

January 31, 2022

To Whom It May Concern:

The Ministry of Attorney General and the Provincial Court of British Columbia are pleased to provide the final evaluation report of the Early Resolution and Case Management Model, implemented as a prototype in Victoria in May 2019. The final report indicates remarkable results for families and significant reduction in Provincial Court family caseload pressures.

Implementation in Victoria provided early adoption of key aspects of the reformed Provincial Court Family Rules (PCFR) that came into effect throughout British Columbia in May 2021. The model introduced new forms and court processes, including those specific to the Early Resolution and Case Management Registry requirements. The early resolution process promotes early information, needs assessment (including screening for family violence), and referrals to address families' legal and non-legal needs. The model provides early assessment of the suitability of consensual dispute resolution (CDR) and, if such a process is appropriate, requires participation in one CDR session. The model supports families with early access to information and assistance in resolving disputes, and increases preparedness for cases that proceed to court. Services to families in the early resolution process are provided primarily by Family Justice Services Division (FJSD) of the Ministry of Attorney General.

The evaluation included analysis of FJSD and Provincial Court data as well as surveys/interviews with families and key internal and external informants. While there were challenges completing such a complex evaluation, including impacts of the COVID-19 pandemic, limitations were mitigated, and the findings are significant.

Key findings demonstrate that the Model made significant progress towards expected outcomes to improve parties' understanding of the family justice process and next steps; provide early and appropriate responses to meet family needs; support parties narrowing or resolving their issues outside of court; and, contribute to a more effective and efficient use of court. Some key indicators include:

- Only 31% of families proceeded to court with unresolved issues after initiating resolution of family law matters (parenting arrangements, guardianship, contact, child support and spousal support) through the early resolution process.
- Parties proceeding to court had often narrowed their issues through assessment and CDR, resulting in clarity for parties, enabling the case to be managed in a timelier way.
- Victoria Provincial Court family law cases experienced:
 - Reductions in new family law cases (-21%), adjournments (-71%) and overall court appearances (-53%) as parties were better prepared and Family Management Conferences (first appearances) became more meaningful
 - A sharp reduction in cases with over 100 minutes of court time

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- Fewer cases requiring a trial
- A 63% reduction in total court time for new family cases
- In contrast the comparison sites experienced either increases or small and statistically insignificant reductions in these indicators
- Use of early information and services enabled better use of court time, freeing up judicial resources to address other caseload pressures (e.g., outstanding family, civil and criminal matters).
- Parties were surveyed about their experience with the Model:
 - the vast majority felt needs assessment and consensual dispute resolution were helpful and should be required for people facing family law issues
 - As a result of their participation in the Model, parties reported having improved understanding of their individual legal and non-legal needs, the family justice process, and the options available to them

The report provides 10 recommendations for ongoing improvement, many of which are already being addressed. For example, expansion of the online forms tool (recommendation #2) is well underway with the [Provincial Court FLA Online Forms Service](#) now available to support completion of most applications, along with direct e-filing. The commitment to a continuous improvement approach, ensures that the Ministry and Provincial Court considers feedback received through ongoing dialogue with stakeholders and the evaluation, adjusting accordingly.

This evaluation provides the Ministry and the Provincial Court with important information for evidence-informed family justice initiatives in British Columbia. It is our hope that it is also valuable to others across the family justice sector.

Please feel free to contact any of us directly, or send a request for further information to: JAGJSBFJSDHQVictoria@Victoria1.gov.bc.ca

Regards,



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Attachment

**Evaluation of the Victoria
Early Resolution and Case Management Model
(ER-CM Model)**

Final Evaluation Report

November 12, 2021

Prepared for:

Ministry of the Attorney General
Family Justice Services Division

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List of Abbreviations

APP	Application
CDR	Consensual dispute resolution
CEIS	Civil Electronic Information System
CLE	Continuing Legal Education
CSB	Court Services Branch
CSO	Child Support Officer
EAG	Evaluation Advisory Group
ER-CM	Early Resolution and Case Management
FA	First appearance
FJC	Family Justice Counsellor
FJSD	Family Justice Services Division
FMC	Family Management Conference
FPLTD	Family Policy, Legislation and Transformation Division
FTE	Full-time equivalency
IND	Initial needs determination
JAC	Justice Access Centre
JI	Justice Interviewer
N2R	Notice to Resolve
PAS	Parenting After Separation
PAS-IF	Parenting After Separation for Indigenous Families
PCFR	Provincial Court Family Rules
PO	Protection Order
PPM	Priority Parenting Matter
RIT	Recruitment and individualized training
SA	Second appearance

Acknowledgement

PRA would like to thank the members of the Evaluation Advisory Group, which included representatives the Office of the Chief Judge (Grant Marchand), the Court Services Branch (CSB) (Cindy Eng), the Justice Services Branch’s Family Justice Services Division (FJSD) (Oriole Courcy and Cathy Tait, a consultant who works with FJSD), the Family Policy, Legislation and Transformation Division (FPLTD) (Erin Smith), and the Manager of Registry Operations in Victoria (Kari Erickson). In addition, we want to acknowledge the contribution of Cindy Eng, Caroline Shandley, and Shihang Cao of CSB, who provided substantial support to the evaluation related to the court data. Finally, we would like to thank all other individuals who contributed insights and input to this evaluation by participating in surveys or interviews, including Early Resolution clients, external stakeholders, and representatives of the BC Government and Provincial Court.

Executive summary

This report presents the evaluation findings for the Early Resolution and Case Management Model (ER-CM Model or the Model) developed by the Ministry of Attorney General with the Provincial Court of BC for addressing family matters proceeding through the Victoria Registry of the Provincial Court. The evaluation covered the time period from the Model's launch (May 13, 2019) to July 2021 with a particular focus on cases initiated between August 1, 2019 and December 31, 2019 for the court data on outcomes.

Overview of the ER-CM Model

The ER-CM Model is intended, by its early intervention, to expeditiously handle time-sensitive matters, assist parties in resolving issues by agreement where possible, and, for parties that do attend court, to better prepare them for the court process and assist them in achieving a timely resolution.

When launched in May 2019, the Model applied only in the Victoria Provincial Court Registry.¹ The Model includes Early Resolution requirements for family law matters as defined in the Provincial Court (Family) Rules.² Under the Model, parties wanting to resolve these family law matters (child support, spousal support, parenting arrangements, contact with a child, or guardianship of a child) are required to participate in an ER-CM process unless an exemption applies.

The Model includes two streams: the stream for priority, time-sensitive situations (specifically, obtaining Protection Orders [POs] and orders about Priority Parenting Matters [PPMs]) and the Early Resolution stream for family law matters as defined in the Provincial Court (Family) Rules. The Early Resolution stream has parties attend the Family Justice Services Division's (FJSD) Justice Access Centre (JAC) where they will receive, among other services, a needs assessment and, if appropriate, at least one consensual dispute resolution (CDR) session with either a Family Justice Counsellor (FJC) or Child Support Officer (CSO) at the Centre. Parties for whom CDR is deemed appropriate can opt to receive their CDR session outside of the Centre with a private family mediator or in a collaborative family law process. Parties are also required to complete one of the two online Parenting After Separation (PAS) courses provided by the Ministry.

If any issues remain unresolved, parties can proceed to court. The first appearance for a family law matter is a Family Management Conference (FMC), which is the case management aspect of the Model. FMCs are informal hearings conducted by a Provincial Court Judge. Under the ER-CM Model, the FMC is allocated more time per file than would previously be available on a normal family list day for a first appearance. FMCs are intended to either resolve issues at this initial appearance or, if necessary, adjourn the matter for a hearing, but with interim orders and

¹ The Surrey Provincial Court Registry was approved as an ER-CM Registry on December 7, 2020. Currently, Victoria and Surrey are the only court locations designated as Early Resolution Registries maintaining the Early Resolution requirements for family law matters from the ER-CM Model. This evaluation is focussed on the ER-CM Model in the Victoria Provincial Court Registry.

² New Provincial Court Family Rules (PCFR) have been adopted and took effect on May 17, 2021. The Model is also part of the new PCFR, however, the time period since these new Rules took effect is outside of this evaluation.

case management orders in place so parties do not have to make multiple appearances in court. The scheduling and conduct of the FMC in Victoria relies on the success of the Early Resolution process in reducing the number of family applications and cases being filed in Provincial Court and is integrally linked to the front end services being provided.

The methodology used for the evaluation included four lines of evidence:

- ▶ a document review of relevant materials, including planning documents, Provincial Court (Family) Rule 5.01 with accompanying relevant schedules and forms, and FJSD documents and forms for service provision;
- ▶ a data review that included: 1) FJSD data on the assistance provided to clients at the JAC; 2) Court Services Branch (CSB) data linked to a sample of FJSD data on ER-CM Model clients; 3) CSB data on a sample of new family law cases in Victoria and two comparison court locations; 4) CSB data on volumes of certain court activities and filings; and 4) data collected on a sample of FMCs;
- ▶ interviews with internal and external stakeholders who have experience with the Model; and
- ▶ a survey of clients (online or by telephone) about their experiences with the Model.

Conclusions

Delivery of the ER-CM Model

The evaluation found that the Model has been fully implemented and primarily operated as expected. The coronavirus pandemic affected the Model's operations in 2020-21, as it did the rest of the family justice system. The response of FJSD, CSB, and the Provincial Court was relatively swift and nimble given the sudden need to shift away from in-person services. An evaluation of the pandemic response is beyond the scope of this evaluation, but one key finding is the desire to continue to provide virtual options, such as video-conferences for needs assessments, mediations and FMCs. Overall, the approach worked well and was thought to be beneficial for some clients, who may prefer to engage in these processes remotely due to safety issues, general comfort level, or convenience.

Recommendation 1: Consider the continuation of audio or video-conferencing options for selected FJSD and Provincial Court services in circumstances determined to be appropriate.

Court forms

Counsel using the court forms developed for Rule 5.01 continue to be divided on whether the forms are intuitive to complete or are too onerous and confusing, particularly for self-represented parties but also for counsel. The Ministry has recently launched an online tool (June 11, 2021) for certain common forms that is intended to facilitate completing the appropriate forms and schedules based on the reasons for coming to court. The tool is expected to expand as new pathways for the various forms are added. Staff at the JAC (Justice Interviewers [JIs]) also assist

parties with the forms, although this has been more challenging when providing services virtually.

Issues raised related to the Priority Parenting Matter/Protection Order (PPM/PO) process centred on the court forms. For PPMs, although the Ministry had added types of issues to the PPM form to fill in identified gaps, key informants believe the list of issues that are PPMs is still too restrictive.

Recommendation 2: Continue the expansion of the online tool to assist parties and counsel with choosing and completing the appropriate form and schedule.

Recommendation 3: Consider ways to further support JAC staff who are assisting clients remotely with completing their forms.

Recommendation 4: Continue to monitor cases to determine if the scope of PPM issues should be expanded further.

Outreach and training

Overall, it was reported that the understanding of the Model has improved, although there are still areas of misunderstanding and disagreement where further outreach might be useful. For example, further outreach and education could be conducted to explain the process for determining the appropriateness of CDR once the review and revision of the needs assessment questionnaire and guidelines are completed.

Initial staff training at the JAC is extensive and covers many topics, including mediation where addictions, mental health, and family violence are issues. JAC staff indicated the desire for additional training and supports to assist them in dealing with these situations. The current external training opportunities and the peer support model used in the JAC are useful, but in addition, having a professional in these areas available to JAC staff to consult was mentioned as a potential improvement. The peer support, where staff share and discuss their experiences, could also be expanded to include peer support between the Victoria JAC and JAC staff in Surrey, the newest ER-CM Model location. In addition, more information-sharing sessions with JAC and CSB staff, more cross-training for CSB staff, and training related specifically to pre-mediation are areas where training needs exist. Currently, FJSD is consulting with JAC managers on additional training needs.

Recommendation 5: Provide targeted outreach to address potential gaps in understanding the Model or updates on processes.

Recommendation 6: Continue with the review of training needs in light of evaluation findings.

Handling demand

As expected, the Model has increased the workload for the Victoria JAC, but the additional FJCs and administrative support staff have enabled the JAC to handle the added volume. The demand for JAC services was impacted by the pandemic but not substantially or for a prolonged period of time. Parties appear to have used JAC services to try to handle their family issues when the Provincial Court was most impacted by the pandemic. Due to the comprehensive changes in 2019, including the Early Resolution process, other new court processes, and new forms, Registry staff were thought to need more support in its first year of operations, but that is less urgent now that they have more experience with the Model. However, there is sometimes a need for more capacity at the Registry, which is not related specifically to the Model. More Registry staff cross-trained to work the family desk, which handles family filings, was suggested as a way to manage demand.

Use of family justice managers

The initial design of the ER-CM Model was to allow for FMCs to be conducted by a new family justice manager role, (something akin to a family judicial justice), or by a judge, depending on the court location. The Model in Victoria had Provincial Court Judges handle the FMCs in order to assess whether family justice managers could be used for FMCs and to assess the jurisdiction that would be appropriate for a family justice manager. The evaluation in Victoria found benefits to having Provincial Court Judges handle FMCs rather than family justice managers, who have more limited jurisdiction and could not change/suspend/make orders that are sometimes needed in the FMCs; and a loss of efficiency if family justice managers handled FMCs. The experience of a higher volume registry or court registry without Early Resolution requirements could yield a different conclusion.

Recommendation 7: Provincial Court Judges should continue to conduct FMCs in Victoria and the role of family justice managers and the use of Provincial Court Judges in FMCs should be monitored in other locations to determine the best approach for each location.

Flow of cases

By considering the flow of cases through ER-CM Model, the evaluation found that the Model is working as intended. The evaluation found a high level of engagement with the process, including the steps that are not required of parties. For example, most families have at least one party participating in an initial needs determination (IND), where they are given information about the process and other resources.

The Model is expected to have attrition points at certain steps at the JAC where parties may decide to explore options outside of the Early Resolution process, or where one party does not engage with the process. An analysis of a sub-set of cases where a Notice to Resolve was filed indicates continued involvement with the process: both parties participated in a needs assessment in almost two thirds of families; and almost one third of families attended CDR at the JAC. The primary reason for not attending CDR is lack of engagement of the other party. Once in the Provincial Court, the results support the impact of the Model in potentially diverting or resolving cases as the proportion of cases still engaged with the court declines with each further step.

Progress toward expected outcomes

Understanding of family justice process and next steps

The evaluation found that the Model has helped parties' understand their legal issues, the family justice process, and available resolution options. Both client survey results and CSB data indicate that the Model is improving clients' preparedness for each step in the process. Clients reported that the needs assessment helped them understand the court and CDR process as well as their resolution options. Clients who had CDR also felt prepared and that they had a good understanding of what to expect. Using a definition for adjournments that was intended to capture those where parties were not prepared to go forward, the evaluation also found that the ER-CM Model has contributed to reducing the total number of adjournments by 71% in Victoria and that result is statistically significant.

Early and appropriate responses

The evaluation found that the Model is generally providing early and appropriate responses to meet family needs, although there are potential issues with timeliness.

The PO process enables parties to access the court on urgent safety matters. The PPM process is, despite the increase in the types of issues that are considered to be priority, considered too restrictive.

Through the services at the JAC, the Model is intended to provide families with earlier assistance and supports. Client survey results indicate general satisfaction with JAC services, including substantial support for the Model's key features. Most clients agree that needs assessment and CDR are helpful and that families with family law issues should be required to attend a needs assessment and CDR, where appropriate.

Overall, the Model appears to be responsive in meeting clients' safety needs. Assessing safety issues is first done during the needs assessment and continues, even if CDR is initially considered appropriate, as clients' situations can change. It may be possible to address some power imbalance or safety issues in the design of the CDR process; for example, including support persons or offering a shuttle mediation process. FJSD is aware of some external stakeholder concerns with the appropriateness of CDR in certain circumstances and the desire of JAC staff to have more training and supports in this area. The needs assessment guide and questionnaire are in the process of being reviewed and updated, although it should be noted that needs assessments already consider family violence, including non-physical violence. Clients surveyed indicated that they believe that their safety concerns were understood by JAC staff.

The Model has introduced new requirements to the process. There is anecdotal evidence that there are some opportunities for delays, and the data indicate that it can take three months or more to complete the assessment and CDR processes. The main areas where the process appears to experience these delays is related to difficulties engaging the second party. After giving the party a reasonable time to engage, the FJCs or CSOs will consult with the initiating party and provide them the option to proceed with the court process. Initiating parties may wish to wait for the second party to engage to attempt the CDR process. There are guidelines for approaching these situations, however given the diversity of circumstances, final decisions are left to discretion of the FJCs and CSOs along with their local manager. Another potential delay

mentioned was that some parties are not aware that they only have to attend one CDR session and end up attending several when that is not their preference.

Recommendation 8: Complete the review and revision of the needs assessment guide and questionnaire to incorporate best practices.

Recommendation 9: Review guidelines on when the JAC should provide parties with a Confirmation of ER Requirements when a second party does not engage at all or is intentionally stalling the process.

Recommendation 10: Ensure that parties are provided clear messaging that only one CDR session is required so that they understand their option to end the process and proceed to court.

Narrowing or resolving issues

The evaluation found that the Model is assisting parties by narrowing or resolving issues through the use of CDR. Mediation and facilitated negotiation sessions at the JAC have increased 30% since the Model. That greater use of CDR was an anticipated outcome that was expected to assist parties in narrowing or resolving issues outside of court. While clients surveyed were more dissatisfied than satisfied in the effectiveness of CDR in resolving some or all of their family law issues, based on administrative data, most CDRs had some or all issues settle; and while this is less than the proportion of voluntary mediations that have issues settled, that is to be expected when CDR is required as not all parties are necessarily entering CDR with the hope of settling some issues. When considering the number of issues identified on initiating court documents pre- and post-Model in Victoria and comparing that to the comparison court locations, the evaluation found that Victoria had a far greater decline (57%), which was statistically significant. This result is evidence that the Model is having its intended effect of narrowing or resolving issues outside of court.

Effective and efficient use of court

The evaluation found that the Model is contributing to more effective and efficient use of court. Based on two different measures, the Model is reducing the number of cases coming to court. The reduction of cases coming to court is one fifth when considering the number of new family law cases pre-post in Victoria and comparison court locations, and two thirds when tracking a sub-set of cases that went through the Early Resolution process at the JAC. When considering the number of new cases, the evaluation found a greater decline between the pre- and post-Model time periods in Victoria (21%) compared to the same periods in the comparison court locations (9% decline in Kamloops and 10% rise in Nanaimo), and the decline in Victoria is statistically significant, which confirms the impact of the Model in reducing the number of cases coming to court. When considering the sub-set of cases that went through the Early Resolution process at the JAC, the ratio of Notices to Resolve to Applications About a Family Law Matter are approximately 3:1, indicating potential diversion of up to two out of every three family law matters.

In addition, using statistical tests, the evaluation also found that the Model has resulted in:

- ▶ **Fewer cases with a court appearance.** The number of cases drops more sharply from 2017 to 2019 in Victoria (26% decline) compared to Kamloops (10% decline) and Nanaimo (0% change). Statistical results support the conclusion that the ER-CM Model had a moderate but discernible impact on reducing the number of cases with a court appearance in Victoria — an impact not observed in the comparison locations.
- ▶ **Fewer court appearances per case.** Total number of appearances dropped by 53% in Victoria from pre-Model to post-Model. In comparison, total number of appearances dropped much less sharply in Nanaimo (12% decline) and actually increased slightly in Kamloops (3% increase) during the same time periods. Statistical tests confirm the significance of these differences between the drop seen in Victoria compared to the changes seen in the comparison locations.
- ▶ **Less court time.** Average court appearance time per new family law case in Victoria fell sharply (by 42 minutes) from 2017 to 2019, whereas it fell less sharply in Nanaimo (by 27 minutes) and increased in Kamloops (by 20 minutes). The total court appearance time for new cases declined by 63% in Victoria compared to a 42% decline in Nanaimo and a 13% increase in Kamloops. Regression results and other tests verify these differences at statistically significant levels, bolstering the evidence that the ER-CM Model caused the sharper drops seen in Victoria.
- ▶ **Fewer cases with a trial appearance.** The percentage of family law cases with a trial appearance dropped by 11% in Victoria, whereas Kamloops experienced a 2% drop and Nanaimo saw a 6% drop. Regression results support the premise that number of cases with a trial appearance decreased more sharply in Victoria than in the comparison locations.

Overall, the findings of the evaluation are evidence of a more efficient court process which is expected to enable the Provincial Court to devote more time to cases that require judicial attention, such as urgent matters, situations where CDR was not appropriate, or situations where CDR was not successful in resolving the matter. Cases that can be resolved outside of court or have their issues narrowed are provided opportunities to do that through the Early Resolution process.

1.0 Introduction

This report presents the evaluation findings for the Early Resolution and Case Management Model (ER-CM Model or the Model) developed by the Ministry of Attorney General with the Provincial Court of BC for addressing family law matters proceeding through the Victoria Registry of the Provincial Court. The evaluation covered the time period from the Model's launch (May 13, 2019) to July 2021 with a particular focus on cases initiated between August 1, 2019 and December 31, 2019 for the court data on outcomes.

1.1 Evaluation oversight and objectives

An Evaluation Advisory Group (EAG) guided the evaluation process. The EAG was comprised of representatives from the Provincial Court and the Ministry of Attorney General (the Ministry) that are involved in the ER-CM Model, including the Office of the Chief Judge, the Court Services Branch (CSB), the Justice Services Branch's Family Justice Services Division (FJSD), and the Family Policy, Legislation and Transformation Division (FPLTD).

The objectives of the evaluation were to:

- ▶ assess the implementation of the ER-CM Model, including challenges and mitigation strategies;
- ▶ obtain information on the achievement of outcomes for clients;
- ▶ assess the system impacts of the ER-CM Model, including its effects on various actors within the system; and
- ▶ consider how the experience gained and lessons learned through the implementation of the ER-CM Model can inform the Model's rollout in other court locations.

