

**SUBMISSION OF THE OBA FAMILY LAW
SECTION, ADR INSTITUTE OF ONTARIO & OAFM***

Family Law Process Reform:

***SUPPORTING FAMILIES TO SUPPORT
THEIR CHILDREN***

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EXECUTIVE SUMMARY:

As Attorney General you have made it your mandate to improve access to Justice for all Ontarians. Families facing separation and divorce encounter a family law process that is confusing, slow and very expensive. The current process escalates conflict between parents and sometimes puts children at risk of harm or poverty. It is clear that the public's priority is the reform of the Family Law process.

In 2007, Alf Mamo, Debbie Chiodo and Peter Jaffe submitted a detailed, widely supported Report to your Ministry entitled: “***Recapturing and Renewing the Vision of the Family Court***”. Since then, a Joint Committee of the OBA Family Section, the ADR Institute of Ontario and the Ontario Association for Family Mediation (OAFM) has been meeting and our submission supports the major recommendations in the Mamo Report. Our proposal will reduce court costs, taxpayer costs and family costs. It will protect children by reducing parental conflict and ensuring that child support is actually received.

We propose to assess and divert appropriate cases from court by offering early education and referral to Alternative Dispute Resolution practitioners on a provincial roster. Our proposal includes a budget for our proposed reforms. Cases of an urgent nature, such as custody disputes, support arrears and domestic violence are fast-tracked to court. We also recommend that legal aid resources be used more cost effectively to encourage cooperation rather than litigation.

Litigation would be reserved for high conflict or complex cases, focusing the court's time and expertise on the more difficult cases. This will free judges for cases that require adjudication: urgent matters, cases involving domestic violence or precedent setting matters.

Ideally, properly serviced Unified Family Courts would be available across the province to replace the confusing patchwork of courts that currently exist. In the interim we recommend the use of specialized Family Court judges and where possible, that there be continuity of judges in each case. This would improve the efficiency and quality of service to families and would offer greater protection in cases of domestic violence or child protection.

The need to make these changes is urgent and the time is right. The province needs cost effective reforms and the public needs a more user friendly system. We propose to work with you to further develop these recommendations by:

Step one: approval in principle of recommendations.

Step two: a cost benefit analysis of the most promising initiatives.

Step three: a framework for implementation with time lines.

BACKGROUND:

For many years, there has been widespread agreement across Canada and internationally that Family Law requires a very different approach from other forms of civil litigation. This is a time of crisis and reorganization for families. They require support and services to ease the transition, encourage cooperation and focus on the best interests of children. We recommend a fundamental shift from funding an adversarial litigation system to funding a system focused on early intervention, education, mediation and cooperative settlements between parents. The consensus is that ***the court should be the default*** if parties are not appropriate for a less adversarial approach.

The goal is to encourage parental decision-making within a legal framework that emphasizes the best interests of children. We suggest that this shift can be accomplished by simplifying the Family Court **process**, providing relevant

information and appropriate referrals at the first opportunity, and ensuring that the Family Law process is clear, easily understood and fair. Such a system would **greatly reduce court costs, encourage more timely outcomes**, and allocate resources to support parental cooperation rather than fuel conflict.

Families at a time of crisis, either due to separation, divorce or child welfare, will benefit from information about their rights and responsibilities, the needs of their children and referrals to the various services and professionals who can best meet these needs. Couples are often unaware of dispute resolution options other than traditional litigation. They are confused by the complexity of our family court structure and patchwork of court related resources. We recommend that **non adversarial options**, such as mediation, assessments, parent education, parenting coordination, circle processes, med-arb, arbitration and collaborative practice **become the primary framework for resolving family matters**. Early public legal education and referral to appropriate dispute resolution options outside of the courts would greatly reduce the overload and cost of the court system and result in considerable savings to both government and tax payers.

Not all families are appropriate or ready for a cooperative approach. A small percentage (less than 5%), require a family court system with specialized resources. These high conflict cases or those involving family violence require early identification, special procedures, and programs, and should be heard by judges specially trained in family law and domestic violence. Additional appropriately trained legal and other support staff should be put in place. We recommend more effective post trial systems to monitor the enforcement of court orders or agreements and to assist in the safe, timely and cost effective resolution of disputes.

OBJECTIVES:

Sadly, between 40 and 50% of couples, married and co-habiting experience a separation. Each year approximately 200,000 thousand Ontario children share the impact of this difficult transition. In many cases child protection issues overlap within the same families. It is not surprising that families are demanding reform of the system.

Most importantly, the adversarial system fuels acrimony between parents and children suffer. There is virtually universal agreement that the present system is dysfunctional and does not meet the needs or wishes of average Ontarians. The court process is unaffordable by the vast majority of those who need assistance. The judiciary, legal and mental health professionals agree that the current court process is cumbersome, impersonal, adversarial, confusing, underfunded and understaffed. It is inefficient because it cannot cope with the numbers who need timely remedies so that they can move forward with their lives. Representation in court is available only to the rich and very poor (through legal aid) and largely excludes the average citizen. About 70% of all litigants are unrepresented, which is causing chaos, despite the best efforts of the Family Rules Committee and the judiciary. The system requires change.

