreed to informally differ from those that would be ordered under the guidelines. It is possible that parents who come to informal agreements are using the guidelines to determine the child support that will be paid and are simply avoiding the complications and expense of going to court. On the other hand, it is possible that the amounts are lower or higher than the guideline amounts, which could be contrary to the guidelines' objectives of fairness and consistency. The research also shows that roughly another third of

separated and divorced Canadians with dependent children lack any type of child support arrangement, either private or court-ordered. The reasons for this are not known.

Recommendation 32: The Department should undertake research on informal child support agreements, with particular emphasis on how the child support amounts compare to amounts that would apply under the guidelines. The Department should also undertake research to investigate why some separating and divorcing parents do not make any child support arrangements and what impact this has on the lives of their children.

Management Response:

We agree with this recommendation, in general, but have not yet determined the priority of this kind of research. The Research Unit is conducting analyses of important data sources such as the National Longitudinal Survey of Children and Youth and the General Social Survey. Using these databases, attempts are being made to estimate the population of divorced and separated parents who have chosen to avoid the legal system, either by making informal arrangements or by failing to make any arrangements at all for the continuing care of their children. Conducting research on this population would be very time consuming and resource intensive since there are no related court records or files; parents would have to be located and interviewed. The literature documents difficulties developing effective sampling frames and methodologies to draw a representative sample and to develop research tools that can adequately determine 'reasons' or characterize impacts on children.

As well, one of the objectives of the child support guidelines and the Child Support Initiative was to increase predictability and to decrease the number of parents going to court to argue child support amounts. As such, having 'kitchen-table-agreements' is arguably one of the intended effects of the Child Support Initiative. It is possible, although not known, that parents without 'formal' agreements are making their 'informal' agreements 'in the shadow of the law' in the sense that they know the guidelines exist, they know the basic amount that the law prescribes, and they know that the law could be used if the amount agreed to were decidedly different from the guideline amount.

Considering those with informal agreements, the issue of consistency is important when amounts are imposed by the courts, but if parents are arriving at child support amounts by informed consent, their judgments may be quite sound and the matter of consistency may not be as important. Parents may also avoid making any arrangement for any number of reasons that may or may not have a negative impact on children. It is true that we know

very little about this population of divorced/separated parents and their children. A feasibility study on this question has been proposed for our up-coming research framework.

At present, little is known about the circumstances of those who are in default of child support orders. Specifically, it is not known what proportion are in default because of their past or present inability to pay and what proportion wilfully refuses to pay. This information would help to inform decisions on the need for administrative mechanisms for the updating of child support orders and would help to determine how other policy development and programme delivery activities (e.g. communications, enforcement) could better target both types of default situations.

Recommendation 33: The Department should continue its exploratory research on default and compliance issues that will help to determine why people pay or don't pay their child support obligations, with a particular focus on factors that distinguish between those who do pay and those who do not pay – whether because of inability or unwillingness to pay.

Management Response:

We agree with the importance of this recommendation. The Department is nearing completion of its first study on factors related to default/compliance with child support obligations. The objective of the study is to identify factors that influence whether or not people pay, with particular emphasis on “willingness to pay” factors, rather than “ability to pay” factors. Following the initial pilot-testing of methodologies in Prince Edward Island, four other provinces have now provided data and access to a select number of their maintenance enforcement clients for interviews on a wide range of issues and events surrounding their separation or divorce. It is hoped that the analysis of these data will inform policy and program delivery development discussions and provide information not only on why people do not pay, but also on reasons why people do pay. The analysis of the case file and interview data is underway and a final report is expected in early 2003.

Unfortunately, this current study is limited in its scope as it only includes cases registered in provincial/territorial maintenance enforcement programmes. These payers represent only a small sub-set of those who are or should be paying child support (especially if we include in the total population those who have informal child support agreements).

The FCY Research Unit intends to continue its research in this area with other projects that will complement the results from the current study. Other projects could include: finding and interviewing people whose cases are not registered with a maintenance

enforcement program; evaluating services to clients (e.g. education, financial, outreach); and examining the effectiveness of various enforcement measures.