2.0 Overview of the ER-CM Model

On May 13, 2019, the ER-CM Model was implemented in Victoria as a new process in British Columbia’s previous Provincial Court (Family) Rules.³ The Model was introduced by Order in Council #137, which amended the Rules (BC Reg. 417/98), adding Rule 5.01 (*Early Resolution and Case Management Model Procedures*), as well as accompanying appendices containing operative provisions for the Model (Appendix B) and prescribed forms (Appendix C) (British Columbia Office of the Attorney General, 2019). The Rules were the product of a collaborative project between the Ministry of the Attorney General and the Provincial Court designed to “transform the family court process, Rules and forms to embrace the vision and direction articulated in the [National Action Committee on Access to Justice Report](#), and various other reports and recommendation[s] on family justice” (Government of British Columbia, n.d.-a, p. 2).⁴

The ER-CM Model is designed to “build knowledge, support problem-solving and help parties prepare for next steps” so that families can achieve earlier, more collaborative resolution to their family law issues (Government of British Columbia, n.d.-c). As such, the ER-CM Model is designed to contribute towards the following expected results:

- ▶ “earlier awareness [and] intervention in matters involving people at risk for family violence;
- ▶ greater connection between the formal justice process and community-based services in order to address the clustering of legal [and] non-legal issues that families face;
- ▶ increased and more consistent information for families regarding how the family justice system functions and what their options are;
- ▶ broader exposure to consensual dispute resolution [CDR] to assist families in being more self-directive in resolving or narrowing their legal issues;
- ▶ streamlined processes to get families more timely direction on procedural and administrative issues; and
- ▶ more hands-on case management for those matters that do need to go before a judge” (Ministry of Attorney General, 2018, p. 4).

The ER-CM Model is intended, by its early intervention, to divert issues that the parties can resolve outside of court and better prepare the families that do attend court, which is expected to result in court time being used more effectively and meaningfully.

³ As will be described further in this section, new Provincial Court Family Rules have been adopted and took effect on May 17, 2021. The Model is also part of the new Provincial Court Family Rules, however, the time period since these new Rules took effect is outside of this evaluation.

⁴ The Provincial Court (Family) Rules, which first came into effect on April 1, 1993, were amended in 2013 when the [Family Law Act](#) was brought into force. These amendments aligned the Rules with provisions of the *Family Law Act*, but did not go beyond “the minimum necessary” to ensure alignment. The Ministry of the Attorney General and the Provincial Court committed to undertaking a more thorough review of the Rules and completing additional reform of the Rules. This commitment was formalized in the *Provincial Court Family Rules Reform Project* (Carter, 2014; Government of British Columbia, n.d.-a).

The Victoria ER-CM Model was initially a prototype — the first phase in the broader initiative to reform the previous Provincial Court (Family) Rules. The experience in implementing this Model was intended to inform investments in broader implementation of the Model, expanding to additional locations across the province (in Phase 2) and, eventually, moving towards province-wide implementation (in Phase 3) (Ministry of Attorney General, 2018).

The Model applies to applications under the *Family Law Act* filed in the Victoria Provincial Court Registry.⁵ Under the Model, individuals wanting to resolve family law matters, including child support, spousal support, parenting arrangements, contact with a child, or guardianship of a child, initiate their proceeding with a *Notice to Resolve a Family Law Matter*. The Provincial Court (Family) Rules then require these parties to participate in an ER-CM process. The model also introduces new processes for addressing PPM/POs (originally referred to in an earlier version of the Provincial Court (Family) Rules as extraordinary parenting matters) involving time-sensitive decisions for children. See Section 2.1.3 for a further description.

As the Model aims to simplify and clarify the process, new forms have been designed to:

- ▶ “enhance accessibility by using plain language and a conversational format;”
- ▶ “minimize repeated requests for the same information;” and
- ▶ “[balance] the person’s need to tell their story in a meaningful way with what the Court needs to know to make decisions” (British Columbia Office of the Attorney General, 2019, p. 13).

Guidebooks containing an overview of when to use the forms, instructions, and steps for completing and filing forms are available to assist self-represented parties in navigating the process (British Columbia Office of the Attorney General, 2019). In addition, as of June 11, 2021, an online tool is available that provides users with pathways to complete the Application About a Protection Order, Notice to Resolve a Family Law Matter, and Application About a Family Law Matter. The Ministry is continuing to develop additional pathways and as of August 31, 2021, electronic filing has been enabled through the tool.

⁵ The ER-CM Model applies to matters under the provincial *Family Law Act*, including family law matters, which are defined under Rule 5.01(1) to include parenting arrangements, child support, contact with a child, guardianship of a child, or spousal support. The Model does not apply to proceedings under the *Divorce Act*; child protection matters under the *Child, Family and Community Service Act*; matters under the *Adoption Act*; or “matters brought to Provincial Court by the Ministry of Children and Family Development or a Delegated Aboriginal Agency” (British Columbia Office of the Attorney General, 2019, p. 3). The Model also does not apply to files transferred from Victoria to another registry, or when a notice of motion or application for an order was made before May 13, 2019 (British Columbia Office of the Attorney General, 2019).

Since the original Order in Council and the Model's launch, changes have been made to the Victoria ER-CM Model Rules and forms. These changes were made following consultations and feedback on the Victoria ER-CM Model, as well as the broader project to reform the Rules, and also reflect the continuous improvement approach that was envisioned at the outset.

- ▶ A second Order in Council pertaining to the Model (Order in Council #288) was approved and ordered on June 1, 2020. This order made several amendments to the previous Provincial Court (Family) Rules, including changes to the definition of PPMs (then called extraordinary parenting matters) and the list of case management orders, as well as changes to the application forms related to case management orders and PPMs (Order of the Lieutenant Governor in Council No. 288, 2020).
- ▶ A third Order in Council (#525) was approved and ordered on December 7, 2020. This order added Surrey as an ER-CM Registry and further aligned the ER-CM Rules with the new Provincial Court Family Rules that would come into effect on May 17, 2021 province-wide. In particular, some terminology changed (e.g., extraordinary parenting matters to priority parenting matters), some aspects of the process were streamlined (e.g., Application About a Protection Order can be made with or without notice without an additional Application for Case Management Order Without Notice or Attendance being required) or changed (e.g., the time to file a reply reverted from 21 days back to 30 days), and forms were revised based on feedback received and updated to reflect the language in the new Rules.

On May 17, 2021, all court locations across the province adopted the new Provincial Court Family Rules (PCFR) and began using the new Rules and family forms. Victoria and Surrey are the only court locations designated as Early Resolution Registries maintaining the Early Resolution requirements for family law matters from the ER-CM Model. Other Early Resolution Registries may be designated in the future.

2.1 Victoria ER-CM process

The evaluation of the Victoria ER-CM Model considers two streams: the stream for priority, time-sensitive situations (specifically, obtaining PPM/POs) and the Early Resolution stream for family law matters.⁶ These streams are described in greater detail below.

2.1.1 Early Resolution stream

Under previous Rule 5.01(5)⁷, a person “seeking resolution of a family law matter in an early resolution and case management registry” must meet a number of Early Resolution requirements (unless exempted under other provisions of the Model).⁸ These requirements include:

- ▶ filing a Notice to Resolve a Family Law Matter;
- ▶ providing a copy of the notice to the other person involved in the matter;
- ▶ attending a needs assessment with a Family Justice Counsellor (FJC) at the Victoria Justice Access Centre (JAC);
- ▶ completing a parenting education program, if applicable; and
- ▶ participating in at least one CDR session, as appropriate (Order of the Lieutenant Governor in Council No. 137, 2019).

⁶ The Model also includes pathways for handling certain types of orders, such as orders about case management, orders about enforcement, relocation orders, and consent orders. These pathways were touched on in the evaluation but were not the main focus.

⁷ References to sections in the Rules refer to the Provincial Court (Family) Rules that were in effect during the time period covered by the evaluation. Under the new Provincial Court Family Rules, the provisions relevant to the Model are in Part 2.

⁸ Under 5.01(6), a person does not have to complete Early Resolution requirements if the person “is only applying for one or more orders that are to be made under [the Model’s] Part 5 [*Case Management Orders*] or 6 [*Applying for Other Orders*]” (Order of the Lieutenant Governor in Council No. 137, 2019, p. 8). Case management orders involve matters that affect the conduct of a case (e.g., waiving or varying Early Resolution requirements, adjourning a hearing, adding or removing a party).

Parties meet these requirements by following the steps of the ER-CM Model’s Early Resolution stream, which are as follows.

- ▶ Step 1: The person wishing to resolve the family law matter (Party 1) files a *Notice to Resolve a Family Law Matter* at the Victoria Court Registry and provides a copy to all persons involved in the matter (this can be done informally via email or text; it does not have to be formally served). The Victoria Court Registry forwards the *Notice to Resolve* to the Victoria JAC. (Note: Parties can attend the JAC and start receiving services prior to filing a *Notice to Resolve*.)
- ▶ Step 2: The person then contacts the JAC to request a needs assessment appointment with an FJC.
- ▶ Step 3 (optional): When they contact the JAC, they may speak with a Justice Interviewer (JI) for an initial needs determination (IND) and receive referrals and early information on options for next steps. The IND is an optional step.⁹ At this stage, the person may decide not to proceed. If the person desires to pursue their matter further, they will be scheduled for an appointment with an FJC for a needs assessment.
- ▶ Step 4: Parties attend an individual needs assessment with an FJC at the Victoria JAC. Through this one-on-one needs assessment, the FJC:
 - has clients complete an assessment form that gathers information about the issues relevant to the family circumstances and their impact on the suitability of CDR (e.g., screening for safety and family violence, levels of conflict, issues related to mental health or substance misuse, debt and finances, issues related to the children);
 - reviews the completed assessment form with the client, asking follow-up questions to allow for an in-depth assessment of the client’s circumstances;
 - assists in identifying the issues that the parties want to resolve;
 - provides information to parties and makes referrals as appropriate to legal services and other community supports;
 - where family violence is an issue, provides parties with information regarding safety planning, protection orders, and the effects of violence on adults and children, and provides referrals to appropriate services such as victim services agencies, legal counsel, the police, and transition houses; and
 - assesses whether CDR is appropriate. The FJC may determine that issues such as power imbalance, safety, or family violence adversely affect safety and/or the ability of a party to negotiate a fair agreement through a CDR process. Where the FJC identifies these issues, there may be an opportunity to design the CDR process in a manner that mitigates those dynamics, or it may not be appropriate to proceed to CDR at all.

⁹ The IND is part of the FJSD service delivery model and is not an Early Resolution requirement under the Rules. The IND is conducted by a JI responding to an inquiry from a client. IND involves an initial discussion to determine the client’s reasons for contacting the JAC, conduct immediate safety screening, and to describe services and resources that might be helpful. Where a Notice to Resolve has been filed, the IND would likely result in the scheduling of a needs assessment interview. In contrast, the needs assessment interview, always conducted by a FJC, is much more in-depth and is necessary for a determination regarding the appropriateness of CDR.

- ▶ Step 5: Parties with family law matters related to children are referred to complete a parenting education program. Parties can complete either the Parenting After Separation (PAS) or Parenting After Separation for Indigenous Families (PAS-IF) courses, which are available online (24/7 availability) and provided free of charge. PAS or PAS-IF completion is mandatory, unless parties are exempted.¹⁰
- ▶ Step 6: Based on the information gathered in Step 4, the FJC determines whether CDR is appropriate. Parties for whom CDR is considered appropriate are required to participate in at least one CDR session, unless the parties have recently completed CDR with JAC staff or with a private CDR professional. The CDR requirement under the ER-CM Model may be fulfilled in one of the following ways:
 - a) at the Victoria JAC, an FJC can conduct a mediation in person or virtually or (in cases where child support is the only issue) a Child Support Officer (CSO) can lead a facilitated negotiation (both services are free of charge);¹¹
 - b) through private mediation, where parties hire a private family mediator who meets the family dispute resolution professional requirements articulated under s. 4 of the *Family Law Act*; or
 - c) through a private collaborative law process under a collaborative participation agreement (British Columbia Office of the Attorney General, 2019; Government of British Columbia, n.d.-b; Ministry of Attorney General, 2017; *PCFR Service Blueprint, Victoria BC*, n.d.).

The CDR professional (which may be the same FJC who completed the needs assessment) will then design a CDR process best suited to the circumstances. This includes how the process is structured (duration, location, caucusing/breaks), the format (in person, video-conference, or tele-conference), and who attends (support people, legal counsel). In some cases, in-person mediation, where the parties are face-to-face, is not appropriate, so they may proceed by shuttle mediation, where the parties do not directly interact with each other and the CDR professional serves as the intermediary by shuttling between them.

At any time during the CDR process, if a CDR professional believes that CDR is no longer appropriate, the process may be terminated.

If the issues are resolved through the above process, parties may document the arrangement by written agreement (which may be filed with the court registry) or apply to the court for a consent order. (For issues resolved using Victoria JAC services, JAC staff can prepare a written agreement or consent order documenting the arrangements and will refer parties to independent legal advice and other services as needed.)

If the issues are not resolved as part of the CDR process (e.g., CDR was not appropriate, CDR occurred but some issues remain unresolved) and a party wishes to proceed to court, they can do so, as described in the following section.

¹⁰ Parties may be exempted from completing a parenting education program if: they have already completed a parenting education program within two years prior to the needs assessment; spousal support is the only matter in issue; all children involved are over 19 years or age; or the program is inaccessible to a party as a result of geographic, literacy, linguistic, technological, or physical health/medical barriers (British Columbia Office of the Attorney General, 2019).

¹¹ If desired, a party engaged in CDR with an FJC can also participate in a pre-mediation session with the FJC at the JAC.

2.1.2 Case management

Once a party has fulfilled the Early Resolution requirements, if they wish to proceed to court, they will request that FJSD provide confirmation to the court registry that the Early Resolution requirements have been fulfilled. This confirmation document is sent directly via email from the JAC to the Victoria Court Registry. Once the Registry has received that confirmation, a party may proceed to the case management aspect of the model facilitated through the court. The process is as follows:

- ▶ Step 1: Party 1 files an Application About a Family Law Matter¹² along with accompanying financial statements and supporting affidavits (as long of as the Victoria Court Registry has received confirmation that the filing party has met the Early Resolution requirements). The other party involved in the matter — Party 2 and any additional parties — is then served with the application and has 30 days to file a reply (including submission of financial statements and supporting affidavits).¹³ Only parties that have completed the Early Resolution requirements can file replies.
- ▶ Step 2: Once a reply has been filed (or once 30 days have passed, if the second party does not reply), the case can proceed to a Family Management Conference (FMC). One or both parties work with a judicial case manager to schedule an appearance for an FMC, and notice of the conference scheduling is issued to the parties and their counsel (if parties are represented).
- ▶ Step 3: The FMC is held. This is an informal hearing conducted by a judge, which provides an opportunity for parties to clarify their issues, identify options for resolution, and prepare for next steps.¹⁴ During this conference, the judge may make case management orders and directions, interim orders, or consent orders (British Columbia Office of the Attorney General, 2019; Government of British Columbia, n.d.-b; *PCFR Service Blueprint, Victoria BC*, n.d.).

The FMC provides the case management aspect of the Model. The scheduling and conduct of the FMC in Victoria relies on the success of the Early Resolution process in reducing the number of family law cases being filed in Provincial Court. Under the ER-CM Model, the FMC is allocated more time per file when parties first come to court than would previously be allotted on a normal family list day for a first appearance. The aim of the FMCs is, wherever possible, to resolve issues at this initial appearance or adjourn them for a hearing with interim orders and case

¹² After December 7, 2020, the terminology changed and Family Law Matter Claim becomes the Application About a Family Law Matter.

¹³ Under the ER-CM Model, this timeline was originally shortened to 21 days. The shortened timeline was due to the expected increased readiness of parties participating in the ER-CM Model; however, feedback from stakeholders as part of a public consultation suggested it would be problematic if the reply period did not align with the Federal Child Support Guidelines timelines for financial disclosure. Further, not all parties across the province are required to access the ER-CM Model so this resulted in different filing periods for replies in different locations. As a result, the 30 day period for filing a reply was reinstated as of December 7, 2020.

¹⁴ The FMC takes the place of First Appearances (Family Remand) under the previous process (British Columbia Office of the Attorney General, 2019).

management orders in place, which will support earlier resolutions and minimize the number of court appearances that parties must attend.

If issues are not fully resolved following the FMC, parties have a number of options, including engaging in additional FMCs, going back to CDR, or proceeding further in the court process, including to trial (British Columbia Office of the Attorney General, 2019; Government of British Columbia, n.d.-b; *PCFR Service Blueprint, Victoria BC*, n.d.).

It is important to note that, under the new Model, each stage in both the Early Resolution process and the court process provides an opportunity for full or partial resolution of family law matters, and, even when resolution is not achieved, each stage is expected to increase parties' readiness to proceed to subsequent stages (British Columbia Office of the Attorney General, 2019; Government of British Columbia, n.d.-c).

2.1.3 Protection orders and priority parenting matters

As mentioned, the ER-CM Model includes an alternate process for time-sensitive matters — namely, for the PPM/PO process).¹⁵ In these cases, a judge hears the protection and PPMs, and, if any outstanding family law matters remain after these time-sensitive issues are heard, parties are directed to the ER-CM process (British Columbia Office of the Attorney General, 2019).

¹⁵ Initially Rule 5.01 referred to these as “extraordinary parenting matters.” This terminology was changed to “priority parenting matters” and the types of matters were expanded in revisions that took effect in June 2020. Those 2020 revisions are reflected below in bold. Under Rule 5.01, a “priority parenting matter” can include any of the following:

- a. “giving, refusing or withdrawing consent, by a guardian, to medical, dental or other health-related treatments for a child, if delay will result in risk to the health of the child;
- b. applying, by a guardian, for
 - (i) a passport, licence, permit, benefit, privilege or other thing for the child, if delay will result in risk of harm to the child’s physical, psychological or emotional safety, security or well-being, **or**
 - (ii) **travel with a child or participation by a child in an activity if consent to the travel or activity is required and is alleged to have been wrongfully denied;**
- c. **relating to change in location of a child’s residence or a guardian’s plan to change the location of a child’s residence, if**
 - (i) **no written agreement or order respecting parenting arrangements applies in respect of the child, and**
 - (ii) **the change of residence can reasonably be expected to have a significant impact on the child’s relationship with another guardian;**
- d. relating to the removal of a child under section 64 [*orders to prevent removal of child*] of the *Family Law Act*;
- e. determining matters relating to interjurisdictional issues under section 74(2)(c) [*determining whether to act under Part 4 – Care of and Time with Children*] of the *Family Law Act*;
- f. relating to the alleged wrongful removal of a child under section 77(2) [*wrongful removal of a child*] of the *Family Law Act*;
- g. **relating to the return of a child alleged to have been wrongfully removed or retained under the Convention on the Civil Aspects of International Child Abduction signed at the Hague on October 25, 1980.”** (Provincial Court (Family) Rules B.C. Reg. 417/98).

The steps for obtaining these orders are as follows:

- ▶ Step 1: Party 1 files an Application About a Protection Order or an order related to a PPM.
- ▶ Step 2: Party 2, and any additional parties, are served and given seven days' notice prior to the court appearance. However, Party 1 can request to have the matter heard with shorter notice (less than seven days) or with no notice given to the other party. If Party 1 is requesting to proceed without notice to the other party, the application is scheduled into court the same day, for a judge to decide if notice is required; if it is not required, the judge will proceed to hear the Application About a Protection Order.
- ▶ Step 3: A Certificate of Service is filed to prove service of the application document(s).
- ▶ Step 4: A court appearance takes place, which may result in a protection order being made or varied or an order being made in a PPM (Government of British Columbia, n.d.-c; *PCFR Service Blueprint, Victoria BC*, n.d.).

If other family law issues remain after the PPM/PO process, the parties will be referred to the JAC and the Early Resolution process.

2.2 Role of Victoria's Justice Access Centre

The Victoria ER-CM Model is intended to “[build] on existing family justice services including assessment, mediation and parenting education” (British Columbia Office of the Attorney General, 2019, p. 1). Family justice services related to the Model are provided through Victoria's JAC (British Columbia Office of the Attorney General, 2019; Government of British Columbia, n.d.-c).

The JAC is described as the “best source of information about where and how to start and make an appointment for a needs assessment” (Government of British Columbia, n.d.-b). The JAC provides a variety of services free of charge, including legal information, needs assessment, referrals to legal and community services, and CDR services (Government of British Columbia, n.d.-c, n.d.-b; *Street & Square*, n.d.). The JAC's services have not changed under the Model, although some services that were voluntary, such as needs assessments and CDR (when appropriate) are now also provided as requirements for parties involved in the Early Resolution process. These services are still available on a voluntary basis outside of the Model. The requirement to complete a parenting education course in order to proceed to court (in most cases) existed prior to the introduction of the ER-CM Model.

2.3 Other available services and supports

In addition to JAC services, parties may choose to hire a lawyer, private family mediator, or collaborative family law professional to assist them with the process. Those with low incomes may also be eligible for free limited legal advice, which would assist them with the Victoria ER-CM process, through services provided by the British Columbia Legal Services Society (now Legal Aid BC), including duty counsel, Family Advice Lawyers, and the Family Law LINE (Government of British Columbia, n.d.-c).

3.0 Evaluation design and methodology

The foundational documents for the evaluation design — the ER-CM logic model and the evaluation matrix — were developed by PRA in close consultation with the EAG. Appendix A contains the logic model, and Appendix B contains the evaluation matrix, which links together evaluation questions, indicators, data sources, and expected outcomes.

The evaluation methodology, also developed in consultation with the EAG, included four lines of evidence: a document review, a data review, key informant interviews, and a client feedback survey. Data collection instruments used for the interviews and survey are included in Appendix C.

3.1 Document review

The document review included materials relevant to the ER-CM Model, including the following:

- ▶ Provincial Court (Family) Rule 5.01, Appendix B and Appendix C — ER-CM Model Rules, Procedures and accompanying forms
- ▶ planning documents (e.g., project plan, business case, process maps developed by FJSD, resource modelling exercise)
- ▶ continuing legal education documents on the ER-CM Model
- ▶ FJSD documents and forms for service provision
- ▶ research and evaluation reports related to Rule 5¹⁶

The documents helped inform the design of the evaluation (i.e., the logic model and evaluation matrix) in addition to providing a line of evidence for the evaluation questions.

3.2 Data review

A data review was conducted to provide information on the implementation of the ER-CM Model, as well as early indications of its outcomes. It involved the review of two administrative data sets (FJSD and CSB data) as well as data collection conducted by court clerks on a sample of FMCs.

¹⁶ Rule 5 under the previous Provincial Court (Family) Rules was first enacted in 1998 and applies in four Provincial Court (Family) registries. Rule 5 requires most parties with family law issues to meet with an FJC prior to a first court appearance to clarify the options available for resolving their disputes outside of court. It is different from Rule 5.01 under the previous Provincial Court (Family) Rules which enabled the ER-CM Model.