A Joint Committee of the OBA Family Law Section, the ADR Institute of Ontario, and the Ontario Association for Family Mediation, have reached consensus on recommendations for reforming the Family Law process that are cost effective, efficient and within reach of most, if not all Ontarians. Our recommendations are designed to streamline the process, reduce acrimony in the interests of children, and focus resources more constructively based on an assessment of need.

Step one: approval in principle of recommendations.

Step two: a cost benefit analysis of the most promising initiatives.

Step three: a framework for implementation with time lines.

SPECIFIC PROPOSALS:

1. Family Intake, Information & Referral Service

While a Unified Family Court system is the ideal, in the interim the current system can be streamlined to provide greater efficiency, cost saving and needed support for families. Also, the appointment of judges who specialize in Family Law can improve efficiency and continuity of service.

Set out below is an outline of such a system and attached as **Appendix A** is a descriptive Flow Chart:

A. Family Law Information Centre (FLIC)

- All family courts will have a FLIC staffed 5 days a week by the following people: Case Assessment Coordinator (The CAC is an experienced mediator/mental health person), Advice Counsel, Clerk, and an on-site Mediator (either part or full-time)
- FLIC offers information through pamphlets, videos, Family Information Sessions (FIS), the internet, telephone, resource packages relevant to specific needs, community based information kiosks, court-based professional consultants, including Advice Counsel, mediators, Dispute Resolution Officer's ("DRO's", i.e. experienced members of the Family Bar acting in an advisory or mediative capacity), and financial advisors
- Each court location is associated with a Supervised Access and Exchange Centre and referral information is available

B. Pre-Intake Case Assessment Service (initial triage)

Where the case is an emergency, a party may proceed directly to court without taking any of the steps listed below. In all other cases, a 'triage' approach will be adopted when a party wishes to

issue an application. The triage will be as follows, or as adapted by a local court to achieve the same purpose:

- Each party is seen by a CAC. Individuals are referred through multiple entry points, including self-referral, lawyers, counselors, family doctors, etc. The CAC educates parties about alternatives to litigation. Parties may voluntarily enter a form of ADR at this stage.
- At the commencement of an action, a CAC and a supernumerary judge conducts a brief individual needs assessment with each party and begins to triage based on urgency and level of conflict or risk (eg. high risk cases likely have restraining orders or allegations of family violence, substance abuse or serious mental illness). Guidelines for identifying and responding to domestic violence and high conflict are developed and staff are trained to assist in making appropriate referrals to community resources. Files are earmarked for special court attention
- Cases in which the payer of child or spousal support has not met his or her financial obligations will be fast-tracked to court
- Each party is informed about and then registered for the Family Information Sessions (FIS) at the earliest time, with parties attending on different days. See **Appendix B** re: Family Information Sessions (FIS) programs across Canada
- The above process is repeated at the First Appearance when both parties are scheduled to appear before a clerk
- Court Speech: On family court days the CAC/clerk makes a brief speech to all of the litigants in court for that day and tells them about mediation and offers referral information. Participants are cautioned that in cases of domestic violence or power imbalance, mediation or collaborative law may not be appropriate. This approach has been

endorsed by the judiciary of the Ontario Court of Justice and has resulted in a number of referrals to mediation

C. Family Support & Intake Service: Case Assessment Service and Referral Service

- Prior to filing a court application, and/or at a First Appearance (which may now be unnecessary), parties meet individually for approximately 1 hour with a CAC. The CAC screens parties separately for domestic violence and reviews the options for settling the issues between them: voluntary mediation, arbitration, collaborative law, a specialized procedure for domestic violence cases, and court. Where appropriate, parties are offered information about individual, couple or family counseling. If needed, (eg. in high conflict or complex cases) a further meeting can be arranged to follow up at a later time.
- The CAC explains the advantages, costs and time involved for each process, as well as the procedure for obtaining Legal Aid. The CAC provides information and makes referrals on a voluntary basis to collaterals such as mediators, Advice Counsel, lawyers who accept legal aid, Children's Aid Societies and family services organizations
- Cases of an urgent nature are fast-tracked to court. Such cases may include: custody disputes involving domestic violence, failure to pay child support or spousal support, failure to abide by the terms of a parenting plan or terms of a separation agreement
- Parties who choose (or are referred on consent) by judges to mediation, are referred to a roster of qualified family mediators selected and maintained by the Attorney General. Mediators on this roster are Accredited Family Mediators with the Ontario Association for Family Mediation, or Certified Family Mediators or Certified Family Arbitrators with the ADR Institute of Ontario, an FMC or a Child

Protection Mediator. Roster mediators offer a standard sliding fee scale and see parties at a venue provided by the mediator or on-site for simple issues, eg. scheduling of an access visit

- Parties wishing to litigate must complete a form/questionnaire. If the CAC believes the file may be appropriate for ADR and one or both parties refuse, this could be noted on the file.
- For cases that proceed to court, where the parties are unrepresented, the CAC or clerk completes a checklist and reviews it with clients to indicate when the case is ready to proceed (pleadings are complete, necessary documents are produced, Family Court Rules have been complied with, etc.), and considers whether the Office of the Children's Lawyer should be notified
- Parties complete a short evaluation form to measure helpfulness of service chosen and submit it to the CAC or clerk for later independent evaluation

We believe that the approach we are recommending will save the court system time and money by diverting cases to mediation or other non-adversarial dispute resolution processes. It will reduce the amount of time required by court clerks, duty counsel, legal aid lawyers and judges.

Most importantly, it will enable families to resolve their disputes in a timely, collaborative manner and conserve their resources for their children's needs. Research has demonstrated that the risk of violence against women and children increases dramatically at the time of separation, particularly when litigation is initiated. The risk of violence will be reduced and the possibility of parental cooperation increased, by offering families a timely, respectful and cooperative process for resolving the issues between them.

2. Family Information Session & Children of Divorce

Currently a Family Information Session (FIS) is only available in selected court jurisdictions in this province. Research has demonstrated that attendance at the FIS reduces the number of appearance days in court. Early referral would further reduce the use of court. Therefore it is recommended that there be:

- Family Information Sessions and Education Services available in all Ontario Family Court jurisdictions in a variety of languages as needed. Extra efforts will be made to accommodate new Canadians.
- Mandatory attendance at or before the first court appearance for all parents with children under the age of sixteen, who file an application for child support, custody or access orders
- Mandatory attendance at a FIS would not be required in urgent cases, such as a child kidnapping or an immediate need for support.
- Counsel, family doctors and mental health professionals should strongly encourage all separating and divorcing parents of children under the age of sixteen to attend a FIS at the earliest opportunity
- No charge
- Two 3 hour sessions:
 - First session - information about the impact of separation and divorce on parents and children, improved communication, parenting plans, new partners, etc.
 - Second session - split into two groups, low-conflict and high-conflict groups for information about process options, role of lawyer, mediator, assessor, etc and basics of child and spousal support, division of property, etc.
- Local libraries and Legal Aid offices to have a CD-ROM of first session available for lending
- Teleconferencing available for northern Ontario

- Lawyer/judge and social worker/mediator as co-presenters (in smaller communities the CAC could assist or offer the program). A roster of local professionals is developed with payment of an appropriate fee to ensure consistency and quality of presenters
- Script and videos made available for consistency and to assist presenters
- Summary handouts including community resource lists for participants
- Parties attend separate sessions
- Sessions offered in the court or at community agencies, such as a Family Services Association, the ADR Institute, or other professional facility
- Participants complete a short evaluation form to measure helpfulness of presentation
- Local court coordinator administers, schedules and collects evaluation forms completed by participants

3. Legal Aid

To encourage families of modest means to resolve matters in a cooperative way, legal aid requires reform.

- Instead of primarily funding litigation, ***legal aid should fund cooperation***, in the form of mediators, collaboratively trained lawyers, family arbitrators, circle facilitators or parenting coordinators (PC's). The system should be altered to allow **ADR** professionals to receive certificates and report back to Legal Aid
- Alternatively, the Attorney General could set up a transfer payment agency to create a roster of qualified family mediators or PC's and handle their invoices. This would be similar to the model currently in place in Ontario for Child Protection mediation.
- The referral to mediators and collaborative lawyers (who must resolve matters out of court) would greatly reduce the financial burden on legal aid and courts and free up resources for those who require litigation

- Eligibility for funding for families willing to use non-adversarial approaches should be expanded - especially in cases involving children
- For individuals who fall within the financial eligibility guidelines set by legal aid, government funding for mediation should continue for 15 hours per couple with the ability to increase the number of hours upon a further application if constructive progress is being made. Mediators willing to take legal aid certificates should receive \$90.00 per hour per party to attract high quality professionals.
- Certificates should be available to offer independent legal advice to those who participate in mediation. In this way the time required for preparing court documents, cross examinations or appearances will be reduced or eliminated. Instead lawyers will focus on ensuring that clients understand their rights and responsibilities and that agreements are fair and durable.
- The range of eligibility for Advice Counsel should be expanded to assist unrepresented clients in order to ensure that court time is used more efficiently
- Unrepresented litigants are causing the courts to grind to a halt and wasting taxpayers' money. Many litigants are unrepresented because the threshold to qualify for legal aid is too high. In part the problem is that the legal aid tariff does not adequately compensate lawyers for high conflict clients who require the services of the court. Over the past decade there has been a 30% drop in lawyers accepting certificates from family law clients who qualify for legal aid. This needs to be remedied to make the courts more efficient.
- Expedite the Legal Aid application and approval process, including making it available online

4. Simplified Forms

Court processes and filing forms are cumbersome, confusing to the large number of unrepresented litigants and those whose first language is not English or who have limited literacy. It is recommended that:

- Forms be designed to assist applicants in presenting the information necessary to clarify their claims and should be available online
- Different Family Courts use different Forms. These Forms should be harmonized to lessen confusion and simplify the system.
- A database be created using these Forms to track case information. A summary page is appended to any new court motion for easy reference by Advice Counsel or the judge. The Forms will include such information as: outstanding issues, dates of previous motions, purpose of motions, court where motion was filed and heard, presiding judge, prior orders or Agreements, legal representation (if any), child or spousal support arrears (if any), and whether FRO is enforcing, and any mental or physical abuse issues.
- Checklists with clear explanations, guides on the internet, in booklets and in short video formats should be available in various languages to assist parties
- A clerk should be available to answer questions in person, by telephone and online to reduce the need for repetition and wasted court time and to assist unrepresented litigants
- Electronic platforms be developed for the filing of court documents and scheduling of court matters
- The Family Rules Committee should engage a member of LEAF or Community Legal Education Ontario (CLEO) and a plain-language expert to assist in re-designing the forms.