3.2.1 Administrative data review

FJSD data

The evaluation includes an analysis of individual, anonymized,¹⁷ record-level data from FJSD's Family Information System², which is the information management system used by the JAC. This data provides information on JAC activities and service outcomes for clients that receive services as part of the Model (i.e., they have filed a Notice to Resolve) as well as clients who accessed assessment and CDR services at the JAC who had not filed a Notice to Resolve (i.e., not attending as part of a requirement under Rule 5.01). The analysis included all types of clients as some clients proceed outside of the Model for all or part of their services. The analysis also included families/clients who had services at the Victoria JAC, even if the file did not involve CDR. By taking this approach, the evaluation could analyze all JAC activities during the relevant time periods and compare the volume of activities, workload of staff, and service outcomes pre/post the Model based on the time periods below:

- ▶ For the analysis of the ER-CM Model: August 1, 2019 to December 31, 2020.¹⁸
- ▶ For the pre-ER-CM Model analysis, August 1, 2017 to December 31, 2018.¹⁹

CSB data

The evaluation also includes an analysis of aggregate data from CSB's Civil Electronic Information System (CEIS) that has the court data for family and civil matters.

The CSB data analysis included three different samples of family court data:

- ▶ CSB data linked to a sub-set of FJSD data on ER-CM cases
- ▶ unlinked family court data for new cases in the Victoria Provincial Court Registry and two court locations selected for comparisons to Victoria (Kamloops and Nanaimo)²⁰
- ▶ volume family court data (not based on new cases only) for all activities in the Victoria Provincial Court Registry and two court locations selected for comparisons to Victoria (Kamloops and Nanaimo)

¹⁷ Client names, addresses, dates of birth, telephone numbers, and email addresses were removed from the record-level data provided for the evaluation.

¹⁸ Although the ER-CM Model launched on May 13, 2019, the date of August 1, 2019 was chosen because of changes in early July to internal processes that were thought to have an impact on the data.

¹⁹ This time period was chosen to match the months of the post-Model period and also to not have overlapping months with the Model (hence the beginning in 2017 rather than 2018).

²⁰ These court locations were selected based on a comparison of volume of family law activity and other considerations, such as the availability of other types of services/interventions, demographics, and whether they were a Rule 5 location. The two sites selected by the EAG are similar to Victoria in some respects but also provide two distinct comparisons based on whether they are a Rule 5 site: Nanaimo (a Rule 5 location) and Kamloops (a non-Rule 5 location).

The two types of data analyses are described in more detail below.

Linked FJSD-CSB data for Victoria post-Model (ER-CM cases)

PRA created a dataset from FJSD data that included court file numbers that was shared with CSB. There were 228 unique cases based on the court file numbers in the FJSD dataset that had Notices to Resolve filed between August 1, 2019 and December 31, 2019. CSB was able to match on all of the court file numbers. Three court cases were not included in the analysis as two had Notices to Resolve file dates in CEIS that were outside of the time period and one case was sealed. As a result, 225 unique cases were included in the analysis of linked data.

For these FJSD clients, FJSD and CSB data were linked by the court file number in order to examine the court experiences of cases under the Model and enable analyses based on whether or not the parties had used CDR. The aggregate data provided by CSB included court activities on these cases up to and including December 31, 2020.

CSB data for new cases pre/post Model in Victoria and for comparison court locations

For the analyses that compare Victoria pre- and post-Model as well as Kamloops and Nanaimo for the same time periods, the CSB data was not linked to FJSD data in order to ensure comparable samples. Cases in scope were all new *Family Law Act* cases, with the exception of cases that involved *Child, Family and Community Service Act*-related issues. Cases transferred from another court location were also excluded from the analysis.

In order to accurately capture active court caseload in Victoria under the new ER-CM Model, the standard definition of a new family law case was modified from that historically used by CSB. CSB redefined what constitutes a new family law case for the purposes of the evaluation in order to ensure that the counted cases reflected parties with a dispute that was likely to require court time. This was done, in part, because not all family court files opened require action from the court. For example, a Notice to Resolve is filed prior to parties using the Early Resolution process and though it may open a court file and preserve limitation periods, the matter may not proceed to court. For the purposes of the evaluation, a new family law case was defined as one with an initiating application filed during the relevant time period OR a case initiated with a Notice to Resolve or written agreement filed during the relevant time period that also has a subsequent substantive document filed by the activity cut-off date as set out below. The new family law cases in the unlinked data include cases that proceed through the Early Resolution process, those that are exempt from that process, and cases to which the Early Resolution process does not apply such as PPMs and POs.

The time periods used in the data analysis are:

- ▶ For the analysis of the ER-CM Model: New cases initiated between August 1, 2019 and December 31, 2019 with subsequent activity followed until December 31, 2020.
- ▶ For the pre-ER-CM Model analysis: New cases initiated between August 1, 2017 and December 31, 2017 with subsequent activity followed until December 31, 2018.
- ▶ For the comparison court locations analysis: New cases using the time periods for the pre- and post-ER-CM Model (August 1, 2019 to December 31, 2019 followed until December 31, 2020 and August 1, 2017 to December 31, 2017 followed until December 1, 2018).

Volume data

The data analysis also included volume data on court activities for Victoria and the comparison court locations between August 1, 2019 and December 31, 2020. Volume data also came from the CSB ER-CM project monitoring data, which covered the Model’s launch on May 13, 2019 to March 31, 2021. This data for Victoria was not based on new cases only and was also not linked to FJSD data.

3.2.2 FMC data collection

Information was collected on a sample of FMCs and results were provided to PRA. As described further in Section 4.1.7, the Rules enable the appointment of family justice managers to conduct FMCs. However, as the ER-CM Model in Victoria began as prototype, family justice managers were not yet appointed, and to date all of the FMCs have been handled by Provincial Court Judges. Information collected included whether the FMCs required the use of Provincial Court Judges, as compared to a family justice manager, to assess what the impact would be of using family justice managers. In addition, the number and reasons for adjournments were collected to support outcome measures for the evaluation. This information was collected on the 220 FMCs held between November 14, 2019 and December 24, 2020, although due to the coronavirus pandemic, it should be noted that no FMCs were held between March 18 and May 4, 2020. Not all FMCs in the survey were necessarily for cases that received services from the JAC under the Model.

3.3 Interviews with stakeholders

The evaluation included key informant interviews to obtain the perspectives of individuals involved in the delivery of the ER-CM Model (internal key informants) and others who have experience using its services (external key informants). Selection of key informants was made in consultation with the EAG. Interviews occurred in 2020 and 2021. To the extent possible, the same key informants were interviewed both times in order to see if their experience or opinions of the Model had changed over time. Interviews occurring in 2020 helped support continuous improvement of the Model.

Interviews were conducted by telephone or video-conference, and some interviews were with small groups to increase coverage and to include more participants. To have the most up-to-date information possible, the interviews occurred in July and August 2021. A total of 20 interviews were conducted with 38 key informants. Table 1 provides a more detailed breakdown.

Category	# of interviews	# of interviewees
Internal		
FJSD management at Victoria JAC	1	3
FJCs and (former) Child Support Officer at Victoria JAC	3	7
JIs at Victoria JAC	1	5
Judges	2	2
Judicial case manager	1	1
CSB representatives	1	3
Internal total	9	21
External		
Counsel	5	9
Legal Aid BC and duty counsel	1	3
Private mediators	1	1
Community organizations	4	4
External total	11	17
Overall total	20	38

The following scale has been applied to report on the interview findings. The scale provides the reader with an indication of what the terms mean relative to each other.



3.4 Client survey

The client feedback survey gathered information on clients' experiences with the ER-CM Model, their satisfaction with the process, and the Model's success in achieving its intended outcomes for clients.

Survey population: The client feedback survey population was parties to a Notice to Resolve, who completed a needs assessment at the Victoria JAC and consented to be contacted for a survey. This included clients who may have also filed an Application About a Protection Order and/or an Application About a Priority Parenting Matter.

Survey sample recruitment: FJSD intake forms included a statement on the evaluation and a tick box for clients to indicate their consent to being contacted for purposes of research and evaluation.

Survey administration: Over the two years of the evaluation, clients were contacted to be surveyed twice: once soon after completion of services from the Victoria JAC to ask about their experiences with the Early Resolution process and any further stages in the process they may have reached, and then again, with their permission, at a later date to ask about their experiences since the first survey, with the focus likely being on case management, the court process, and longer term outcomes. Clients who consented to participate in the survey were contacted after their file had been closed by the JAC.

The survey was a mixed-mode survey (online and telephone). Clients who provided an email address received an email invitation with a link to the survey. To improve the response rate, two follow-up email reminders were sent and, if a telephone number had been provided by the client, they were contacted and given the option to complete the survey by telephone. Clients who indicated that they preferred a telephone interview and/or only provided a telephone number were contacted by PRA's call centre for an interview. The online and telephone versions of the survey questions were identical.

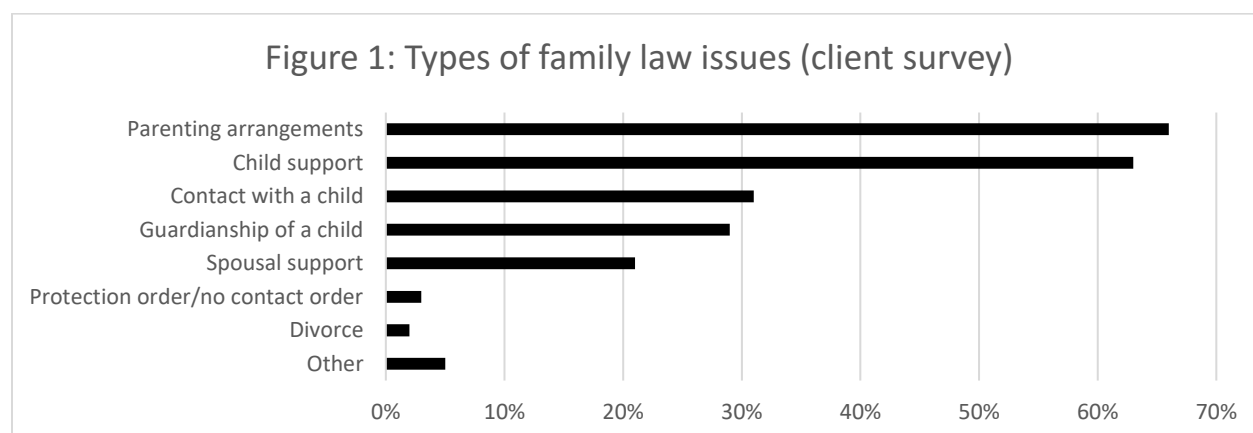
A total of 344 clients consented to be contacted for the survey at least once during the two years of the evaluation. Of those, 145 completed the survey (i.e., completed the survey based on how far their case had progressed), resulting in a response rate of 42%. Of those completing the survey, 68% completed it online and 32% completed it by telephone. Table 2 provides a profile of respondents based on their answers to demographic questions on the survey. The list below provides high-level results.

- ▶ Most respondents were between the ages of 30 and 49 (57%).
- ▶ Just over half of respondents identified as female (59%).
- ▶ A minority of respondents identified as immigrants (10%), a person with a disability (10%), First Nations (7%), or Métis (3%).
- ▶ Most respondents had completed at least some college or other post-secondary training (77%).
- ▶ Over one third of respondents (40%) reported annual household incomes of less than \$40,000, with another 32% reporting incomes between \$40,000 and \$79,999.

Table 2: Profile of respondents (client survey)		
Age	All respondents (n=145)	
	#	%
20 to 29	12	8%
30 to 39	42	29%
40 to 49	40	28%
50 to 59	18	12%
Over 60	6	4%
Prefer not to answer	27	19%
Gender identity		
Woman	86	59%
Man	52	36%
Gender diverse	1	1%
Prefer not to answer	6	4%
Group identity		
Immigrant	14	10%
People with disabilities	14	10%
First Nations	10	7%
Métis	4	3%
I do not identify with any of these groups	95	66%
Prefer not to answer	10	7%
Education		
	#	%
Some high school	7	5%
Completed high school or GED equivalency	16	11%
Some university or college	25	17%
College, technical school, apprentice or vocational school	44	30%
University degree (including post-graduate or professional)	42	29%
Prefer not to answer	11	8%
Income		
Under \$20,000	25	17%
\$20,000 to \$39,999	33	23%
\$40,000 to \$59,999	31	21%
\$60,000 to \$79,999	15	10%
\$80,000 to \$99,999	7	5%
\$100,000 to \$149,999	13	9%
\$150,000 to \$199,999	3	2%
\$200,000 or more	1	1%
Prefer not to answer	17	12%

Note: Column percentages may not sum to 100% due to rounding.

Survey respondents primarily came to the JAC for assistance with parenting arrangements and/or child support. See Figure 1.



Note: Respondents could provide more than one answer; total sums to more than 100%.

3.5 Limitations

Table 3 presents the methodological limitations encountered and the steps taken to mitigate them.

Table 3: Methodological limitations and mitigation steps		
Data methods	Limitations	Mitigation steps
All	The pandemic impacted the delivery of services of the family justice system generally, which also impacted the Model.	<p>The evaluation included interview questions to obtain contextual information on the pandemic response and its impacts. Additional interviews were also conducted with the Registries of the comparison court locations to assess impacts.</p> <p>The evaluation’s approach of comparing Victoria pre/post the Model with two comparison court locations during the same time periods enabled the evaluation to control for pandemic impacts, under the assumption that these impacts would have been similar across all provincial court locations. Controlling for this variable (the pandemic restrictions) minimizes its effects on the statistical results, given that cases (Model or not) were presumably impacted by the suspension of regular court operations to an approximately equivalent extent in the three locations analyzed.</p>
CSB data	Given that family law cases can take substantial time to be resolved and the Model is still relatively new, its impacts could be over or underestimated.	For the outcome measures, the evaluation looked at new cases filed during a five-month window in 2017 (pre-Model) and 2019 (post-Model) and followed the activity of those cases until December of the following year (2018 pre-Model and 2020 post-Model) to provide as complete a picture as possible of the activities on those cases. In these analyses as well, possible effects of the pandemic restrictions were controlled for through the inclusion of comparison locations.
CSB data	Due to confidentiality issues, the evaluation had to rely on summary data with a small number of observations as opposed to individual-level data.	<p>While summary statistics potentially weaken the robustness and reliability of the results, the evaluation used analytical methods that were most suitable for summary statistics.</p> <p>In addition, while aggregate data restricts the number and type of statistical procedures and tests that can be used, the evaluation relied on statistical tests appropriate for small sample sizes.</p>
Client survey and key informant interviews	The interviews and survey also have the possibility of introducing self-reported response bias (individuals are reporting on their own activities and so may want to portray themselves in the best light) and strategic response bias (participants answer questions with the desire to affect outcomes).	The risk of bias was mitigated by the use of multiple lines of evidence, including objective sources of data, such as documents and administrative data (to the extent that these were available), to arrive at the overall evaluation conclusions. In addition, the key informants were selected to provide a variety of perspectives.

4.0 Findings

This section presents the evaluation findings by the themes identified in the evaluation matrix.

4.1 Delivery of the ER-CM Model

The evaluation found that the ER-CM Model was fully implemented and primarily operated as expected. While the pandemic created new challenges, the Model responded quickly.

4.1.1 Impacts of the pandemic

The COVID-19 pandemic impacted service delivery for the entire family law system and, therefore, also affected the Model. This section will focus on the impacts of the pandemic as they relate to the Victoria JAC and Provincial Court.

FJSD response

FJSD suspended in-person services and shifted to providing services through technology on March 17, 2020. Since that date, the Victoria JAC has been conducting all services, including INDs, needs assessments, pre-mediations, and CDR sessions by audio or video-conferencing. Regular in-person services had not resumed as of July 2021.

FJSD was able to move its services to video-conferencing distance technology relatively quickly because it already provided some services remotely. Some FJCs were already trained in providing family justice services remotely using technology, which included the use of Webex for web-based video-conferencing for all client contacts (assessment and mediation). This was particularly the case at the Victoria JAC where about half of FJCs had received this training already. By June 2020, the remaining FJCs were trained so that all FJCs at the Victoria JAC could provide services virtually. As a stop-gap measure to maintain service delivery, FJCs used shuttle mediation until they were trained to conduct joint sessions through technology. Key informants noted that shuttle mediation is not an ideal method for parties who are not in situations that involve safety issues, so CDR services were impacted in that way until all FJCs could offer mediation by video-conferencing.

JIs also adapted to the move to virtual services. Since the self-help resource room at the JAC was unavailable on a walk-in basis, JIs developed ways to support clients by telephone and email. One particularly challenging area has been assisting clients with completing the court forms over the telephone, which has taken more time than in-person assistance would. For clients who have more technology skills, JIs have used video-conferencing and screen sharing to help them with completing their court forms. In addition, some JIs began scheduling some in-person appointments in September 2020 to meet clients in the hallway of the courthouse, with COVID protocols in place, in order to assist clients with the forms.

Provincial Court response

The Provincial Court response to the pandemic involved a suspension of regular court operations beginning on March 18, 2020, with operations resuming in stages, starting with urgent family matters. The key responses relevant to family law matters at the Provincial Court in Victoria are set out below:

- ▶ Effective March 25, 2020, the Provincial Court suspended regular court operations and created a process for urgent family matters (as defined in the Notice to the Profession 19). These urgent matters were proceeding by teleconference and later by video-conference as determined by a Provincial Court Judge. This continued until July 8, 2020, when the pre-COVID process for urgent family matters resumed. The urgent family matters contained in Notice to the Profession 19 were not the same as PPMs under Provincial Court (Family) Rule 5.01, although there could be some overlap. According to key informants, these urgent matters typically involved parenting time and similar issues that had been impacted by the pandemic.
- ▶ While the Registry was accepting filings for urgent family matters, the Registry did not accept new non-urgent family filings between March 18, 2020 and May 7, 2020. As of May 8, 2020, the Registry accepted limited new filings, including the Notice to Resolve and consent applications. Effective July 7, 2020, registries began accepting all family filings remotely (mail or electronic) and as of July 13, 2020, remotely or in person.
- ▶ From March 18, 2020 to May 4, 2020, only urgent family matters proceeded to a court appearance.
- ▶ On May 4, 2020, FMCs, family trials, and trial continuations resumed by teleconference. Trials and continuations were treated as pre-trial conferences. Those scheduled earlier were rescheduled, while those set for May 19 to July 3 were set to proceed on the day scheduled.
- ▶ As of July 2, 2020, trials scheduled on or after that date occurred as scheduled and in person.
- ▶ By October 1, 2020, all FMCs and trials were set to proceed on their scheduled date. As of July 2021, trials are in person and FMCs are by audio or video-conference.²¹
- ▶ As of October 22, 2020, FMCs had the option of proceeding by video-conference.

²¹ Archived Notice to the Profession 19 (various dates) retrieved from <https://www.provinciacourt.bc.ca/archive#Ge>.

Impacts

This section focusses on the two most often mentioned impacts of the pandemic on services generally.

Movement to electronic service delivery: Both the Victoria JAC and the Provincial Court moved to electronic service delivery (audio or video-conference). The JAC and Provincial Court video-conference platforms include functionality through mobile devices (like smartphones) which facilitated its use by clients who had limited access to technology (i.e., no computer).

The Provincial Court created a process for urgent matters, as described above, which ensured accessibility of court services for these time-sensitive matters. Key informants found the time period where appearances on urgent matters were conducted by audio-conference to be challenging as it was difficult for judges to know who was speaking when managing these long court lists. The resumption of FMCs in mid-May 2020 eased the pressures on the court as some matters that had been proceeding under the urgent process could now receive the time needed in an FMC.

The Registry moved to electronic filing which has changed the communications with parties. Key informants commented that when assisting parties in person, there was usually one encounter, but now parties communicate by email with the Registry multiple times as questions arise. This is more time-consuming but might also be better service provision. This additional time for communicating with parties is for all family matters, not just the Model. To ensure accessibility, for parties or counsel who did not want to file electronically, there was a physical drop box available for court filings until in person services were available.

For both the JAC and the Provincial Court, the experience with video-conferencing has been generally positive, and it is considered to be a good tool that should continue to be used after the pandemic. It offers parties an option that does not require in-person attendance, which has several potential benefits.

- ▶ Video-conferencing reduces the time and cost required for parties to come to the JAC or attend court as they no longer need to come to another location, take additional time off of work, or pay for childcare or parking. For JAC services, this resulted in fewer cancelled appointments or no shows.
- ▶ In addition, the use of video-conferencing may be a more trauma-informed approach. For some parties, the video-conference option mitigates some of the emotional triggers and power imbalances exacerbated by being in the presence of the other party, thereby empowering the party to participate in the process.
- ▶ For FMCs, the use of video-conferencing is considered to have created efficiencies as the FMC can be scheduled with any available Provincial Court Judge in the province. This added flexibility makes scheduling easier for court staff and results in scheduled appearances that are more convenient for the parties and the judiciary.

Key informants stressed, however, that while in-person services are preferable in many situations, video-conferencing should be an option offered to parties as in-person services resume (e.g., for assistance with forms, needs assessments, and mediations at the JAC, and FMCs). In addition, if it is to be used in the courtroom setting, parties and counsel need to use the video capabilities of the platform as that is necessary to allow judges to see who is speaking and read body language.

Volume of services provided: The suspension of regular operations of the Provincial Court with resumption of services occurring in stages impacted the volume of activities (FMCs, trials, other appearances) in Victoria as well as other court locations. However, key informants noted that the Victoria Registry did not have a large backlog when it began accepting all court filings (whereas, many other locations in the province experienced significant backlog due to the service disruption). They believe that this was because of the urgent matter process but also because parties had found other approaches to work on their issues while court was not available.

Evidence that parties availed themselves of other processes to address their family issues is that the Victoria JAC did not experience a prolonged drop in demand for its services (see Section 4.1.6 for more details). According to key informants, with court operations limited to urgent matters only for a period of time, individuals opted to use the services at the JAC to try to resolve some issues. These individuals may not have filed a Notice to Resolve, and so were technically outside of the ER-CM Model, but they were benefiting from the services included in the Model, such as needs assessments and CDR.

4.1.2 Court forms

The new court forms are a key feature of the Model. They are accompanied by guidebooks with an overview of when to use particular forms and schedules, as well as instructions on how to complete and file the forms in order to assist self-represented litigants.

The reaction to the new court forms remains divided. Some external key informants find them to be intuitive to complete and noted that for self-represented litigants who find the forms challenging, the JAC staff can assist them. Other external key informants considered the process to be too “form heavy” and it is difficult to know which forms to use. To address these concerns, the Ministry has developed an online tool, which launched on June 11, 2021. Currently, the tool supports pathways to complete the Application About a Protection Order, Notice to Resolve, and Application About a Family Law Matter. The Ministry is continuing to develop additional pathways and as of August 31, 2021, forms and accompanying schedules can now be filed electronically. The goal is for the online tool to direct self-represented parties and counsel to the appropriate form(s) and schedules based on the reasons for coming to court and will step them through completing the required questions and filing the form.

During the first year of the Model’s operations, the Ministry received feedback on the forms. As a result of the feedback, some changes were made to the forms in December 2020. Improvements to the forms that received particular mention were the case management forms, which had caused confusion among self-represented parties. Assisting clients with these forms was particularly time-consuming for JAC staff and they noted the improvement. A few external key informants also commented that the revisions made to the forms based on the stakeholder feedback improved the forms.

4.1.3 PPM/PO process

The PPM/PO process was intended to help address the inappropriate use of Notice of Motion under the previous Rules to expedite non-urgent matters into court. In the first year of the Model's operations, stakeholders expressed concerns that the matters considered for PPMs were now too restrictive. Responding to these concerns, changes to Rule 5.01 took effect on June 1, 2020, that were intended to address this issue by adding types of issues to the definition of PPMs (see footnote 15), although most external key informants continued to find the process too restrictive. They desired urgent matters related to non-consensual guardianship orders, child protection proceedings, and conduct orders be included. Other key informants noted that creative use of the PPM or enforcement of an order form can allow parties to get into court quickly. The Ministry is continuing to monitor PPMs and is exploring expanding the definition based on the feedback.

The PO process introduced a new form, Application About a Protection Order. The form is a guided affidavit that collects information about why the application is being made and information to inform the terms that may need to form part of a protection order. A few key informants considered the form lengthy for self-represented parties to complete and noted that some were coming to court without it being completed as a result, although in general the feedback on the PO form received by the Ministry has been positive.

4.1.4 Outreach

Before the Model was launched, FJSD and the FPLTD conducted a number of outreach sessions and provided other materials to key stakeholder groups to explain the Model and assist with implementation, including the Victoria bar, advocacy groups, community service providers, Legal Aid BC lawyers (in particular duty counsel and family advice lawyers), and mediators. A total of 17 sessions were held before the launch of the Model and six additional sessions in its first six months of operations. Several Continuing Legal Education (CLE) sessions were held supported by FPLTD, FJSD, as well as the Provincial Court in both Victoria and the rest of the province. Additional outreach included meetings and webinars with the Canadian Bar Association and the Trial Lawyers Association of BC. Stakeholders who attended the training sessions found them helpful but believe that experience with the Model is what has the most impact on improving understanding of its features. The willingness of JIs to answer questions, particularly about the court forms, was noted as being particularly helpful. The volume of questions that JIs are receiving from counsel has declined in the Model's second year of operations, which is seen as an indication of better understanding of the process.

Overall, key informants believe that in the over two years since the Model's launch that understanding of the Model has improved among key stakeholder groups. However, there are still areas of misunderstanding and disagreement, particularly regarding the determination of the appropriateness of CDR (see Section 4.2.2), how shuttle mediation works, and the ability of counsel to be present at CDR,²² so ongoing communication and outreach will continue to be important.

²² Requests for lawyers to attend CDR are determined by the FJC/CSO on a case-by-case basis after discussions with the parties and lawyer(s) so as not to create situations of power imbalances if only one party has representation. Attendance by counsel requires agreement by all parties. If counsel is not able to attend CDR, parties will have the opportunity to obtain legal advice before signing any agreements or making any other commitments. Internal key informants noted that some counsel attend the needs assessment with their clients and that provides them with reassurance about how the process works.

4.1.5 Training

FJSD training

In addition to the pre-employment qualifications required by the Ministry of the Attorney General to be hired as an FJC, all FJCs in FJSD must complete a six-month “recruitment and individualized training” (RIT) program within six months from the date they are hired. The RIT program has four components:

- ▶ course work through the Justice Institute of British Columbia, which includes topics such as collaborative conflict resolution, mediation skills, the impact of family violence on separation, conflict management, mental health and substance use issues, multicultural issues in family justice, child support guidelines, and impacts of separation and divorce on children;
- ▶ training on FJSD assessment tool;
- ▶ a six-month practicum conducted with FJSD under the supervision of a local manager and/or a certified FJC;²³ and
- ▶ completion of the certification process with Family Mediation Canada, which includes 30 hours of supervised mediation experience, video submission of role-play assessment and skills assessment, and a written exam. In addition, to maintain the certification requires 20 hours of continuing family mediation education each year.

In preparation for the Model’s launch, FJSD and FPLTD conducted nine training sessions regarding the Model with FJSD staff (including two joint sessions with CSB staff). In addition, FJSD provides ongoing professional development on key aspects identified as critical to supporting quality services.

²³ The practicum involves the student achieving graduated independence in the FJC role. It begins with the student shadowing an experienced FJC, then moving to conducting assessments and mediations while being observed, and finally to practicing independently.

After just over two years' experience with the Model (at the time of the key informant interviews), key informants identified some additional training needs. In particular, FJSD key informants noted that the increased complexity of the client base and their situations has required additional skills from JAC staff, particularly in the areas of mental health and addictions. JAC staff considered the ongoing peer support where they discuss their experiences and learned from each other to be valuable and critical to their professional development. Key informants suggested some improvements to training, which included collaboration with other offices/stakeholders.

- ▶ Additional and ongoing training related to assisting clients with mental health and addictions issues and where family violence is an issue. It was suggested that it would be helpful to have individuals that JAC staff could refer clients to, and also have them available to provide advice to JAC staff when issues arose.
- ▶ Pre-mediation was considered a critical part of the Model as it allows FJCs/CSOs to help prepare clients for CDR as well as have additional time with them to determine the appropriateness of CDR. Given the importance they placed on pre-mediation, key informants desired more training in pre-mediation coaching.
- ▶ JAC staff placed a high value on peer support and suggested that this should occur across offices, now that there is a second ER-CM location in Surrey. They also suggested that more information-sharing with CSB staff would also be useful as the Rules evolve and new issues arise.

Currently, FJSD is consulting with JAC managers on additional training needs and is identifying training opportunities related to family violence and CDR, in particular related to conducting thorough needs assessments and making determinations related to the appropriateness of CDR in these situations.

Registry and court clerk training

Registry staff and family court clerks also received training prior to the ER-CM launch. This training included multiple sessions on previous Rule 5.01 and the ER-CM process, training on the new forms, CEIS training, several Q&A sessions, and refresher training that included information on revisions to the Rules made in 2020. The implementation of the Model included many comprehensive changes, including a number of new forms and processes that Registry staff and family court clerks had to learn. The evaluation found that staff are not necessarily alerting management to the need for more training, so training sessions or materials may need to be proactively offered. The need for more tailored training has been identified by CSB and training materials specific to the Early Resolution Registries are currently being developed. In addition, training for Early Resolution Registries could include more information-sharing sessions with JAC staff, as mentioned above.

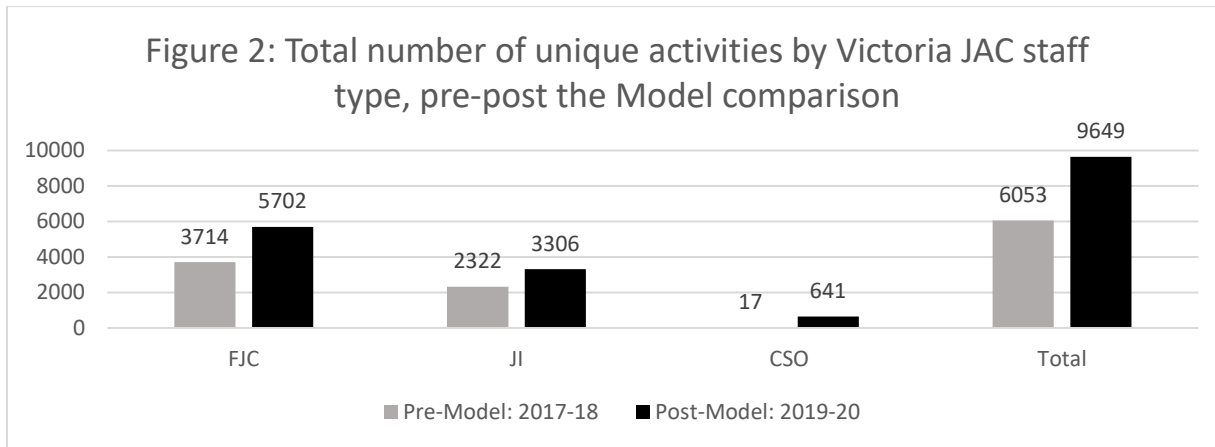
4.1.6 Volume of services at the JAC

The workload of the Victoria JAC has increased substantially for some key activities since the ER-CM Model was launched. As shown in Table 4, when comparing the 2019-20 volume for the post-Model total (activities provided to Model clients and family clients served outside the Model) to the 2017-18 time period, the number of client interviews/assessments conducted has increased by 45% (interviews and assessments, while very different activities under the Model, are combined for reasons described in the note to Table 4), and the number of CDR activities (including pre-mediations in the post-Model only) by 114%. There is a corresponding increase in the number of families served.

Table 4: Volume of JAC services pre- and post-ER-CM Model in Victoria by number of unique activities and families served (FJSD data)										
Activities	Aug 2017-Dec 2018		Aug 2019-Dec 2020						2017/18 to 2019/20	
	Pre-Model		ER-CM Model		Outside Model		Post-Model Total		% change	
	# Activities	# Families	# Activities	# Families	# Activities	# Families	# Activities	# Families	# Activities	# Families
Interviews and assessments	3,838	1,842	1,429	521	4,145	2,000	5,574	2,521	45%	37%
CDR (mediations, facilitated negotiations, and pre-mediations)	658	336	535	201	876	344	1,411	545	114%	62%

Notes:
 This table includes all instances of the listed activities that occurred during the pre-Model and post-Model dates. Unique activities are used, otherwise double-counting would occur, as some activities occur once but are recorded for each party that participated.
 The codes for *assessment interviews*, *IND*, and *interview: general* were introduced as activities in the FJSD database on September 30, 2018. Prior to that, the code was *interview* and included interviews and assessments. Given the change, this table combines these codes to provide comparability across the two time periods.
 Pre-mediation was not offered in 2018, so, to better reflect the increase in the volume of services, pre-mediation and CDR activities are combined.

The increase in the number of unique activities conducted by FJCs, CSOs, and JIs at the Victoria JAC reflects the changes brought about by the Model. All three roles experienced a substantial increase in the number of activities in which they were involved, which included brief counselling, brief services, and, in the case of the CSOs and FJCs, dispute resolution activities. Overall, the number of activities conducted increased by 59%. CSOs and FJCs have experienced the greatest increase in the number of activities they engage in. See Figure 2.

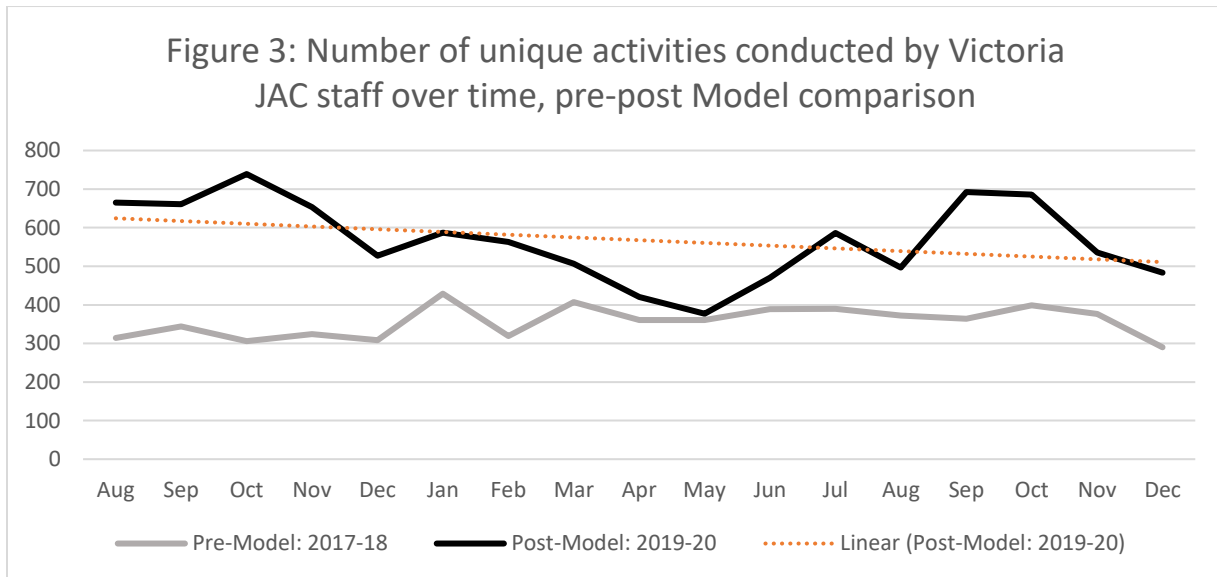


Source: FJSD data²⁴

Reflecting the impact of the Model, the increase in the number of unique activities conducted by the Victoria JAC is not experienced elsewhere in province. A comparison of the number of activities conducted by FJCs, CSOs, and JIs in all other FJSD offices combined during the same time periods used for pre-post Model in Victoria showed a decline of 9% (from 59,915 in 2017-18 to 54,814 in 2019-21).

²⁴ Figure 2 includes both activities under the Model as well as those outside of the Model conducted during the time periods to reflect overall workload. Figure 2 also includes all types of activities, such as those listed in Table 4, as well as interviews (general), individual client contact, initiation of other party contact, child in mediation process, interview with a child, review of past services, use of DivorceMate, and confirmation of ER requirements. The activity of “closing summary” is not included as, although it was an activity being undertaken in both the pre- and post-Model time periods, it was not recorded in the FJSD data until May 2019.

The volume of services at the JAC was impacted by the pandemic, but not substantially. This aligns with what key informants noted in Section 4.1.1. FJSD data show a brief slowdown in the March to May time period where activity levels came down to pre-Model levels before rebounding. Overall, the trend line (see Figure 3, “linear”) for the post-Model period shows that, despite month-to-month fluctuations, the volume of services is fairly consistent between August 1, 2019 and December 31, 2020.



Source: FJSD data²⁵

²⁵ See footnote 24 for description of what data are included in Figure 3.

4.1.7 Capacity and impact of workload

The evaluation considered the capacity of the Model to handle the increase in the volume of services being provided.

The JAC

The Victoria JAC has had staffing increases in order to manage the expected increase in workload. Some increases occurred in advance of the Model’s launch, but other increases occurred as a result of the experience in its first year of operations and the need for more CSO and FJC staffing as well as administrative supports to assist FJCs. Overall, the staffing increases are in line with the nature of the increased volume of services provided, with the greatest increases in CSO and FJC full-time equivalencies (FTEs), as shown in Table 5. The number of unique activities per FTE is a rough estimator of addressing staffing needs as the increase in the number of unique activities per FTE does not translate into a direct proportional increase in the number of hours, as different types of activities require different amounts of time (e.g., mediations take more time than assessments).

Table 5: FTEs in Victoria JAC and number of associated unique activities, pre-post Model comparison

	Aug 2017-Dec 2018		Aug 2019-Dec 2020		% change	
	Pre-Model		Post-Model		FTEs	# activities per FTE
	FTEs	# activities per FTE	FTEs	# activities per FTE		
CSOs	0.097	175	0.999	641	928%	267%
FJCs*	4.649	799	7.159	796	54%	0%
JIs	3.987	582	4.867	679	22%	17%
Admin	1.935	N/A	2.514	N/A	30%	N/A
Total	10.668	N/A	15.540	N/A	46%	N/A

*FJCs include RITs, which are FJCs in training. For workload analysis, each RIT FTE is counted as a 0.5 FJC FTE given that they are in training and do not take on a regular workload until they near the end of their training period. In addition, FJCs from other JACs assisted Victoria with its workload during the post-Model period. These FJCs contributed 0.11 FTE and are reflected in the number of FTEs above. The FJC FTEs in the post-Model period reflect a reduction of 0.5 FTE for the Senior FJC position. This position carries a 50% caseload, and was introduced in April 2019.
 Note: The FTE data have been adjusted to exclude vacant positions and longer term leaves such as maternity leave. Not all Admin activities are captured in FJSD data so activities per FTE analysis is not included.

In the first year of the Model, JAC staff reported some issues related to the increased volume of clients due to the requirements of the Model, as well as changes in the nature of clients and the level and type of support required. They are now dealing with more clients with complex cases and situations, such as issues related to language, finances, mental health, substance misuse, disabilities, child protection, or family violence, as well as high conflict cases that are often exacerbated by these other issues. According to key informants, the additional time required to assist clients served under the Model due to the complexity of their situations has impacted the JACs ability to provide timely services to voluntary clients. However, a review of wait time data pre- and post-Model did not indicate an increase in the wait time for voluntary clients.²⁶

In the first year of operations, JAC staff also spent substantial time providing information and responding to questions of counsel and other stakeholders (e.g., community organizations) about the process. The demands for this type of assistance declined in the second year as stakeholders' understanding and experience with the Model grew.

With the increase in FJCs and the hiring of an additional administrative staff member, internal key informants reported that staffing concerns during its first year of operations had been handled. The administrative staff person now handles booking appointments for needs assessments, and drafts written agreements, consent orders, and memorandums based on templates and instructions provided, which the FJCs and CSO review.

Court Registry

In the first year of the Model's operations, the impact on Victoria Registry staff was primarily due to the comprehensive changes that occurred in 2019, including the Early Resolution process, other new court processes, and new forms. There was a recognized need to have an individual who can provide leadership, expertise, and oversight for the initial implementation of the Model by Registry staff.²⁷ Currently, CSB headquarters has a working group that provides advice and support, and there are Victoria Registry staff who are also helping fill that leadership role. In addition, now that the Model has existed for two years in Victoria, Registry staff are more comfortable with the changes. Future Early Resolution Registries will only have to become used to the new requirements that are specific to the Early Resolution process as the new Rules will already be in effect. As noted above, training materials specific to the Early Resolution Registries are being developed.

²⁶ Comparing pre- to post-Model, the number of weeks is the best comparator as the days counted differ between the two time periods (calendar versus business days). However, the definition used to count the number of days also differs pre-post. Given that the pre-Model period looks at the time to the first face-to-face meeting and the post-Model period looks at the time to the second available assessment appointment, the post-Model waiting period would be expected to be longer than pre-Model. Because the post-Model waiting period for voluntary clients is not substantially longer (i.e., one week), if at all, it would appear that the wait times pre- and post-Model are approximately comparable. ER-CM clients are expected to have shorter wait times, which they do, ranging from less than one week to just under two weeks. This was the case even after the pandemic began in March 2020, reflecting the ability of the JAC to maintain the timeliness of its services.

²⁷ The registry manager who had been involved in the development of the Model and was knowledgeable on the ER-CM process left shortly after initial implementation, which led to the void in decision-making authority.

There is, however, a need for more capacity at the family desk at times, which is not related specifically to the Model. To address this need, it was suggested that more staff receive cross-training so they can work at other desks (e.g., Registry staff at the small claims desk receive training so they can assist the family desk).

Use of family justice manager

The Rules enable the appointment of a family justice manager that could in the future be appointed under the *Provincial Court Act*. Family justice managers have authority to make decisions about certain procedural, case management, interim, and consent orders but would not have the full authority of a judge. Although no family justice managers have been appointed at this time, it is contemplated that someone with family law expertise other than a judge may be appointed in this role at a future date (something similar to a judicial justice).

The experience in Victoria was considered to be an opportunity to assess whether having a family justice manager conduct FMCs would have a beneficial impact on Provincial Court Judges' workload and increase their capacity to conduct hearings and trials. Appointing a family justice manager for the purposes of the initial implementation of the Model in Victoria was not an option as they would either be appointed as a judicial justice (who have 10 year terms) or other decision-maker under the *Provincial Court Act*. Consequently, in Victoria, judges conducted the FMCs. The decisions or orders they could not have made had they been operating under the proposed limited jurisdiction of a family justice manager were tracked (see Section 3.2.2). This provided an opportunity to test the limited jurisdiction of family justice managers that was being considered to help inform the jurisdiction and appointment of these judicial officers in the future.

Feedback from the first year of the Model's operation in Victoria was incorporated into the new Rules that came into effect in May 2021. Under the new Rules, a family justice manager, should one be appointed, would have the authority to make all interim orders, orders by consent (excluding guardianship), and a broad range of case management orders. Family justice managers are still unable to make an order that changes or cancels an existing order by a Provincial Court Judge.

Key informants representing the judiciary observed that there are key limitations in what a family justice manager can do and that the Model benefits from the involvement of judges. They noted that it is common for parties with existing orders to come back to court for some type of change (e.g., for child support or parenting time), and family justice managers still cannot make an order that would change or cancel a previous order made by a judge. Another observation is that parties often put more weight in the opinion of a judge, particularly their assessment of what might likely occur if the matter went to trial. Having the judge's input was thought to encourage parties to be more open to working towards resolution at the FMC.

The data collection conducted by CSB on the 220 FMCs that occurred in Victoria between November 14, 2019 and December 24, 2020²⁸ confirmed what key informants said. The FMCs were evenly divided between those that could have been conducted by a family justice manager (50%, n=111) and those that required Provincial Court Judge involvement (50%, n=109). Of

²⁸ No FMCs held between March 13 and May 6, 2020 due to the coronavirus pandemic.

those 109 cases that required a Provincial Court Judge, almost three quarters (74%, n=81) were for changing and/or suspending an existing order made by a judge, and just under one-quarter (23%, n=25) were for an interim guardianship order. The total duration of the 220 FMCs that were heard by Provincial Court Judges was 109 hours based on the actual duration time of each FMC. If a family justice manager originally heard these FMCs, the court clerks estimated that the FMCs would have required, in addition to the family justice manager time, 53 hours of Provincial Court Judge time to address matters beyond the authority of the family justice manager.

In short, the Year 2 experience in Victoria suggested that for that particular registry, FMCs benefit from being conducted by a Provincial Court Judge. It is possible that higher volume registries or registries without the Early Resolution requirement might have a different experience, but that has yet to be evaluated.

4.1.8 Flow of cases through the process

To determine if the Model is working as intended, the evaluation considered the flow of cases through the process. The Model is expected to have attrition points at certain steps in the process where parties may decide to explore options outside of the Early Resolution process or where one party does not engage with the process.

Progress of a sub-set of cases from the JAC to the Victoria Provincial Court Registry

To provide families with sufficient time to engage with the process, the evaluation considered a sub-set of cases where a Notice to Resolve was filed between August 1, 2019 and December 31, 2019 and then followed the activities on those cases at the JAC and at the court for 12 to 17 months until December 31, 2020. Figure 4 depicts the results described below.