5. Increasing the Efficiency of the Court System

A. Child Support:

We applaud the proposal to amend the Family Law Act to require that payers of child support disclose their income annually to the other spouse.

This is an important concept for addressing child poverty. For this section to have the practical effect of reducing child poverty, we propose that:

- The Province implement the Regulation proposed under Section 39.1 as contained in Bill 133
- We also recommend automatic enforcement of the obligation of spouses to provide each other with income tax returns and income information. Requiring that a recipient of support take this matter to Court places an unfair financial burden on a recipient, increases the likelihood that the system will add to child poverty and is a waste of the court's time.
- We recommend that The Canada Revenue Agency be approached to assist by automatically sending a copy of any income tax return filed to the last known address on record for the other spouse. We appreciate that does not lie within the power of the Provincial Government, but this issue could be resolved by cooperation between the Province and the Federal Government. This is a fairer and more time and cost efficient process that would reduce court appearances and assist those most in need of a timely and inexpensive resolution.
- Until that option can be implemented, Legal Aid should be made available to parents whose arrears of child support are more than a specified amount or whose arrears are owed for more than a specified number of months
- Alternatively, Ontario could establish a Child Support Recalculation Service as is available in Manitoba. The amount of child support could be reviewed annually and changed if there is a change in the income of the payor. If a parent doesn't co-operate by providing updated financial information, the Recalculation Service could apply to the court for orders, including court costs, and could ask a judge to determine the payor's income based upon the best available evidence.

B. Other Process Efficiencies

- All courts should accommodate 14B motions by fax for simple procedural matters, such as an adjournment request, as long as the other party has an available fax or is represented.
- This will reduce unnecessary court appearances and will reduce costs to litigants and courts when persons who are unrepresented refuse reasonable requests for an adjournment and insist on unnecessary court appearances

C. Parenting Coordinator or Special Master

- High conflict “revolving door” litigants often require the assistance of a Parenting Coordinator (PC), sometimes known as a “Special Master” to assist in the implementation or management of minor conflicts, such as parenting schedules (eg vacation plans), day to day decisions, or spending on Special or Extraordinary Expenses (S. 7) after an Order or Award has been issued or an Agreement reached.
- These individuals take up an enormous amount of court time and are often using the courts to exact revenge for emotional wounds. The courts are not the appropriate forum for these couples. It is a waste of taxpayer money, tries the patience of overburdened Judges and is ineffective in reducing conflict for children.
- The PC or Special Master (usually a mental health professional with special training), attempts first to mediate and educate parents, but if an impasse is reached, makes an arbitral award.
- Currently a PC can be chosen on consent or can be appointed pursuant to a negotiated Separation Agreement. For these difficult clients, there should be a provision that allows a Judge to order the services of a PC for a limited range of specified minor decisions, for a

fixed period of time (that could be extended on consent). For example, PC's could save considerable court time if contempt motions for denial of access were first seen by a PC prior to scheduling a court appearance.

- For couples who refuse this assistance and continue to litigate, courts should award costs or refer the parties back to the FIS or an in-depth Parenting after Separation program for a “refresher”.

6. Single Court for Family Matters: Unified Family Court

Constitutional issues have made the court system confusing for everyone. In Ontario, the current mix of three court systems hearing family matters (Provincial Court, Superior Court & Unified Family Court) creates unnecessary complexity, especially for unrepresented litigants, and an unequal patchwork of processes.

In the 1970's the government created the first Unified Family Court in Hamilton, and if successful, had planned to expand this forum across the province. Several additional Unified Family Courts have been created, but without resolving the original issues: namely the appointment of judges and the provision of needed court based services. Unless family judges are appointed federally, couples must deal with a confusing mixture of family and superior courts to resolve their property, support and custody claims.

Seven provinces have Unified Family Courts and one is proposed in British Columbia. The B.C. Justice Review proposes one court with authority to deal with all family law issues AND adequate funding for the services needed to support families in a cooperative model of dispute resolution. This is the model we recommend, provided there is adequate funding for the services that families need. Overall this proposal will result in a cost saving for families as well as the government, compared to the far more expensive litigation model.

7. Specialized Judges and Continuity of Judges

A. Specialized Judges

- If the ideal of a Unified Family Court cannot be achieved at this time, we whole heartedly support the concept of a specialized court to deal with only family cases. That is, specialized Judges would chose to sit exclusively in Family Court.
- In some jurisdictions, where the volume of cases is lower, specialized Judges could be assigned voluntarily for a minimum of a one year rotation. Such assignments would be carried out in cooperation with the Chief Justice to ensure appropriate scheduling of cases in each jurisdiction.
- The Federal Government holds the power of appointment to the Family Court, therefore it may be necessary to amend The Courts of Justice Act to ensure that there is a single Family Court and that Judges are assigned to that Court as Family Court Judges. This does lie within the power of the Provincial Government alone.
- Section 21.2 of The Courts of Justice Act could be amended to state that “only Judges assigned to the Family Court have jurisdiction within that court and that the jurisdiction of the court does not extend to ‘every Superior Court Judge’ in Ontario”.
- This would also mean that sub-sections (3) and (4) of that Section would be amended to provide that:
 - a) Only Judges assigned to the Family Court would have family court jurisdiction; and
 - b) Judges assigned to the Family Court could not handle non-family matters unless they were re-assigned or their period of rotation was complete.