For activities at the JAC, the results indicate engagement with the process. All of the percentages are based on the total number of families with a Notice to Resolve filed between August 1, 2019 and December 31, 2019 who had participated in the activity as of December 31, 2020.

- ▶ 80% of families had at least one person participate in an IND, which is not a required step in the process.
- ▶ 87% of families had at least one needs assessment with almost two thirds (65%) having both/all parties complete the needs assessment.
- ▶ 30% of families had CDR at the JAC.
- ▶ 48% of families requested a Confirmation of ER Requirements so that they could proceed to court.

While parties may still continue with the process after December 31, 2020, tracking them for this period of time (12 to 17 months) after the Notice to Resolve was filed supports the conclusion that potentially half of families that file a Notice to Resolve may not proceed to court.

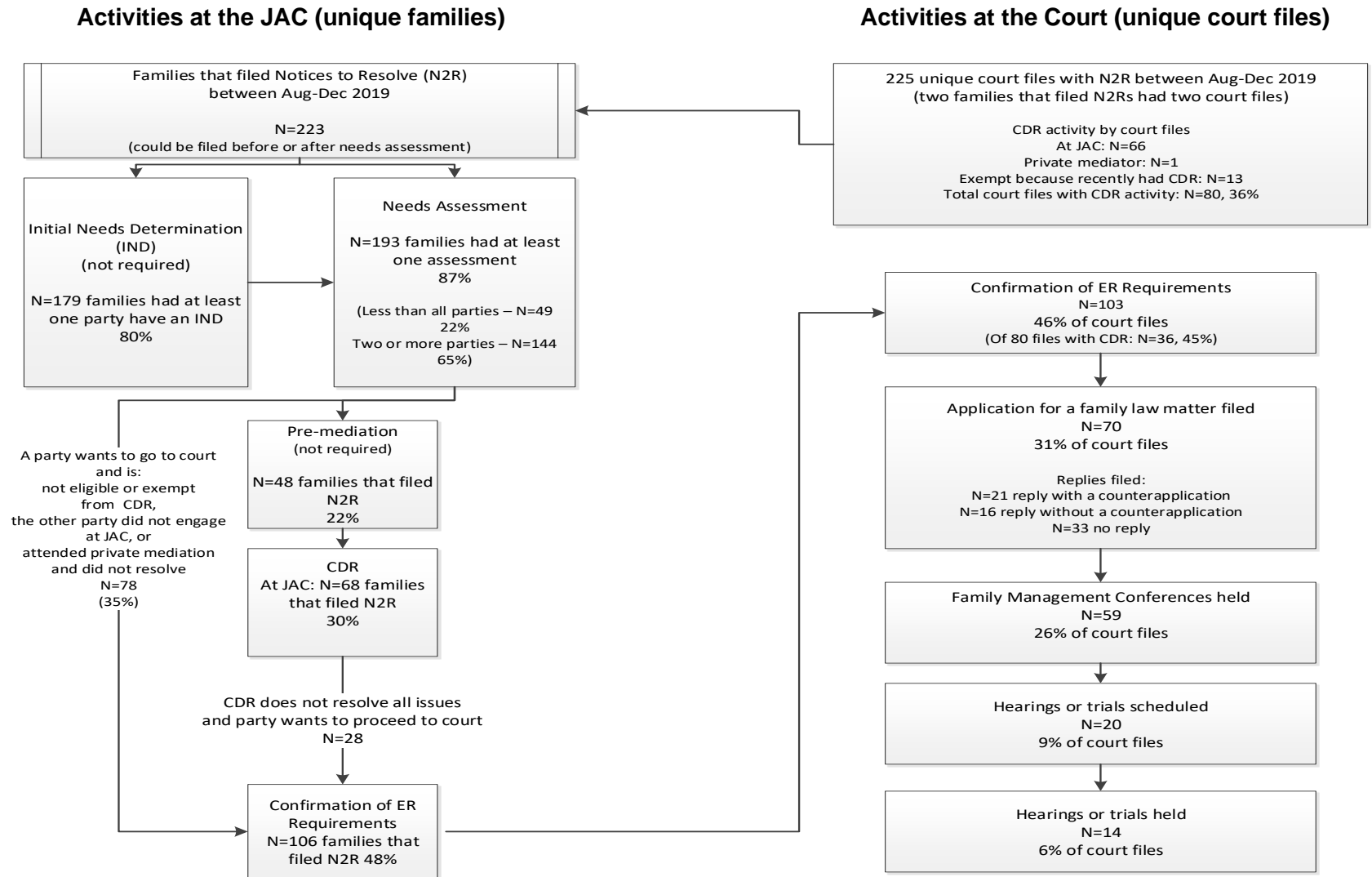
For activities at the court,²⁹ the results also show the impact of the Model in potentially diverting or resolving cases as the proportion of cases still engaged with the court declines with each further step in the process:

- ▶ 46% of cases indicating interest of the parties to continue from the JAC to Provincial Court by requesting a Confirmation of ER Requirements
- ▶ 31% filing an Application About a Family Law Matter
- ▶ 26% having an FMC
- ▶ 9% having a hearing or trial scheduled
- ▶ 6% having a hearing or trial

There is the possibility that some cases will continue further in the court process with a longer time period, but the results 12 to 17 months after the Notice to Resolve was filed show the Model's potential to divert or resolve cases.

²⁹ FJSD data on JAC activities is kept by unique families. For court activities, CSB data is kept by court files. The linked data in the sample do not completely align as two families had two court files, which is why in Figure 4 there are 223 unique families for the JAC activities and 225 unique court files for the court activities. The analysis was able to link CDR activities (mediation and facilitated negotiation) and Confirmation of ER Requirements to the court files, so that information is presented both ways – by unique family and unique court file.

Figure 4: Progress of family law cases with Notices to Resolve filed between August and December 2019 (activities tracked to December 2020)



Sources: FJSD data and CSB data linked to FJSD data

Of the families that filed a Notice to Resolve between August and December 2019 and had not yet proceeded to CDR by December 31, 2020, 39% potentially still could have CDR. The reasons for not proceeding to CDR are in Table 6.

Table 6: Reasons for not having CDR at the JAC, Notices to Resolve filed between August to December 2019 (FJSD data)	
Reasons	Families filing a Notice to Resolve and no CDR (n=155)
None (potentially could still proceed to mediation)	39%
CDR Not Completed: Lack of engagement by one party	26%
CDR Not Completed: Matters out of scope for FJSD services	15%
CDR Not Completed: Not appropriate	14%
CDR Not Completed: Unable to assess party	14%
DR Options Assessed: Mediation/shuttle mediation is not appropriate due to other reasons	7%
CDR Exempt: Recently completed CDR with FJSD staff	7%
DR Options Assessed: Mediation/shuttle mediation is not appropriate due to violence/safety concerns	5%
CDR Exempt: Recently completed CDR with private CDR professional, with confirmation	1%
CDR Not Completed: Parties intend to use private CDR professional	1%
Note: One family could have multiple reasons for not proceeding to CDR so the total could sum to more than 100%.	

4.1.9 Activity in Victoria Provincial Court Registry

The data analyzed for evaluation outcomes focusses on a sub-set of family court data, as discussed in Section 3.2.1. To provide more context on court activity during the time period used by the evaluation (August 1, 2019 to December 31, 2020), the evaluation also considered volume data, unlinked to FJSD data. Table 7 provides volume data for applications in the PPM/PO stream and, for the Early Resolution stream, the Notices to Resolve filed.³⁰ In addition, the table shows the number of requests for exemptions from CDR,³¹ the number of Applications for Family Law Matters and Replies filed, and the number of FMCs that occurred.

Table 7: Family law case activity in Victoria Provincial Court Registry from August 1, 2019 to December 31, 2020 (CSB data)	
Protection orders and Priority Parenting Matters stream	#
Applications about a Protection Order	94
Applications about a Priority Parenting Matter	90
Early Resolution stream	
Notices to Resolve filed	540
Requests for exemptions to CDR ³⁰	234
Applications about a Family Law Matter filed	228
Replies filed without a counter-application	54
Replies filed with a counter-application	68
Replies to a counter-application	21
FMCs that took place	305
Source: CSB data, unlinked to FJSD data	

³⁰ Note that the Victoria Provincial Court Registry suspended regular court operations to non-urgent family matters and filings due to the pandemic as of March 18, 2020.

³¹ Due to the complexity of the analysis required to accurately determine if the exemptions were granted, CSB data on the decisions regarding the exemptions were not available for the analysis.

4.2 Progress towards expected outcomes

This section presents findings of the Model’s progress towards its expected outcomes.

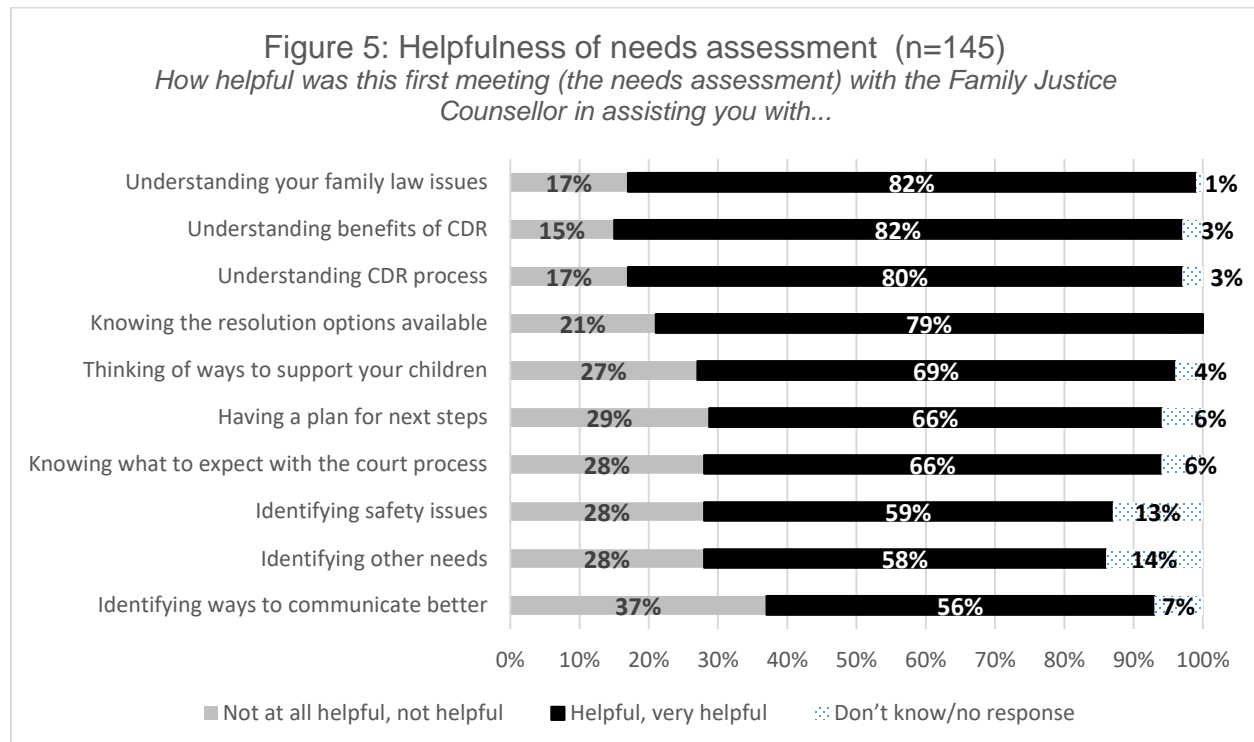
4.2.1 Parties’ understanding of the family justice process and preparation for next steps

Improved understanding

The evaluation found that the Model has helped parties to understand their legal issues, the family justice process, and available resolution options. While FJSD key informants were the most positive, both internal and some external key informants commented that the Model had been beneficial to parties and their understanding of the process due to the increased contact and touchpoints with the JAC.

A key touchpoint with the JAC is the needs assessment, which is required under the Model. During the needs assessment, the FJC will conduct an in-depth assessment of each individual’s circumstances, help them identify their legal issues, provide information and referrals, and explain the family law process, including, if appropriate, CDR. Based on the client survey, clients report that the needs assessment at the JAC has been helpful to them in a number of ways, as shown in Figure 5.

- ▶ Over three quarters of respondents indicated that the needs assessment was helpful or very helpful in assisting them with understanding their family law issues, the benefits of mediation, the mediation process itself, and what options are available to them.
- ▶ In addition, about two thirds considered it helpful or very helpful in assisting them with thinking of ways to support their children, knowing what to expect with the court process, and having a plan for next steps.



Source: Client survey

Survey responses indicated some potential areas for improvement in needs assessments. In particular, as shown in Figure 5, needs assessments were less helpful in assisting clients with identifying ways to communicate better, other needs they may have, or their safety issues, although even for these three areas a majority of respondents found needs assessments to be helpful or very helpful. In addition, the clients who indicated that any of the above areas in Figure 5 were not at all helpful or not helpful (n=76) most commonly said that it was because they did not get the information they need or that it was too generic to address their needs (32%). Other reasons given included that the entire process was a waste of time, as nothing was resolved (12%), that they thought the FJC was not fair or impartial (11%), or that the other party did not participate (9%). See Table 8 for complete results.

Reasons	n=76	%
Did not address needs/information needed not provided/too generic	24	32%
Nothing happened/did not resolve anything/waste of time	9	12%
Not fair/impartial	8	11%
Other party would not participate	7	9%
Did not understand or prioritize safety issues	5	7%
Created delays/did not hear from JAC	5	7%
Not supportive	5	7%
Issues were outside the scope of the Early Resolution process	5	7%
Repeated information or steps already taken/slowed process down	4	5%
Escalated rather than de-escalated situation	3	4%
JAC staff not careful/prepared/bad advice (did not read documents, listen)	3	4%
Inconsistent information from different people in justice system	1	1%
Other	13	17%
Don't know	6	8%

Note: Respondents could provide more than one answer; totals sum to more than 100%.

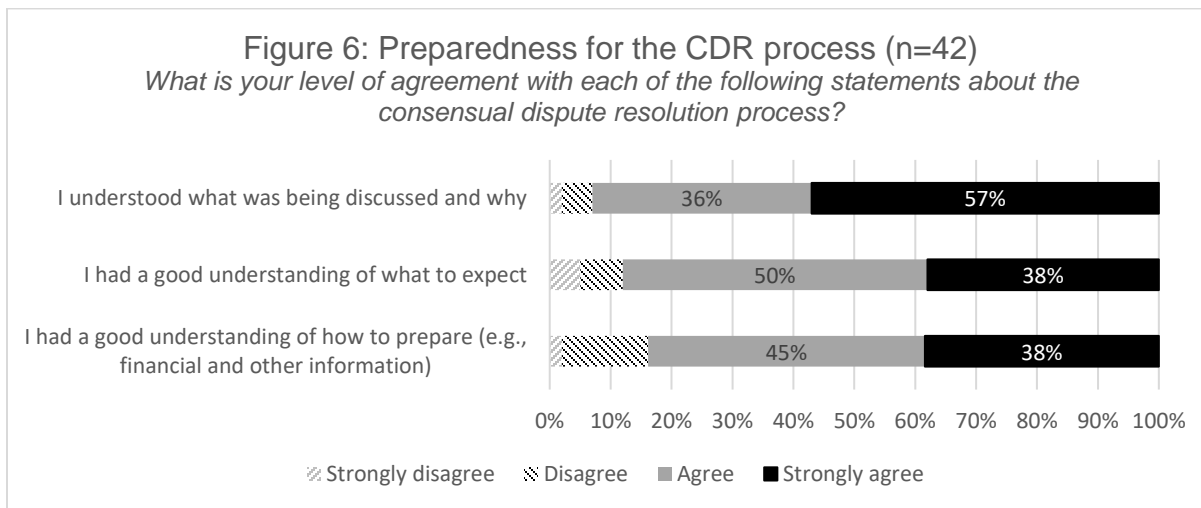
A few internal key informants commented that a change in their approach to information-sharing and referrals due to working virtually during the pandemic is more time-consuming but results in more tailored support. Rather than providing more general information in brochures or the resource room at the JAC, they are emailing clients links to relevant information and resources specifically intended to address issues that arose during the needs assessment.

Preparation for next steps

Most internal key informants and a few external key informants said that the assistance received at the JAC and from family duty counsel prepares parties for the next steps, including for CDR and the FMC.

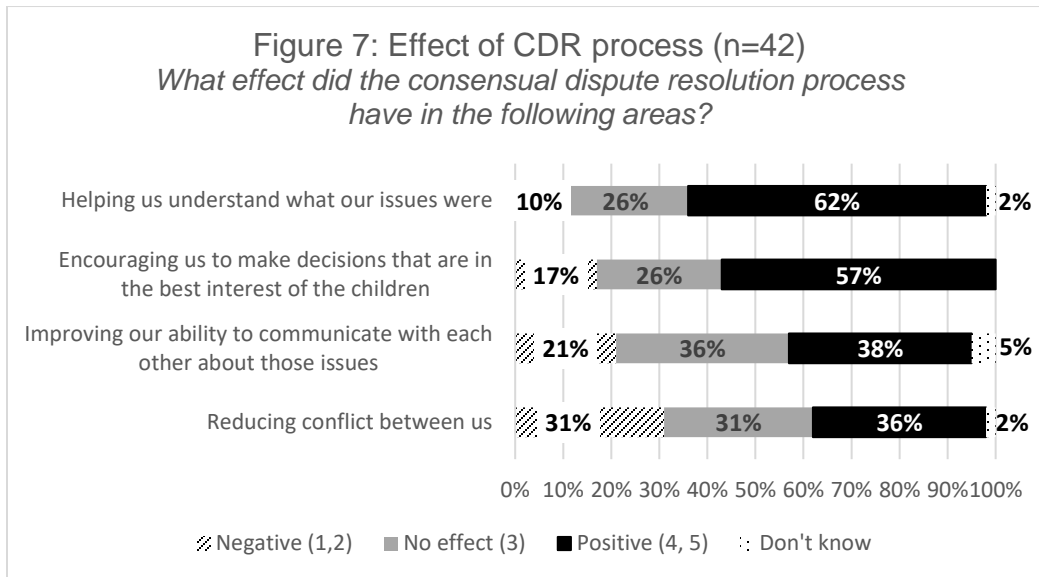
CDR

Most clients who had CDR believed that they were prepared for that next step in the process, which indicates the positive impact of the Model’s work in providing information and assistance. At least four fifths of clients knew how to prepare for CDR, what to expect, and the process as it occurred. See Figure 6.



Source: Client survey

CDR’s impact in assisting clients so that they are in the best position for resolving their family matters in a respectful and collaborative way that is centred on the best interest of the children is shown in Figure 7. The ability of CDR to help parties understand what their issues are and to encourage them to focus on the best interest of their children is viewed positively by most clients. However, fewer clients consider CDR to have a positive impact in improving the parties’ communication and reducing conflict.



Source: Client survey

Court

Survey findings provide some evidence that clients who have received services at the JAC (CDR or assessments only) are prepared for court. While few client survey respondents had completed an FMC (n=12), most of them strongly agreed that they had a good understanding of what to expect at the FMC (n=9), how to prepare for the FMC (e.g., financial and other information) (n=10), and generally felt well-prepared for the FMC (n=8).³² Internal and some external key informants who could comment on the court process reported that parties appearing at FMCs have been better prepared: they demonstrate an awareness and understanding of the family law terminology; they have their documentation, including financial documentation in order; and they are also ready, if possible, to try to resolve issues at the FMC. That being said, a few external key informants pointed out that self-represented parties still struggle, often using the wrong forms or coming to court ill-prepared for handling their matter on their own.

Another measure of the preparedness of parties is whether a scheduled appearance is adjourned because one or both parties are not prepared for the scheduled appearance. The information collected by court clerks on all FMCs conducted in Victoria between November 14, 2019 and December 24, 2020 (whether or not related to the Model) also considered preparedness of parties. Of the 220 FMCs that occurred during this time period, adjournments occurred due to lack of preparation in only eight of the FMCs (4%). In addition, as shown in Figure 5 above, two

³² These results are based on a small sample size and should be treated with caution as they are not generalizable.

thirds of survey respondents consider the needs assessment at the JAC to have assisted them with having a plan for next steps.

Comparisons to pre-Model Victoria and the comparison court locations confirm that the Model is improving parties' preparation by reducing the number of adjournments. Using a definition for adjournments that was intended to capture those where parties were not prepared to go forward,³³ the evaluation also found that the ER-CM Model has contributed to reducing the total number of adjournments by 71% in Victoria, compared to substantial increases in Kamloops and Nanaimo, and that result is statistically significant. In addition, adjournments per new family law case show that relevant summary statistics (average, median, and maximum issues per case) decreased in Victoria between 2017 (pre-Model) and 2019 (post-Model). The same summary statistics either remained unchanged or increased in the same time period in the comparison court locations of Kamloops and Nanaimo.

Table 9: Adjournments in new family law cases, pre- and post-Model Victoria and comparison locations (CSB data)

Location	Total # cases with adjournments	Number of adjournments					
		Total # of adjournments	% change in total # of adj.	Average per case	Median per case	Minimum per case	Maximum per case
August 2017 to December 2017 (Pre-Model in Victoria)							
Victoria	58	128	--	2.2	2.0	1	9
Kamloops	31	46	--	1.5	1.0	1	3
Nanaimo	24	35	--	1.5	1.0	1	5
August 2019 to December 2019 (Post-Model in Victoria)							
Victoria	23	37	-71%	1.6	1.0	1	5
Kamloops	33	68	+48%	2.1	1.0	1	7
Nanaimo	32	57	+63%	1.8	1.0	1	5

Source: CSB data, not linked to FJSD data

Date ranges are for the filing of the initiating document under the new case definition. Activities on the cases are tracked to December 31 of the following year.