B. Continuity of Judges

- Judges, especially in large urban centers are overwhelmed with cases, often brought by unrepresented litigants. Couples experience frustration and lost wages as their cases are repeatedly adjourned, often to a considerable variety of judges. We suggest that cases could be dealt with more efficiently and appropriately if the same judge heard the case at each appearance. This is especially helpful for high conflict and child protection cases.
- Data should be collected to determine if these high conflict cases require fewer court appearances with this approach.

8. Award of Costs & Unrepresented Litigants

A. Award of Costs:

In family cases, costs are not often awarded for attendance at the settlement or other conferences, although these are expensive steps for most clients. An award of costs (or other appropriate non-monetary consequences) might be considered to discourage unnecessary or abusive litigation and to encourage compliance with agreements, prior Court Orders or Awards, as follows:

When parties

- Bring unnecessary motions
- Fail to make annual financial disclosure
- Fail to pay support in a timely manner, etc

B. Unrepresented Litigants

- When parties choose to be unrepresented, they should be required to attend a Court Preparation Program designed to assist them in completing the intake form, preparing pleadings, financial

disclosure and Net Family Property forms, understanding the court process, etc.

- The Court Preparation Program could be made available on the internet or on DVD at community kiosks. Attendance would be required prior to a court appearance except in emergencies and a certificate should be issued by the CAC upon completion. This will remove the need for judges to expend extra time and support for unrepresented litigants. A sliding scale fee for this Court Preparation Program could be considered.
- Forty percent of litigants in Canada represent themselves in court matters. In 2005-2006, family laws matters at all levels of court saw higher than average self-represented persons. This trend is growing with the result of slowing the judicial process, increasing costs and jeopardizing the right of all parties to a fair trial.

To encourage parties to engage counsel:

- Provide the FLIC services so as to eliminate unnecessary court attendances such as First Appearance Court or Trial Scheduling Court
- Eliminate the GST on legal fees for family matters and permit tax deductibility on a broader range of family issues
- Promote better education on existing tax deductibility provisions for legal advice on child and spousal support issues

9. Financing of FLIC Services

The additional costs to the Ministry for these proposals are minimal compared to the current Family Court costs and legal expenses of litigants. That is, there are costs for the CAC, the onsite and Roster Mediators and improved computer systems. Current administrative staff could be retrained for the new roles. The

savings in terms of time for users of the court and court staff would far outweigh the cost for such services (see **Appendix C** – Budget for Case Assessment Coordinator). This model is designed to accommodate the increased number of unrepresented litigants in all regions of the province.

While there will be overall cost savings, one recommendation to assist in financing the new services, is to add a small increment to court filing fees and marriage license fees to finance the services needed for separating and divorcing families.

*** We wish to acknowledge the enormous contribution of Alf Mamo, Debbie Chiodo and Peter Jaffe in the detailed “Mamo Report” entitled: “Recapturing and Renewing the Vision of the Family Court”, 2007 prepared for the Ministry of the Attorney General.**

Family Information Services

Source: Inventory of Government-based Family Justice Services, 2006

Province	Sponsor and Location(s)	Program Name/ Pilot or Ongoing	Attendance	Description
Alberta	Alberta Justice - Edmonton, Calgary, Red Deer, Medicine Hat, Lethbridge, Grande Prairie, St. Paul, Wetaskiwin and Ft. McMurray	Focus On Communication In Separation (FOCIS) - Ongoing service	Voluntary - No charge	A six-hour, skills-based communication course for separated or divorced parents of children who are experiencing conflict or communication problems with the other parent.
	Alberta Justice, Justice Canada - Bonnyville, Brooks, Calgary, Camrose, Canmore, Drayton Valley, Edmonton, Edson, Fort McMurray, Grande Cache, Grande Prairie, High Level, Hinton, Jasper, Lethbridge, Lloydminster, Medicine Hat , Peace River, Red Deer, St. Paul, Slave Lake, Spruce Grove, Stony Plain, Vermilion, Wetaskiwin.	Parenting After Separation Seminars - Ongoing service	Mandatory attendance for parents with children under the age of sixteen years, filing a family matter at QB or voluntary - No charge	Parenting after Separation (PAS) is a six-hour course, given in one session or two three-hour sessions. It helps parents understand how separation affects them and their children. It teaches couples who are separating how to work together to ensure they meet their children's health, social, and educational needs, as well as their need for parental involvement, and their need for extracurricular interests.
	Alberta Justice, Justice Canada – Edmonton, Calgary	Parenting After Separation For High Conflict Families - Ongoing service	Voluntary – No charge	A modified 3 hour version of the Parenting After Separation course. It focuses on the effects of conflict and suggests safe ways of dealing with ongoing disputes.