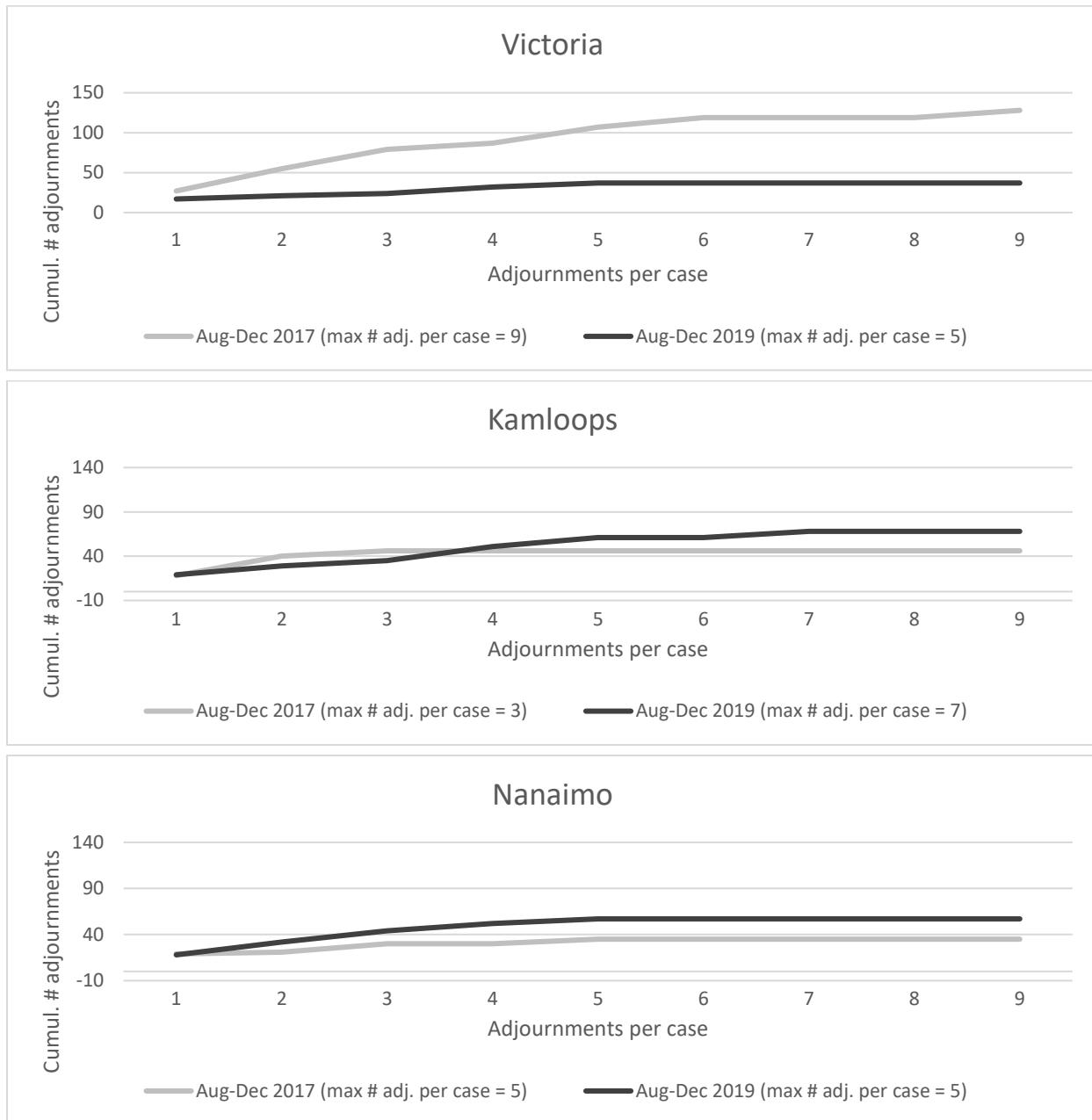
Note: This analysis focusses on the appearances with the following appearance reasons: First Appearance (FA), Subsequent/Second appearance (SA), and Application (APP). Counts reflect the number of FAs, SAs, and APPs that were adjourned, and another FA, SA, or APP appearance was scheduled at a later date. An FA, SA, or APP is considered to be adjourned if one of the following scenarios occur: the appearance was adjourned or cancelled in advance of the appearance, the appearance duration was zero minutes, or the appearance had at least one appearance result and at least one appearance issue result indicating adjournment.

The differences in the cumulative number of adjournments when comparing the two time periods for the three court locations are substantial. Among the three courts, Victoria is the only one at which the numbers dropped substantially between the two time periods. For both Kamloops and Nanaimo, the progression is switched – the number of adjournments rose (although in Kamloops, the small increase is not easily discernible), as shown in Figure 8. Effect size comparisons utilizing Cohen's *d* formulas confirm statistically what the figures are showing: the ER-CM Model has had a significant impact on numbers of adjournments per case.³⁴

³³ This analysis was complex, as adjournments can occur for many reasons that are unconnected to parties' lack of preparedness. For this reason, only certain types of appearances were used, and the data includes adjournments based on a definition that was developed to try to capture adjournments due to lack of preparedness. The note in Table 9 describes this in more detail.

³⁴ See Appendix C for a detailed description of the method used and the results.

Figure 8: Cumulative total³⁵ number of adjournments for new family law cases, by location and time period³⁶



Source: CSB data, unlinked to FJSD data

³⁵ Cumulative value graphs display the running totals (or "number so far") of the variable under observation, which, in Figure 8, is the number of adjournments measured by adjournment frequency per case for each time period presented by location. The gap between the 2017 and 2019 lines is the difference between the running totals. The running total approaches the final total as the lines move along the x-axis, and the last value before the graph flattens is always equal to the total for all observations. For example, in Victoria post-Model, zero cases have greater than five adjournments per case. (So five is the maximum number of adjournments for any individual case in Victoria post-Model.) This means the line showing Aug-Dec 2019 in the Victoria graph flattens and stays flat on the x-axis past five adjournments per case.

³⁶ Date ranges are for the filing of the initiating document under the new case definition. Activities on the cases are tracked to December 31 of the following year.

4.2.2 Early and appropriate responses to meet family needs

The evaluation found that the Model is generally providing early and appropriate responses to meet family needs, although there are potential issues with timeliness.

PPM/PO process

The PPM/PO process provides mechanisms for parties to obtain a hearing on their issue quickly. Depending on the nature of the parties' situation, the PPM/PO hearing can proceed with at least seven days' notice to the other party, or a party can request the court to allow the hearing to proceed with less than seven days' notice. In addition, if there is the potential for serious consequences to a party if notice to the other party is required (e.g., imminent harm or danger), the notice requirement can be waived by the court and the application heard in court on the same day it is filed. Table 10 provides results on PPM/PO cases in the Victoria Provincial Court Registry by type of notice required.

Case type	Notice required	#	%
Application About a Priority Parenting Matter	Less than 7 days' notice to the other party	23	26%
	At least 7 days' notice to the other party	36	40%
	Without notice to the other party	31	34%
	Total	90	100%
Application About a Protection Order	Less than 7 days' notice to the other party	9	10%
	At least 7 days' notice to the other party	29	31%
	Without notice to the other party	56	60%
	Total	94	100%

Note: CSB and FJSD data are not linked.

Key informants believe that the PO process is generally working as well as it did before the Model and that parties are getting into court quickly on those matters. Table 11 supports this view, as in Victoria post-Model, the PO applications without notice proceed the same day, and PO applications with notice have their first court appearance related to the PO within 11.8 days on average. The results for Victoria pre-Model and the comparison court locations data include both cases with same-day appearances and those with appearances that occur at a later date, but PO applications with and without notice cannot easily be separated. Based on the results for Victoria, PO applications are having a first appearance related to the PO earlier post-Model than prior to the Model. When comparing the PO applications with notice in post-Model to the pre-Model period, the time to first appearance is reduced by over 10 days.

Table 11: Number of days from time of filing an application for a PO to first appearance related to PO, pre- and post-Model, Victoria and comparison locations (CSB data)					
Location	Total PO cases with PO-related appearance	Mean number of days	Median number of days	Minimum number of days	Maximum number of days
Pre-Model (August 2017 to December 2017)					
Victoria	26	22.2	0	0	197
Kamloops	25	19.9	2	0	204
Nanaimo	30	37.8	1	0	445
Post-Model (August 2019 to December 2019)					
Victoria (With notice)	12	11.8	13	0	24
Victoria (Without notice)	19	0	0	0	0
Kamloops	22	9.9	5	0	61
Nanaimo	31	32.8	5	0	231

Source: CSB data, unlinked to FJSD data
 Date ranges are for the filing of the PO application. Activities on the cases are tracked to December 31 of the following year.
 Note: Victoria with and without notice cannot be combined, as this could result in double-counting. Some case have both types of applications.

The main concern expressed was related to the limitation in the types of matters defined as PPMs, which was considered too restrictive, as discussed in Section 4.1.3.

Assistance at the JAC

One aspect of the Model that provides early and appropriate responses for parties with family law matters is to direct them to the JAC, where they can get services and referrals.

The appropriateness of the JAC services to meet client needs is reflected in their satisfaction with JAC services.³⁷ Most clients surveyed (66%, n=96) reported that they were satisfied or very satisfied with the help and support they received from the JAC. See Table 12. Among those who said they were satisfied, the most-cited reasons for their satisfaction included knowledgeable staff (28%, n=40) and staff's supportive/non-judgemental attitude (15%, n=21). Those who were not satisfied were primarily dissatisfied with the results (13%, n=19), including that the other party remained uncooperative (11%, n=15).³⁸

Overall, how satisfied were you with the help and support you received from the Justice Access Centre?	All respondents (n=145)	
	#	%
Very satisfied	50	35%
Satisfied	46	32%
Not satisfied	19	13%
Very unsatisfied	28	19%
Don't know	2	1%

Note: Column percentages may not sum to 100% due to rounding.

In addition, the survey results indicate substantial support for the Model's key features. As shown in Table 13, over four fifths of respondents not only agree that a needs assessment and CDR are *helpful* for people with family law issues but that those with family law issues should be *required* to attend a needs assessment and CDR, where appropriate.

To what extent do you agree that it is <i>helpful</i> for people with family law issues to have the following services?*	All respondents (n=145)							
	Strongly agree		Agree		Disagree		Strongly disagree	
	#	%	#	%	#	%	#	%
A needs assessment conducted by a Family Justice Counsellor	74	51%	46	32%	13	9%	4	3%
Consensual dispute resolution, when appropriate	71	49%	57	39%	5	3%	4	3%
To what extent do you agree with the following services being <i>required</i> for people with family law issues?***								
A needs assessment conducted by a Family Justice Counsellor	73	50%	48	33%	13	9%	6	4%
Consensual dispute resolution, when appropriate	64	44%	62	43%	9	6%	6	4%

Note: "Don't know" is not shown but is included in the percentage calculations.
 *6% responded "Don't know" or provided no response (n=8).
 ***3-4% responded "Don't know" or provided no response (n=4-5).

³⁷ See also Section 4.2.1 for other dimensions of client satisfaction with JAC services.

³⁸ Survey respondents indicating a satisfaction level (n=67) were asked to explain why they were satisfied or unsatisfied, so the percentages reported are out of 67 rather than 68 respondents. This open-ended question was coded, and respondents could provide more than one reason for their satisfaction level.

Types and helpfulness of referrals

As noted above, a key indicator of appropriate and early responses to family needs is the number and type of referrals provided by the JAC to assist families with their family law issues and other issues that can impact the family. The data on referrals indicates that, under the Model, the JAC has substantially increased the number of referrals that it provides its clients. The number of referrals has increased more than two-fold: from 510 referrals in the pre-Model time period to 1,260 referrals post-Model. This increase in referrals aligns with the increase in families served under the Model (see Section 4.1.6). As Table 14 shows, the variety of referrals is similar between the pre- and post-Model time periods, with one notable difference being the greater proportion of referrals to Provincial Court during the post-Model period. Referrals to non-legal services are still the minority of referrals, which is noteworthy given the key informant comments on how some ER-CM clients are higher needs than the voluntary clients, as well as the desire of JAC staff for referral options for clients with mental health and addictions issues in particular. However, it could be the case that many of these clients are already receiving some of these non-legal services and do not require a referral.

Table 14: Referrals by JAC to other services, family law cases only (FJSD documents)				
Type of referrals	# of families receiving referrals			
	Aug 2017- Dec 2018	Aug 2019-Dec 2020		
	Pre-Model	ER-CM Model	Outside Model	Post-Model Total
Provincial Court	21	54	233	287
Advice Lawyer Program (expanded duty counsel co-located at the JAC)	106	44	205	249
Legal resources (websites, publications, or other)	91	36	154	190
Parenting after Separation (including online and online for Indigenous families)	92	39	89	128
Supreme Court	2	1	80	81
Adult counselling services	57	17	38	55
Legal aid	3	4	46	50
Legal advice (private lawyer resources)	10	17	32	49
Mediate BC roster	3	1	21	22
Community Family Services Agency	33	7	14	21
Family Maintenance Enforcement Program	3	3	15	18
Children Who Witness Abuse	9	2	15	17
Child counselling services	8	4	11	15
Ministry of Children and Families	10	1	9	10
Transition house	8	2	7	9
Legal advice program (pro bono – off site)	3	1	7	8
Self-help resource room at JAC	11	2	5	7
Canada Revenue Agency	4	1	6	7
Legal advice program (pro bono – on site)	5	0	3	3
Alcohol and drug agencies	6	2	4	6
Police force	1	0	5	5
Children's website	0	2	3	5
University of Victoria Law Centre	0	0	3	3
Parent Education	3	1	0	1
Interjurisdictional support order website	3	0	1	1
Credit/debt/financial counselling or advice	13	0	0	0
Other	5	1	12	13
Total	510	242	1018	1260

Source: FJSD Refer to Report. Excluded referrals to JAC staff (i.e., FJCs, CSOs, JIs).

Note: Some August 2019 to December 2020 clients may have received referrals before they filed a Notice to Resolve and are technically receiving services under the Model, while others may not be part of the Model because their matter may fall under the previous Rules. While the referrals are reported on by whether they are clearly identified as part of the Model or not, the best comparison is the post-Model total to the pre-Model time period.

The majority of client survey respondents were provided with referrals (61%, n=89). While just over one quarter reported not receiving referrals, there is no expectation that all clients will need referrals. Similar to the results in Table 14, most referrals were to legal service providers for legal advice or to online or print resources. See Table 15 for results.

<i>Did the Family Justice Counsellor refer you to other individuals, organizations, or resources?</i>	All respondents (n=145)	
	#	%
Yes, to legal service providers for legal advice	74	51%
Yes, to online or print resources	37	26%
Yes, to community services to help you with other needs	21	15%
No referrals were provided	41	28%
Don't know/can't recall	15	10%

Note: Respondents could provide more than one answer; totals may sum to more than 100%.

Based on survey results, most respondents who received referrals followed up on them (82%, n=73) or plan to (8%, n=4). The referrals appear to be appropriate. In terms of helpfulness, most respondents who used the referrals (n=73) considered the referrals to be very helpful or helpful (82%, n=60). One sixth (16%, n=12) did not consider them to be helpful, and one did not provide an opinion.

Responsiveness in meeting safety needs

Overall, the Model appears to be responsive in meeting clients' safety needs. The determination about the appropriateness of CDR considers various aspects of each party's ability to participate fully and fairly in the CDR process (see description of Step 4 in Section 2.1.1). Where family violence has been identified, a party's desire to participate in the process also informs that determination. In addition, assessing the clients' situations for safety as well as the appropriateness of CDR continues throughout the Early Resolution process — in the needs assessment, pre-mediation, and CDR — to ensure a prompt response to any changes or issues that emerge. This includes planning for the time leading up to any CDR session(s), design/format of mediation session(s), as well as plans and support following CDR.

FJSD has also conducted work to ensure that the Model is being responsive to safety issues. FJSD representatives participate in the Victoria Violence Against Women in Relationships Committee and use that feedback to improve practices at the Victoria JAC. In addition, the assessment tool and guide used by FJCs for conducting needs assessments has undergone a review, which included a review of research and other jurisdictions' assessment tools used in mediation. This has resulted in updates to the user guide and recommendations for how to improve the needs assessment questionnaire to reflect current best practices and support a trauma informed approach. Further work is being done to determine how to best support FJCs in determining the appropriateness of CDR, and resource materials are currently in development. External key informants with expertise in this area complimented FJSD's approach to the needs assessment.

FJSD is exploring additional training opportunities for JAC staff that relate to family violence and CDR.³⁹ The evaluation found that there is an interest in more training related to family violence and other issues, such as addictions and mental health. The type of training that might be most useful considers how these issues have impacts beyond the CDR session(s), as the determination of appropriateness of CDR needs to consider this broader context. For that reason, it was suggested that having professionals in these areas to whom FJCs and CSOs can refer clients and consult themselves would be useful. Concern was expressed by some internal and external key informants that the Model had led to a culture where attempting CDR in most contexts was encouraged or even expected.

Some external key informants raised concerns that, in some cases, CDR is encouraged when there are specific safety, power imbalance, or coercive control issues that should cause the case to be screened out of CDR, even shuttle mediation. Specifically, there were concerns that the Model does not adequately consider the possible impacts on the parties outside of the CDR session(s) and that FJCs are misidentifying coercive control situations as high conflict. Upon a review of the assessment tool, while the introduction of the family violence section provides context and discusses recent literature on the expansion of family violence to include power/control dominated abuse, the series of questions that follow focus primarily on physical abuse. Although the tool includes questions intended to gather information about power and control dynamics, these questions are not as explicit as those related to physical abuse. However, internal key informants reported that other, non-physical forms of abuse are explored with the parties and considered through the needs assessment to inform determinations about the appropriateness of CDR. Also, as noted above, the assessment tool is currently undergoing a review.

The client survey results indicate that the Victoria JAC is being responsive to clients' safety concerns. Over four fifths of clients surveyed (84%, n=122) reported that they were asked about their safety concerns during their needs assessment.⁴⁰ Most of those clients (80%, n=97) believe that the FJC understood their safety concerns, and, of those who did not feel that their concerns were understood (16%, n=19), the most common response was that FJCs need a more nuanced approach that better considers mental abuse and demonstrates more sensitivity to the clients' situations. As previously shown in Figure 5, a majority of clients surveyed believe that the needs assessment helped them identify their safety issues.

In terms of FMCs and safety, no safety issues were identified. As discussed in Section 4.1.1, the pandemic caused FMCs to be stopped for approximately two months, and they continue to be handled by audio or video-conference. It was noted that, for some parties with safety concerns, being able to participate from their home or another familiar setting rather than in the physical presence of the other party has worked well. Only 12 clients surveyed had an FMC, and all but one reported that they felt safe.

³⁹ The evaluation does not address the training received by private family dispute resolution professionals or how they handle family violence situations.

⁴⁰ The remaining respondents were evenly divided between those who reported that they were not asked about safety concerns and those who could not recall (8%, n=12 for each).

Timeliness of the Model

The Model is intended to result in more timely resolution of family law matters. This outcome measure proved difficult to measure accurately. The timeliness of the Model should be based not only on when certain stages in the process occur but also on the time required to resolve the issues or other meaningful progress on a case. There were methodological limitations in being able to do this, so the discussion below focusses more on the steps, which is an incomplete approach to determining the timeliness to resolution.⁴¹

Key informants commented on the Model's impact on the ability of clients to achieve a timely resolution of their matters. The Early Resolution stage at the JAC has experienced some challenges as described by key informants. In particular:

- ▶ The volume of clients coming to the JAC has increased workload, plus the complexity of clients' situations requires JAC staff to provide more support throughout the process, resulting in service that takes longer than it did in the past with voluntary clients.
- ▶ FJCs can experience challenges with engaging the second party in the Early Resolution process, which can stall the process and create frustrations for clients and their lawyers. As shown in Figure 4 in Section 4.1.8, the proportion of second parties engaging in the needs assessment stage is 65%, although this statistic does not address the time required to engage the second party. Internal key informants commented that the new administrative staff person handles these communications now, which means that the approach to scheduling and follow-up is more consistent.
- ▶ There is a risk that some clients may consider the process too slow or too onerous and may abandon their matter or seek other methods to resolve it outside of the ER-CM Model. There has been no confirmation of the volume of parties who hold these views and take such actions through this evaluation.

In addition, over half of the clients surveyed who had participated in the CDR process indicated that the process (from the first time they went to the JAC to the completion of CDR) took at least eight weeks to complete (55% n=23 of 42). Similarly, half of clients did not consider the amount of time required for CDR to be reasonable (n=21 of 42).

⁴¹ An assessment of the timeliness of the Model should not only consider when certain stages in the process occur but also the time required to resolve the issues or other meaningful progress on a case. For example, looking solely at the time from filing an initiating document to first appearance does not take into account the differences between first appearances on family list day compared to first appearances that are FMCs where interim orders are more likely to be made. In addition, the resolution of issues is difficult to determine in family law cases given that there are changes to orders as circumstances change, for example. The determination of how to measure timeliness so that CSB might be able to provide accurate statistics is a complicated endeavour. As a result, the timeliness measure used in this evaluation is limited to the time to the next stage in the process. The ability to determine a more refined measure of timeliness will need to be considered in future evaluations.

The time to complete the Early Resolution process is primarily party driven. Delays in the process tend to involve the amount of time spent attempting to connect with the second party and schedule the needs assessment and/or CDR session(s). More time may be required due to legitimate issues related to the availability of the second party but can also be attempts to stall or manipulate the process. Currently, the JAC tries to accommodate both parties' schedules for needs assessment, but if the second party does not respond (within approximately two weeks), the first party will be given the option to continue waiting or have a Confirmation of ER Requirements forwarded to the court registry so they can proceed to court.⁴² If either party appears to be intentionally slowing the process by cancelling appointments, wanting the appointments set months in the future, etc., the JAC will remind them that this is a court process and timelines must be reasonable. When these situations arise, the JAC will give the other party the option of getting a Confirmation of ER Requirements to proceed.