<p>British Columbia</p>	<p>Family Justice Services Division, B.C. Ministry of Attorney General - Offered at 21 locations throughout British Columbia - In 16 communities where PAS is not offered, local libraries have a PAS homestudy package available for lending.</p>	<p>Parenting After Separation (Pas) - Ongoing service</p>	<p>In ten B.C. communities, attendance is mandatory for most provincial court applicants / respondents and voluntary for other interested parents - No charge</p>	<p>This three-hour information seminar informs parents about the impact of separation and divorce on children, how parents can best help their children and dispute resolution alternatives for parents.</p>
<p>Manitoba</p>	<p>Family Conciliation, Manitoba Department of Family Services and Housing - Offered at Family Conciliation offices in Winnipeg, Brandon, Dauphin, Thompson, The Pas and Flin Flon. The CD-ROM of the first seminar and the legal information video can be borrowed from Family Conciliation offices, libraries, court offices and Legal Aid offices in rural and northern Manitoba.</p>	<p>For the Sake of the Children - Ongoing service</p>	<p>Mandatory for parties who are requesting or responding to requests for interim or final orders in the Court of Queen's Bench or the Provincial Court for child custody, child access or private guardianship. All parties must take the program before the court hears a request for custody, access or private guardianship. There are certain exceptions to mandatory program attendance - No charge</p>	<p>Parent information program for families dealing with custody, access or private guardianship issues. The program consisting of two three-hour seminars focusing on child-related issues. Everyone attends the first seminar, which focuses on the emotional effects of separation on adults and children and how to cope with them, parenting plans and economic and legal issues. The second session is divided into two groups: low-conflict and high-conflict situations. In general, material covered includes new partner issues, communication between parents, communications with children, and the effect of conflict on children. The high-conflict couples receive information about a low- to no-contact approach to post-separation interaction.</p>

New Brunswick	New Brunswick Department of Justice and Consumer Affairs – (13 locations) Bathurst, Campbellton, Caraquet, Edmundston, Fredericton, Grand Falls, Miramichi, Moncton, Saint John, Shediac, St. Stephen, Sussex, Woodstock	For the Sake of the Children	Voluntary – No charge	Six hours (2 sessions of 3 hours each) – ways to reduce conflict between parents while going through separation and divorce, helping parents help their children. No charge.
Newfoundland and Labrador	Family Justice Services (FJS) - Sessions are delivered at the 11 FJS offices throughout the province.	“Living Apart Parenting Together” – Ongoing service	Voluntary - No charge	Three-hour program. Topics covered include: <ul style="list-style-type: none"> • Family Law information • Services offered by FJS • Children’s developmental issues • Communication skills • New partner issues There is a DVD version available for parents who are unable to attend scheduled sessions.
Nova Scotia	Nova Scotia Department of Justice - all Family Division locations (the Halifax Regional Municipality, the Cape Breton Regional Municipality and Port Hawkesbury) and at every Family Court site in Nova Scotia	Parent Information Program (PIP)	Mandatory in Family Division sites and strongly recommended in Family Court sites - Court officers, judges and other professionals may make referrals or parties may self refer. Program availability is usually limited to	Lawyers and mental health professionals, trained volunteer facilitators, deliver two two-hour programs or one three-hour program using prepared scripts and videos. Judges also volunteer their time by speaking at each session, which is offered on evenings and weekends. The mental health component of the PIP includes <i>Children in the Middle</i> video, communication strategies; Ages and Stages of children; Parenting

			those commencing or responding to a court application - No charge	Plans; and <i>Because Life Goes On</i> - booklet review The legal component of PIP includes information about: <ul style="list-style-type: none"> • dispute resolution options; • the language of custody; • the child support guidelines and • the roles of lawyers and judges
Nunavut	Justice - Iqaluit	Parenting After Separation -Ongoing service	Voluntary - No charge	Program is based on the aboriginal parenting program from British Columbia and was adapted to suit Nunavut.
Ontario	Toronto Superior Court of Justice, Ministry of Attorney General	Family Information Program - Pilot	Mandatory – all contested matters, appointments scheduled at the time the originating document is issued at the counter. Applicant and respondent given separate dates, notices generated from court computer system and the applicant is required to serve the respondent with the appointment along with the originating process - No charge	Pilot project began on July 1, 1998. Two and one-half hour session dealing with process of separation and divorce, options for dispute resolution, legal procedures and support available in the community. Lawyer and mediator or social worker volunteers present. No charge.

	<p>Toronto Ontario Court of Justice</p>	<p>Parent Information Program - Pilot</p>	<p>Voluntary - Self-referrals, referrals by judges, lawyers, court staff, duty counsel and community agencies - No charge</p>	<p>2.5 hour seminars run by a lawyer and a social worker, who also give participants printed material and a list of resources. Sessions cover:</p> <ul style="list-style-type: none"> • the kinds of information required for the most common court forms; • the language of court proceedings; • the role of lawyers; • the alternatives to court; • the types of custody arrangements; • support obligations and their enforcement; and • how to calculate child support under the guidelines
	<p>Family Court of the Superior Court of Justice (previously known as the Unified Family Court) - Simcoe (Barrie), Muskoka (Bracebridge), Brockville, Cobourg, Cornwall, Hamilton, Kingston, Lindsay, London, L'Orignal, Napanee, Newmarket, Oshawa/Whitby, Ottawa, Perth, Peterborough, and St. Catharines.</p>	<p>Parent Information Sessions – Ongoing service</p>	<p>Voluntary - Self-referrals, referrals made by judges, lawyers, duty counsel, court staff and community agencies - No charge</p>	<p>Group setting sessions dealing with</p> <ul style="list-style-type: none"> • the impact of separation and divorce on the family, and in particular, on children; children's needs at various stages of development; • the negative effects of long and drawn out litigation and hostility between parents; • the benefits of developing co-operative parenting arrangements where appropriate; • parenting responsibilities and strategies for problem solving after separation; • the impact of domestic violence on children; and • community resources for children