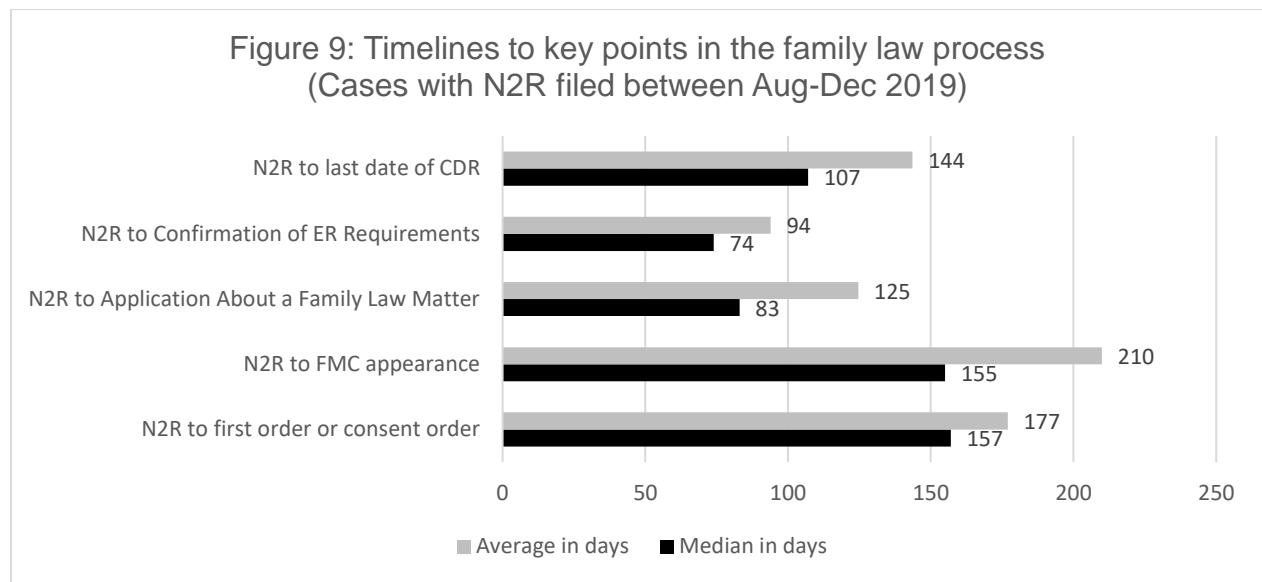
A potential method for shortening the timelines that was suggested by a few key informants was not requiring that the JAC attempt to assess both parties when, after assessing the first party, the FJCs know that CDR is not appropriate. In these circumstances, the first party could be given a Confirmation of ER Requirements after their assessment. The downside of this approach is that, while it moves a case along at the front end, it may actually shift the delay to the court process by not providing an opportunity for the other party to receive the benefits from the needs assessment. Increased preparedness, supported by the needs assessment, helps to better identify the issues to be resolved by the court and to avoid future delays, such as adjournments for the other party to complete requirements to file a reply or prepare and provide their financial information.

Another issue related to timeliness was raised by some external key informants who noted that it can take months for the Early Resolution process to be completed. They described situations with parties going to multiple CDR sessions, which, in the end, may have little to no resolution and results in the parties still needing to go to court. According to these external key informants, parties are not aware that they can end CDR after the one required session or do not feel empowered to do so when they are being encouraged to continue by the FJC/CSO. In contrast, internal key informants stated that they leave the decision on whether to continue with CDR to the parties, and if either party does not want to continue, a Confirmation of ER Requirements will be provided. Given that this is a different client group from the voluntary clients who may be in more vulnerable situations or have higher needs, clear messaging regarding the CDR requirement is essential.

⁴² After giving the party a reasonable time to engage, the FJCs or CSOs will consult with the initiating party and provide them the option to proceed with the court process. Initiating parties may wish to wait for the second party to engage to attempt the CDR process. There are guidelines for approaching these situations. However, given the diversity of circumstances, final decisions are left to the discretion of the FJCs and CSOs along with their local manager.

Based on current data, most families who attended CDR (59%) engaged in one CDR session. Approximately one fifth (21%) engaged in two sessions, with the remaining families (21%) attending three to five sessions.⁴³

The time from the filing of a Notice to Resolve to various key points in the family law process shows the length of time that it can take to move through the process (see Figure 9). The Notice to Resolve is an indication that the parties have a family law issue that they are unable to address on their own and want to pursue in court. The time from filing a Notice to Resolve to filing an Application About a Family Law Matter averages 125 days, with half the cases taking less than 83 days. This includes parties who had CDR and those who were exempt or not eligible. For parties who are eligible and attend CDR, it is taking, on average, 144 days from the filing of a Notice to Resolve for cases to complete CDR, with half of the cases completing CDR in less than 107 days. As noted above, the process is primarily party driven, as time is required to connect with the second party and schedule the needs assessment and/or CDR session(s). In addition, the time between the Confirmation of ER Requirements and the Application About a Family Law Matter is entirely party driven, as a party must both request the Confirmation of ER Requirements and file the Application.



Source: CSB data linked to FJSD data

⁴³ This analysis is based on the families with a Notice to Resolve filed between August 1 and December 31, 2019, with activities tracked up to December 31, 2020.

4.2.3 Ability of the Model to narrow or resolve issues

The Model allows the parties to have more opportunities for dialogue with JAC staff to assist them in identifying issues, as well as dialogue with each other through CDR, when appropriate, and at the FMC. This has resulted in narrowing or resolving issues.

Increase in the use of CDR

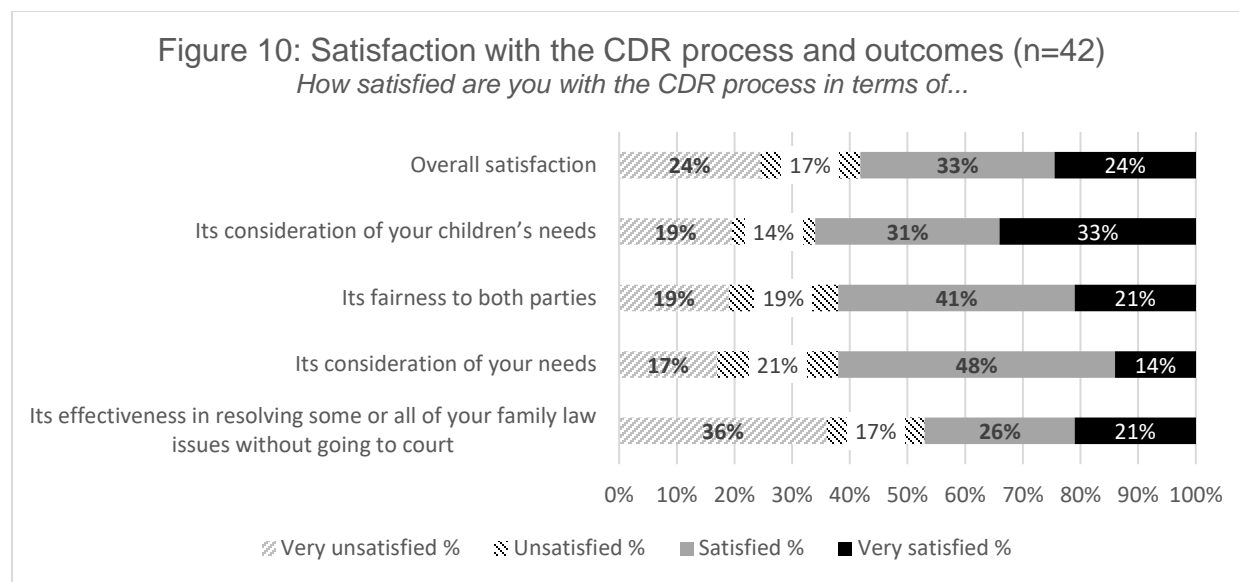
The Model has increased the use of CDR in Victoria, which is expected to help achieve the desired outcomes for the Model. Administrative data show that the Model has resulted in a 30% overall increase in the number of CDR sessions (mediations or facilitated negotiations) at the JAC, which rose from 658 CDR sessions in the pre-Model period (August 1, 2017 to December 31, 2018) to 857 CDR sessions in the post-Model period (August 1, 2019 to December 31, 2020). There is also a slight increase in the proportion of clients and families who have participated in a CDR activity at the JAC. See Table 16.

Table 16: Number of unique clients/families using CDR at the Victoria JAC pre-post Model comparison (FJSD data)						
	Pre-Model (Aug 2017-Dec 2018)			Post-Model (Aug 2019-Dec 2020)		
	N	#	%	N	#	%
Clients	2705	678	25%	3478	940	27%
Families	1914	336	18%	2303	459	20%

Note: The N is the total number of unique clients and families in the dataset that have any activities between the above dates. The # and % are based on the number of unique clients and families that had either a mediation or facilitated negotiation at the JAC during those time periods. The post-Model data, therefore, includes clients and families receiving services as part of the Model or outside of the Model.

Effectiveness of CDR

The majority of clients were generally satisfied with the CDR process in terms of their overall experience. In addition, clients responded favourably to how well the CDR process considered their children’s needs, their own needs, and its fairness to both parties. Clients were more dissatisfied than satisfied with the CDR process when it came to its effectiveness in resolving their issues. See Figure 10.



Source: Client survey

Reduction in the number of issues

Outcomes of CDRs at the JAC indicate that the proportion of CDRs that result in all issues being settled is lower under the Model, while the proportion of cases with at least some issues settling is slightly higher. Overall, 82% of CDRs during the pre-Model period result in some or all of the issues being resolved compared to 70% of CDRs occurring during the post-Model period. This decline is not unexpected given the entirely voluntary participation in mediation pre-Model compared to the addition of required participation post-Model.

Outcomes	Aug 2017-Dec 2018		Aug 2019-Dec 2020					
	Pre-Model		ER-CM Model		Outside Model		Post-Model Total	
	#	%	#	%	#	%	#	%
All issues settled	161	52%	43	28%	118	43%	161	38%
Some issues settled	90	29%	53	35%	88	32%	141	33%
No issues settled	45	15%	50	33%	59	21%	109	25%
Unknown	11	4%	7	5%	11	4%	18	4%
Total	307	100%	153	100%	276	100%	429	100%

Note: CDR count includes all types of mediation as well as facilitated negotiation. Only those CDRs that occurred and had a service outcome date between the above dates are included.

While the above data on outcomes focusses on CDRs at the JAC, overall, the court data show that the Model is reducing the number of issues in cases that proceed to court. The total number of issues for all cases dropped substantially more in Victoria pre to post Model (from 321 to 138, a 57% decline) than in Kamloops (from 300 to 273, a 9% decline) and Nanaimo (from 249 to 244, a 2% decline) during the same time periods. Median numbers of issues per case indicate a drop from three issues per case to two issues per case in Victoria, whereas these medians remained unchanged over the time periods in both Kamloops and Nanaimo. See Table 18.

Table 18: Number of issues in new family law cases pre-post-Model Victoria and comparison locations (CSB data)

Location	Total # of new family law cases with an issue*	Number of issues					
		Total for all new family law cases	% change in total number issues	Average per case	Median per case	Minimum per case	Maximum per case
August 2017 to December 2017 (Pre-Model in Victoria)							
Victoria	112	321	--	2.87	3.0	1	6
Kamloops	86	300	--	3.49	3.0	1	19
Nanaimo	97	249	--	2.57	2.0	1	7
August 2019 to December 2019 (Post-Model in Victoria)							
Victoria	66	138	-57%	2.09	2.0	1	7
Kamloops	89	273	-9%	3.07	3.0	1	10
Nanaimo	97	244	-2%	2.52	2.0	1	6

Source: CSB data, unlinked to FJSD data

Date ranges are for the filing of the initiating document under the new case definition. Activities on the cases are tracked to December 31 of the following year.

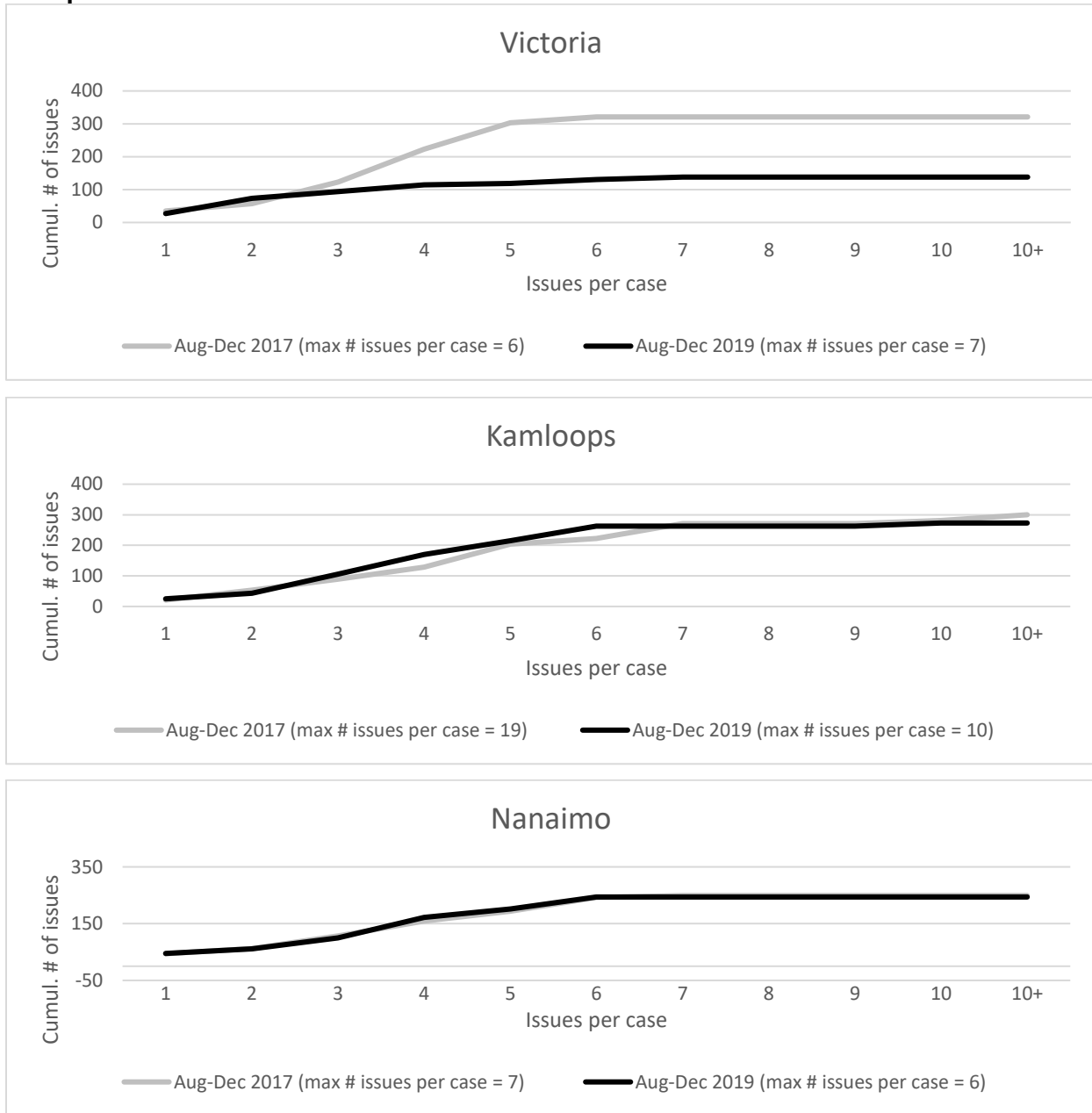
Note: The same type of issue may be counted more than once.

*New family law cases in this table are restricted to cases with issues associated with relevant documents. For Victoria post-Model, counts are limited to the number of issues on the following documents: Family Law Claims and the Application About a Protection Order (AAP). For Victoria pre-Model, Kamloops, and Nanaimo, the number of issues are limited to those on initiating documents that are not a written agreement, and for cases initiated by written agreement, the issues on the next subsequent substantive document are counted.

The differences in the cumulative number of issues when comparing the two time periods for the three court locations are substantial. While all three court locations show a decline, the greater reduction in the number of issues in Victoria is apparent in Figure 11 (next page). Effect size comparisons utilizing Cohen's *d* formulas confirm statistically what the figures are showing: the ER-CM Model has had a significant impact on numbers of issues per case.⁴⁴

⁴⁴ See Appendix C for a detailed description of the method used and the results.

Figure 11: Cumulative total⁴⁵ number of issues for new family law cases, by location and time period⁴⁶



Source: CSB data, unlinked to FJSD data

The evaluation found a small impact of CDR on the number of issues per case when analyzing the CSB data linked to FJSD data for individuals who are eligible for CDR. The results indicate a small but statistically significant difference in the total number of issues, where the number of issues is greater for parties who did not have CDR.⁴⁷

⁴⁵ See Footnote 35 for a description of cumulative totals.

⁴⁶ Date ranges are for the filing of the initiating document under the new case definition. Activities on the cases are tracked to December 31 of the following year.

⁴⁷ See Appendix C for a detailed description of the method used and the results.

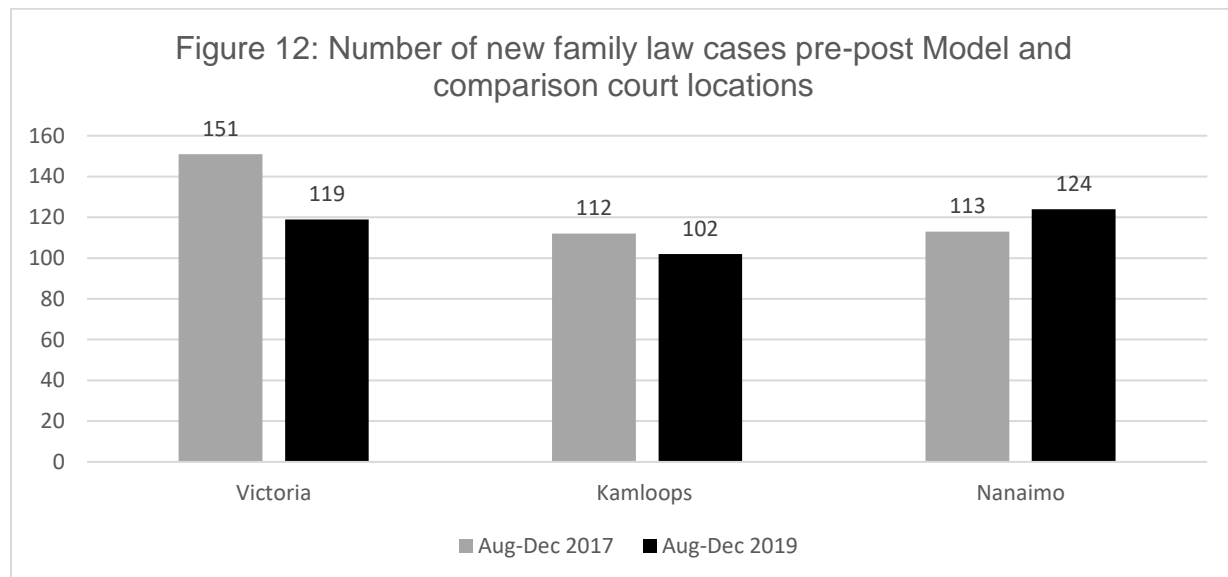
4.2.4 Efficient and effective use of court

The Model is intended to contribute to more effective and efficient use of court due to parties narrowing or resolving their issues (see Section 0) and being better prepared for court (see Section 4.2.1). The expectation is that this will result in fewer cases going to court and, of those that do, the issues will be narrowed to those that need to be resolved in court and the parties are better prepared. This should result in fewer cases that have a court appearance, a reduction in the number of court appearances, less court time used, and a reduction in the number of cases that have trials.

Fewer cases proceeding to court

The evaluation looked at several measures for whether the Model is resulting in fewer cases proceeding to court and all provide evidence that this type of diversion is occurring.

When considering the volume of new cases (not linking cases in the FJSD database to the CSB data) and comparing Victoria to Kamloops and Nanaimo, the results are consistent with the hoped for reduction in the number of new family law cases, providing evidence that the Model is helping resolve cases earlier.⁴⁸ As shown in Figure 12, there is a greater decline in the number of new cases when comparing August 2017 – December 2017 to August 2019 – December 2019 in Victoria (-21%) to Kamloops (-9%). Nanaimo had a 10% increase in new cases. Regression results for Victoria confirm that the impact of the Model on reducing the number of new family law cases is statistically significant.⁴⁹ This analysis includes cases that had been through the Early Resolution stream as well as cases in the priority/time sensitive stream (i.e., PO and PPM cases). Thus, this analysis demonstrates the impact of Early Resolution diversion on the overall number of new family law cases.

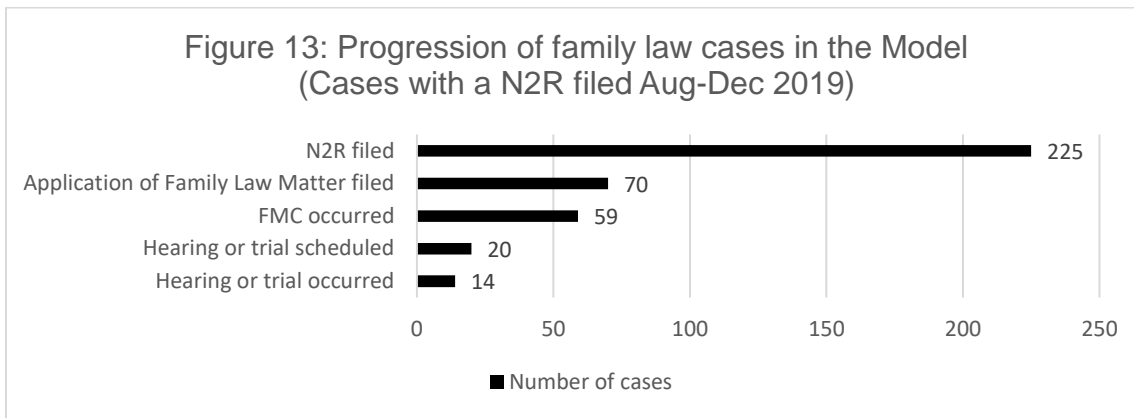


Source: CSB data, not linked to FJSD data

⁴⁸ This analysis uses the new case definition created by CSB (see Section 3.2 for more detailed description and Section 3.5 for limitations).

⁴⁹ See Appendix C for a detailed description of the method used and the results.

When analyzing the linked data (a sub-set of cases that began in the Early Resolution stream and have been tracked after the Notice to Resolve was filed for 12 to 17 months up to December 31, 2020), the result indicates that that potentially two thirds of Notices to Resolve do not proceed to filing an Application About a Family Law Matter. These cases have experienced the progression that was anticipated in the design of the Model, with fewer cases proceeding to each subsequent step in the process. Of the 225 ER-CM cases in the FJSD database that were linked to the CSB data with a Notice to Resolve filed between August 1, 2019 and December 31, 2019, 70 cases (31%) had an Application About a Family Law Matter filed, 59 cases (26%) had a Family Management Conference, 20 cases (9%) had a hearing or trial scheduled, and 14 cases (6%) had a hearing or trial occur. The ratio of Notices to Resolve to Applications About a Family Law Matter are approximately 3:1, indicating potential diversion of up to two out of every three family law matters.