				and adults
Prince Edward Island	Office of the Attorney General, Family Law Section - Charlottetown, Summerside, and other P.E.I. communities as required.	Positive Parenting from Two Homes	Voluntary - No charge	Two three-hour sessions approximately one week apart. Trained facilitators provide information, present videos, aid discussion and answer questions to help separated parents understand their feelings and their children's needs, and to help parents develop a business-like relationship with the other parent.
Quebec	Justice Quebec	<p>Information session – part of mandatory referral to mediation</p> <p>(<i>Service de médiation familiale</i> will pay the mediator's fee for six sessions (including the information session if applicable). If the mediation concerns the review of an existing court judgment, the Service will pay for three sessions (including the information session if applicable).</p>	<p>The spouses must attend an information session if they disagree on one or more of the following issues:</p> <ul style="list-style-type: none"> • child custody; • access rights; • the amount of spousal or child support; • the partition of family patrimony; • other rights resulting from the marriage or civil union <p>Before the case is heard by the court, the spouses are</p>	<p>The goal of the information session is to provide information on the mediation process, including the nature and objectives of mediation, the steps in the process, the role of the mediator, and the role played by the spouses.</p> <p>The spouses have two choices: to attend a private information session with the mediator of their choice, lasting approximately one hour and fifteen minutes, or to attend a group information session run by the <i>Service de médiation familiale</i> lasting approximately one hour and a half.</p> <p>After attending the information session, the spouses must decide either to undertake mediation to reach an agreement, or to institute or continue legal proceedings.</p>

			required to attend an information session on mediation. This session may take place either before or after an application is submitted to the court.	
Saskatchewan	Ministry of Justice and Attorney General - In Saskatoon, Regina, Prince Albert, and Yorkton attendance is mandatory when either parent has initiated court action involving children of the relationship. In all other judicial centres, attendance is voluntary. These locations include North Battleford, Moose Jaw, and as needed LaRonge, Meadow Lake, Weyburn Estevan and Humboldt.	Parenting After Separation / Divorce - Ongoing service	Mandatory depending on location - No charge	Family Justice Services offers a six-hour seminar for parents going through separation or divorce. The seminar provides information about family law topics like the child support guidelines, mediation and other dispute resolution options and the effects of separation and divorce on children and parents. In early 2004, Family Justice Services began offering a six-hour high conflict parent education program in Regina and Saskatoon, once per month in each location. Attendance at the general parent education program is a prerequisite.
Yukon	Family Justice Projects, Yukon Department of Justice - In-person workshops offered in Whitehorse and in person or via teleconference in the outlying communities.	For the Sake of the Children - Ongoing service	The three-hour information workshop is mandatory for all separating and divorcing parents of children under the age of sixteen in	A three-hour information workshop and a six-hour communication workshop to parents on: the effects of separation and divorce on children; basic communication with a former partner or spouse; and general family law information, including alternative

			communities where the program is offered - No charge	dispute resolution methods.
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Recommendations based on review:

- Parent information and Education Services available in all Ontario Family Court jurisdictions
- Mandatory attendance for all parents with children under the age of sixteen years, filing an application for child support, custody or access orders before their first court appearance
- Mandatory referral by counsel for all separating and divorcing parents of children under the age of sixteen
- No charge
- Two 3 hour sessions:
 - First session, general information for separating/divorcing couples
 - Second session - split into two groups, low-conflict and high-conflict situations
- Local libraries and Legal Aid offices to have a CD-ROM of first session available for lending
- Teleconferencing available for northern Ontario
- Lawyer/judge and social worker/mediator as co-presenters – develop roster – pay honourarium to ensure attendance – training provided
- Script and videos for consistency
- Parties attend separate sessions
- Need a provincial co-ordinator and possible local court co-ordinator to administer and schedule

APPENDIX B: FAMILY INFORMATION SESSIONS SUMMARY

Source: Inventory of Government-based Family Justice Services, 2006

Province	Sponsor and Location(s)	Program Name/ Pilot or Ongoing	Attendance	Description
Alberta	Alberta Justice - Edmonton, Calgary, Red Deer, Medicine Hat, Lethbridge, Grande Prairie, St. Paul, Wetaskiwin and Ft. McMurray	Focus On Communication In Separation (FOCIS) - Ongoing service	Voluntary - No charge	A six-hour, skills-based communication course for separated or divorced parents of children who are experiencing conflict or communication problems with the other parent.
	Alberta Justice, Justice Canada - Bonnyville, Brooks, Calgary, Camrose, Canmore, Drayton Valley, Edmonton, Edson, Fort McMurray, Grande Cache, Grande Prairie, High Level, Hinton, Jasper, Lethbridge, Lloydminster, Medicine Hat, Peace River, Red Deer, St. Paul, Slave Lake, Spruce Grove, Stony Plain, Vermilion, Wetaskiwin.	Parenting After Separation Seminars - Ongoing service	Mandatory attendance for parents with children under the age of sixteen years, filing a family matter at QB or voluntary - No charge	Parenting after Separation (PAS) is a six-hour course, given in one session or two three-hour sessions. It helps parents understand how separation affects them and their children. It teaches couples who are separating how to work together to ensure they meet their children's health, social, and educational needs, as well as their need for parental involvement, and their need for extracurricular interests.
	Alberta Justice, Justice Canada – Edmonton, Calgary	Parenting After Separation For High Conflict Families - Ongoing service	Voluntary – No charge	A modified 3 hour version of the Parenting After Separation course. It focuses on the effects of conflict and suggests safe ways of dealing with ongoing disputes.

<p>British Columbia</p>	<p>Family Justice Services Division, B.C. Ministry of Attorney General - Offered at 21 locations throughout British Columbia - In 16 communities where PAS is not offered, local libraries have a PAS homestudy package available for lending.</p>	<p>Parenting After Separation (Pas) - Ongoing service</p>	<p>In ten B.C. communities, attendance is mandatory for most provincial court applicants / respondents and voluntary for other interested parents - No charge</p>	<p>This three-hour information seminar informs parents about the impact of separation and divorce on children, how parents can best help their children and dispute resolution alternatives for parents.</p>
<p>Manitoba</p>	<p>Family Conciliation, Manitoba Department of Family Services and Housing - Offered at Family Conciliation offices in Winnipeg, Brandon, Dauphin, Thompson, The Pas and Flin Flon. The CD-ROM of the first seminar and the legal information video can be borrowed from Family Conciliation offices, libraries, court offices and Legal Aid offices in rural and northern Manitoba.</p>	<p>For the Sake of the Children - Ongoing service</p>	<p>Mandatory for parties who are requesting or responding to requests for interim or final orders in the Court of Queen's Bench or the Provincial Court for child custody, child access or private guardianship. All parties must take the program before the court hears a request for custody, access or private guardianship. There are certain exceptions to mandatory program attendance - No charge</p>	<p>Parent information program for families dealing with custody, access or private guardianship issues. The program consisting of two three-hour seminars focusing on child-related issues. Everyone attends the first seminar, which focuses on the emotional effects of separation on adults and children and how to cope with them, parenting plans and economic and legal issues. The second session is divided into two groups: low-conflict and high-conflict situations. In general, material covered includes new partner issues, communication between parents, communications with children, and the effect of conflict on children. The high-conflict couples receive information about a low- to no-contact approach to post-separation interaction.</p>

New Brunswick	New Brunswick Department of Justice and Consumer Affairs – (13 locations) Bathurst, Campbellton, Caraquet, Edmundston, Fredericton, Grand Falls, Miramichi, Moncton, Saint John, Shediac, St. Stephen, Sussex, Woodstock	For the Sake of the Children	Voluntary – No charge	Six hours (2 sessions of 3 hours each) – ways to reduce conflict between parents while going through separation and divorce, helping parents help their children. No charge.
Newfoundland and Labrador	Family Justice Services (FJS) - Sessions are delivered at the 11 FJS offices throughout the province.	“Living Apart Parenting Together” – Ongoing service	Voluntary - No charge	Three-hour program. Topics covered include: <ul style="list-style-type: none"> • Family Law information • Services offered by FJS • Children’s developmental issues • Communication skills • New partner issues There is a DVD version available for parents who are unable to attend scheduled sessions.
Nova Scotia	Nova Scotia Department of Justice - all Family Division locations (the Halifax Regional Municipality, the Cape Breton Regional Municipality and Port Hawkesbury) and at every Family Court site in Nova Scotia	Parent Information Program (PIP)	Mandatory in Family Division sites and strongly recommended in Family Court sites - Court officers, judges and other professionals may make referrals or parties may self refer. Program availability is usually limited to	Lawyers and mental health professionals, trained volunteer facilitators, deliver two two-hour programs or one three-hour program using prepared scripts and videos. Judges also volunteer their time by speaking at each session, which is offered on evenings and weekends. The mental health component of the PIP includes <i>Children in the Middle</i> video, communication strategies; Ages and Stages of children; Parenting

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- Script and videos for consistency
- Parties attend separate sessions
- Need a provincial co-ordinator and possible local court co-ordinator to administer and schedule

APPENDIX C

Budget for Case Assessment Coordinator & Family Mediation Roster at 47 Sheppard

Year 1

Assumptions: The Case Assessment Coordinator (CAC) is familiar with the court system and has been trained in screening for domestic violence. The CAC spends an average of 1 hour/per client and sees 1500 clients/year. Of these, 500 cases are referred to mediation.

1 Case Assessment Coordinator \$55,000 - \$70,000

Web Site Development \$7,000 – \$10,000

Build and maintain website, content development

Data-base development, content management system

Administration \$25,000

Set qualifications for roster, put out roster call, vet applications
Data collection: collect case stats and forward to independent evaluator
Half-time administrator @ \$ 50,000/ year

Public Education \$5,000 - \$10,000

Publication of information brochures

Independent evaluation \$13,050 - \$17,250

Design data to be collected; analyze and interpret data
Cost: 15% of project cost/court

Total **\$100,050 - \$132,250**

Based on our conversations with OAFM and the Toronto Mediation Centre, we estimate the above could be done for 47 Sheppard for as little as \$100,000 in the first year. The maintenance cost in subsequent years would be reduced by \$12,000 - \$20,000.

If 500 cases were diverted from court using this process, that would be a cost per case of \$200 - \$265 in the start-up year. This does not include the cost of the mediation, which would be covered by OLAP or by the parties.