Source: CSB data linked to FJSD data

Fewer cases with a court appearance

To determine whether the Model is creating a reduction in the number of cases proceeding to court for a court appearance, the evaluation conducted a comparison of Victoria pre-post the Model and with the comparison court locations (Kamloops and Nanaimo). Summary statistics are shown in Table 19. Regression results indicate that there exists a negative relationship between number of new cases with a court appearance and time period which is more pronounced for Victoria than for the comparison sites, meaning that the number of cases with court appearances drops more sharply in Victoria (26% decline) compared to Kamloops (10% decline) and Nanaimo (0% change). These results from this sample therefore support that the ER-CM Model had a moderate but discernible impact on reducing the number of cases with a court appearance in Victoria – an impact not dependably perceptible in Nanaimo or Kamloops.⁵⁰

Table 19: New family law cases with at least one court appearance held, pre- and post-Model Victoria and comparison locations (CSB data)				
Location	Total # of new family law cases	Total # new cases with a court appearance	Percentage of new cases with a court appearance	% change in total # new cases with a court appearance from 2017 to 2019
August 2017 to December 2017 (Pre-Model in Victoria)				
Victoria	151	97	64%	--
Kamloops	112	70	63%	--
Nanaimo	113	67	59%	--
August 2019 to December 2019 (Post-Model in Victoria)				
Victoria	119	72	61%	-26%
Kamloops	102	63	62%	-10%
Nanaimo	124	67	54%	0%
Source: CSB data, not linked to FJSD data Date ranges are for the filing of the initiating document under the new case definition. Activities on the cases are tracked to December 31 of the following year.				

⁵⁰ See Appendix C for a detailed description of the method used and the results.

Fewer court appearances

The ER-CM Model has demonstrated the potential to reduce total number of court appearances in Victoria, compared to Kamloops and Nanaimo. Total number of appearances dropped in Victoria from 341 pre-Model to 160 post-Model (53% decline). In comparison, total number of appearances dropped much less sharply in Nanaimo (from 232 to 205, a 12% decline) and actually increased slightly in Kamloops (271 to 278, a 3% increase) during the same time periods. The average number of appearances also dropped more substantially in Victoria than in Kamloops or Nanaimo when comparing the two time periods. See Table 20.

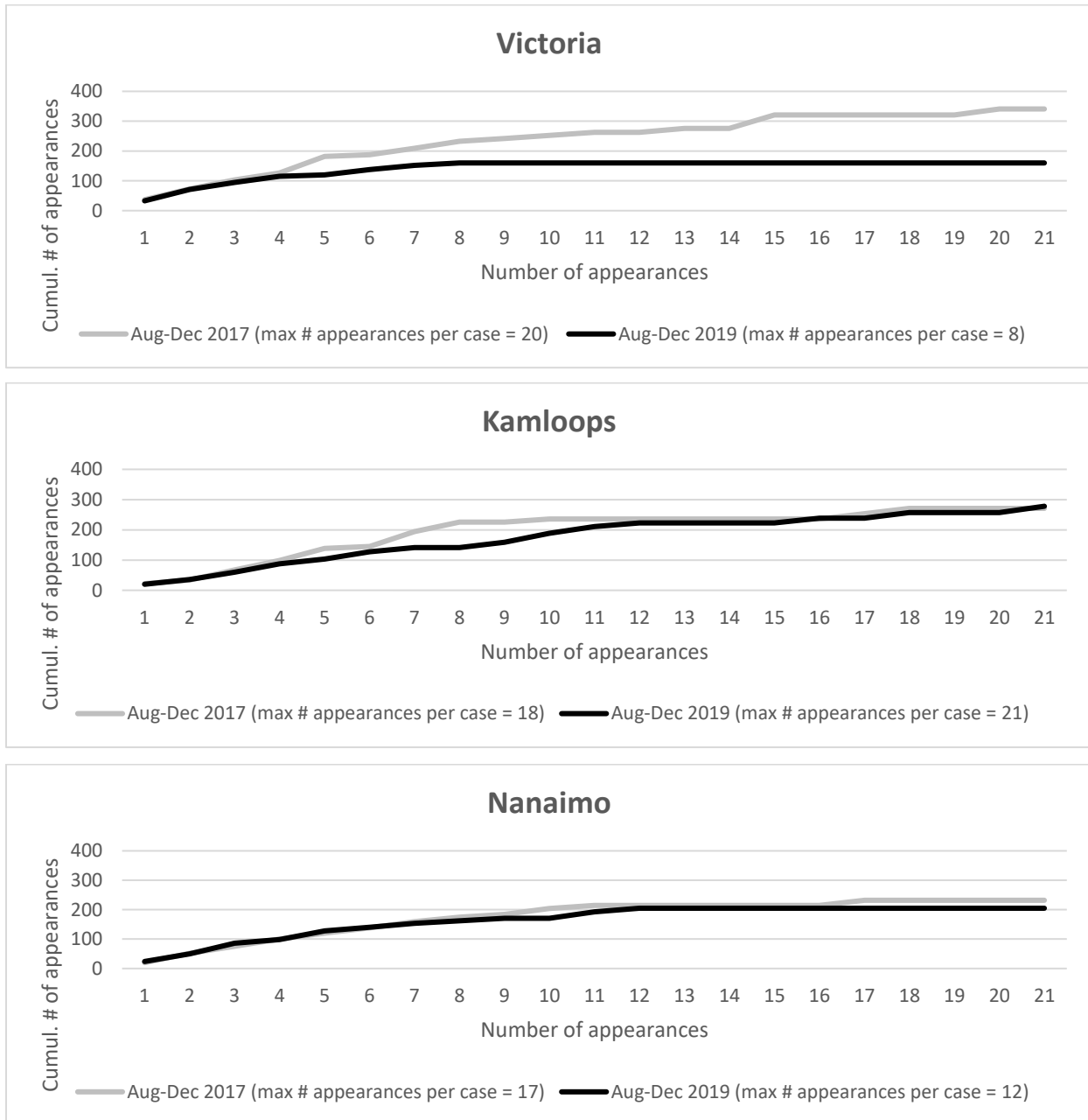
Table 20: Number of court appearances in new family law cases pre-post-Model Victoria and comparison locations (CSB data)							
Location	Total # of new family law cases with a court appearance	Number of court appearances					
		Total for all new family law cases	% change in total number of court appearances	Average per case	Median per case	Minimum per case	Maximum per case
August 2017 to December 2017 (Pre-Model in Victoria)							
Victoria	97	341	--	3.5	2.0	1	20
Kamloops	70	271	--	3.9	3.0	1	18
Nanaimo	67	232	--	3.5	2.0	1	17
August 2019 to December 2019 (Post-Model in Victoria)							
Victoria	72	160	-53%	2.2	2.0	1	8
Kamloops	63	278	+3%	4.4	3.0	1	21
Nanaimo	67	205	-12%	3.1	2.0	1	12

Source: CSB data, not linked to FJSD data
 Date ranges are for the filing of the initiating document under the new case definition. Activities on the cases are tracked to December 31 of the following year.

The three graphs below illustrate the difference between Victoria, which shows a substantial gap in total number of court appearances pre- and post-Model compared to Kamloops and Nanaimo, which have very small or non-existent differences between the two time periods. These differentials between Victoria and the other court locations reflect the impact of the ER-CM Model in Victoria on reducing the numbers of court appearances. Wilcoxon rank sum tests (also called Mann-Whitney U tests) confirmed that the differences observed in the graphs in Figure 14 are statistically significant ($p < 0.05$), which indicates that these differences between Victoria and the two comparison locations are unlikely to have resulted randomly.⁵¹

⁵¹ See Appendix C for a detailed description of the method used and the results.

Figure 14: Cumulative total⁵² number of court appearances for new family law cases, by location and time period⁵³



Source: CSB data, unlinked to FJSD data

⁵² See Footnote 35 for a description of cumulative totals.

⁵³ Date ranges are for the filing of the initiating document under the new case definition. Activities on the cases are tracked to December 31 of the following year.

Less court time

The analysis of the court data supports the finding that the Model has reduced the court appearance time in new family law cases. As shown in Table 21, the average, maximum, and total court appearance time per new family law case in Victoria fell sharply from 2017 to 2019 (tracked to December of the following year), whereas it fell less sharply in Nanaimo and increased in Kamloops. In particular, average court appearance time per new family law case in Victoria fell sharply (by 42 minutes) from 2017 to 2019, whereas it fell less sharply in Nanaimo (by 27 minutes) and increased in Kamloops (by 20 minutes). The total court appearance time for new cases declined by 63% in Victoria compared to a 42% decline in Nanaimo and a 13% increase in Kamloops.⁵⁴

Table 21: Court appearance time in new family law cases, pre- and post-Model Victoria and comparison locations (CSB data)								
Location	Total # of new family law cases with an appearance	Cumulative court appearance time per case (in minutes)					Total court appearance time	
		Average	Median	Minimum	Maximum	Standard deviation	Total court time in minutes for all cases	Percent change in total court time
August 2017 to December 2017 (Pre-Model in Victoria)								
Victoria	97	83.2	18	1	1,386	219.2	8,068	--
Kamloops	70	77.8	48	2	958	135.4	5,449	--
Nanaimo	67	64.2	25	1	661	119.7	4,304	--
August 2019 to December 2019 (Post-Model in Victoria)								
Victoria	72	41.2	26	1	244	51.4	2,967	- 63%
Kamloops	63	98	36	1	1,005	179	6,175	+ 13%
Nanaimo	67	37.5	16	1	178	43.5	2,511	- 42%
Source: CSB data, not linked to FJSD data Date ranges are for the filing of the initiating document under the new case definition. Activities on the cases are tracked to December 31 of the following year.								

⁵⁴ Overall, the disparities in the summary statistics between the two time periods imply that a few cases with very high court times impact these statistics. The sharp drops in average and maximum court times in Victoria and Nanaimo between the two time periods are due primarily to the presence of several cases with very high total court times in the earlier time period (relative to all cases for these locations). A deeper analysis was conducted to tease out the effects of these cases with very high court times on the distributions of all three locations. The analysis showed that the cluster of lengthy cases had a greater impact on the summary statistics for Victoria than for Nanaimo. In Kamloops, the cluster of lengthy cases retain similar durations in both periods, and the statistical tests strongly confirm that the distributions for Kamloops are the same for the two time periods. For a full description of how to control for non-normal distributions and other statistical analyses in this section, see Appendix C.

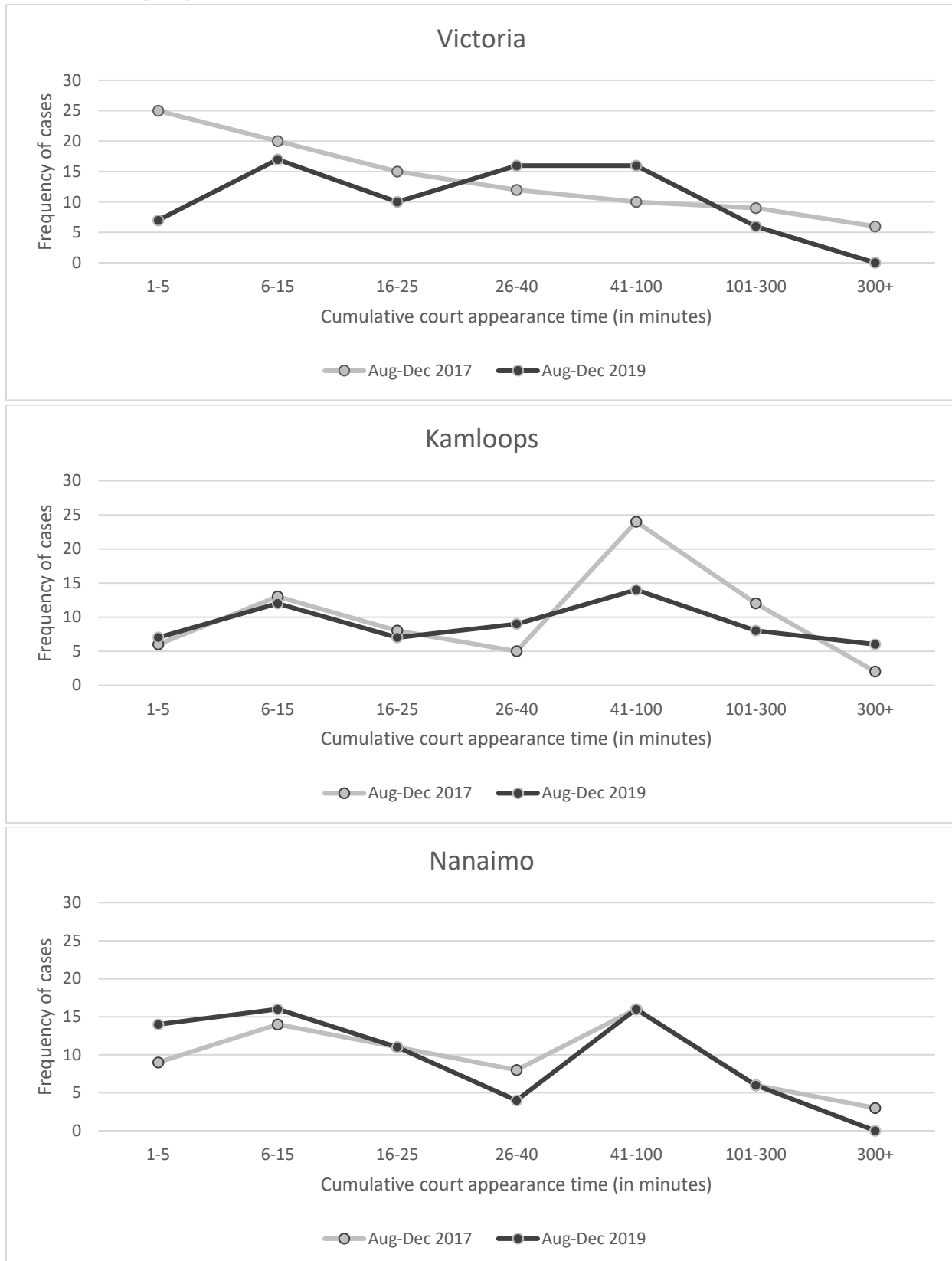
Linear regressions of average and maximum cumulative court time per case, by time period (i.e., pre- or post-Model) were run for each of the three locations. The regression results suggest that, for Victoria, both average and maximum cumulative court times have decreased due to the ER-CM Model.⁵⁵

Analysis of cumulative court appearance time per case using the case-level data point to dissimilarities in trends (i.e., in the shape of the distributions) in Victoria compared to the two comparison sites. These differences align with expectations for the Model: that the new process will result in fewer very short court times because the parties will come to court prepared to proceed; as a result, FMCs will be longer, more meaningful appearances where orders can be made; and, overall, fewer cases will require substantial court time, as parties will have narrowed their issues to those requiring court time and will be better prepared for next steps, which may include reaching an agreement or going to trial. As shown in Figure 15, the results in Victoria confirm these expectations, as cases with very short (under six minutes) and very long (over 100 minutes) court times that were present in the pre-Model period are no longer present in the post-Model period in Victoria. Further, the number of cases post-Model with moderate court times between 26 and 100 minutes surpass the number of such cases pre-Model. As the Model was intended to lead to more meaningful appearances and reduce the inefficient use of court time, this result provides evidence that the Model has been successful. In contrast, the trends in the comparison sites remain more or less unchanged in 2019 compared to 2017.⁵⁶

⁵⁵ Regression results for Nanaimo also suggest the cumulative court times have decreased between the two time periods but to a lesser extent than Victoria. For Kamloops, the regression results suggest that average and maximum cumulative court times increased slightly. However, in the case of Kamloops, the validity of the results is debatable. See Appendix C for a detailed description of the method used and the results.

⁵⁶ A special application of the Wilcoxon rank sum test was run to test whether the dissimilarities in the distribution of court times were statistically significant. The results support the notion that the Model influenced the distribution of cumulative court times per case in Victoria, whereas the distributions appear unaffected in the two comparison locations in the same time period. These results were statistically significant at $p < 0.05$. For a complete description of this analysis, see Appendix C.

Figure 15: Frequency of cases by blocks of cumulative court appearance times, by location and pre/post Model



Source: CSB data, unlinked to FJSD data

Fewer cases with trial appearances

Comparing the two time periods, the percentage of family law cases with a trial appearance dropped by 11% in Victoria. In Nanaimo, the percentage dropped by 6% and in Kamloops by 2%. See Table 22.

Table 22: New family law cases with at least one trial appearance held, pre- and post-Model Victoria and comparison locations (CSB data)			
Location	Total # of new family law cases	Total # cases with a trial appearance	Percentage of cases with a trial appearance
August 2017 to December 2017 (Pre-Model in Victoria)			
Victoria	151	30	20%
Kamloops	112	15	13%
Nanaimo	113	23	20%
August 2019 to December 2019 (Post-Model in Victoria)			
Victoria	119	11	9%
Kamloops	102	11	11%
Nanaimo	124	17	14%
Source: CSB data, not linked to FJSD data Date ranges are for the filing of the initiating document under the new case definition. Activities on the cases are tracked to December 31 of the following year.			

Linear regressions of new family law cases with a trial appearance (by time period and total number of cases) were run for each of the three locations. The regression results strongly support the premise that the number of cases with a trial appearance undergo a sharper drop between the two time periods in Victoria than they do in Kamloops and Nanaimo. (Note that results for Kamloops have low reliability). The results for the sample indicate that the ER-CM Model in Victoria had a moderate but statistically significant impact on lowering the number of cases with a trial appearance in Victoria, compared to Kamloops and Nanaimo.⁵⁷

Internal key informants associated with the courts commented on how the Model has contributed to more effective and efficient use of court, which corroborates the data results. Having parties that are prepared, coupled with more time to discuss issues with the parties during the FMC, enables issues to be resolved without further court appearances. The process now involves much less churning of cases, as before, often only small, incremental steps were taken at each appearance.

Both internal and external key informants believe that the FMCs are a major improvement. Examples provided of the pre-Model court use were that there were so many cases being heard on first appearance days that parties had little time before the judge, and the judge had little opportunity to hear evidence or ask questions. Adjournments were frequent and matters perhaps could have been resolved if there was more time set for the appearance.

⁵⁷ See Appendix C for a detailed description of the method used and the results.

5.0 Conclusions and recommendations

5.1 Delivery of the ER-CM Model

The evaluation found that the Model has been fully implemented and primarily operated as expected. The coronavirus pandemic affected the Model's operations in 2020-21, as it did the rest of the family justice system. The response of FJSD, CSB, and the Provincial Court was relatively swift and nimble given the sudden need to shift away from in-person services. An evaluation of the pandemic response is beyond the scope of this evaluation, but one key finding is the desire to continue to provide virtual options, such as video-conferences for needs assessments, mediations and FMCs. Overall, the approach worked well and was thought to be beneficial for some clients, who may prefer to engage in these processes remotely due to safety issues, general comfort level, or convenience.

Recommendation 1: Consider the continuation of audio or video-conferencing options for selected FJSD and Provincial Court services in circumstances determined to be appropriate.

Court forms

Counsel using the court forms developed for Rule 5.01 continue to be divided on whether the forms are intuitive to complete or are too onerous and confusing, particularly for self-represented parties but also for counsel. The Ministry has recently launched an online tool (June 11, 2021) for certain common forms that is intended to facilitate completing the appropriate forms and schedules based on the reasons for coming to court. The tool is expected to expand as new pathways for the various forms are added. Staff at the JAC (Justice Interviewers [JIs]) also assist parties with the forms, although this has been more challenging when providing services virtually.

Issues raised related to the Priority Parenting Matter/Protection Order (PPM/PO) process centred on the court forms. For PPMs, although the Ministry had added types of issues to the PPM form to fill in identified gaps, key informants believe the list of issues that are PPMs is still too restrictive.

Recommendation 2: Continue the expansion of the online tool to assist parties and counsel with choosing and completing the appropriate form and schedule.

Recommendation 3: Consider ways to further support JAC staff who are assisting clients remotely with completing their forms.

Recommendation 4: Continue to monitor cases to determine if the scope of PPM issues should be expanded further.

Outreach and training

Overall, it was reported that the understanding of the Model has improved, although there are still areas of misunderstanding and disagreement where further outreach might be useful. For example, further outreach and education could be conducted to explain the process for determining the appropriateness of CDR once the review and revision of the needs assessment questionnaire and guidelines are completed.

Initial staff training at the JAC is extensive and covers many topics, including mediation where addictions, mental health, and family violence are issues. JAC staff indicated the desire for additional training and supports to assist them in dealing with these situations. The current external training opportunities and the peer support model used in the JAC are useful, but in addition, having a professional in these areas available to JAC staff to consult was mentioned as a potential improvement. The peer support, where staff share and discuss their experiences, could also be expanded to include peer support between the Victoria JAC and JAC staff in Surrey, the newest ER-CM Model location. In addition, more information-sharing sessions with JAC and CSB staff, more cross-training for CSB staff, and training related specifically to pre-mediation are areas where training needs exist. Currently, FJSD is consulting with JAC managers on additional training needs.

Recommendation 5: Provide targeted outreach to address potential gaps in understanding the Model or updates on processes.

Recommendation 6: Continue with the review of training needs in light of evaluation findings.

Handling demand

As expected, the Model has increased the workload for the Victoria JAC, but the additional FJCs and administrative support staff have enabled the JAC to handle the added volume. The demand for JAC services was impacted by the pandemic but not substantially or for a prolonged period of time. Parties appear to have used JAC services to try to handle their family issues when the Provincial Court was most impacted by the pandemic. Due to the comprehensive changes in 2019, including the Early Resolution process, other new court processes, and new forms, Registry staff were thought to need more support in its first year of operations, but that is less urgent now that they have more experience with the Model. However, there is sometimes a need for more capacity at the Registry, which is not related specifically to the Model. More Registry staff cross-trained to work the family desk, which handles family filings, was suggested as a way to manage demand.

Use of family justice managers

The initial design of the ER-CM Model was to allow for FMCs to be conducted by a new family justice manager role, (something akin to a family judicial justice), or by a judge, depending on the court location. The Model in Victoria had Provincial Court Judges handle the FMCs in order to assess whether family justice managers could be used for FMCs and to assess the jurisdiction that would be appropriate for a family justice manager. The evaluation in Victoria found benefits to having Provincial Court Judges handle FMCs rather than family justice managers, who have more limited jurisdiction and could not change/suspend/make orders that are sometimes needed

in the FMCs; and a loss of efficiency if family justice managers handled FMCs. The experience of a higher volume registry or court registry without Early Resolution requirements could yield a different conclusion.

Recommendation 7: Provincial Court Judges should continue to conduct FMCs in Victoria and the role of family justice managers and the use of Provincial Court Judges in FMCs should be monitored in other locations to determine the best approach for each location.

Flow of cases

By considering the flow of cases through ER-CM Model, the evaluation found that the Model is working as intended. The evaluation found a high level of engagement with the process, including the steps that are not required of parties. For example, most families have at least one party participating in an initial needs determination (IND), where they are given information about the process and other resources.

The Model is expected to have attrition points at certain steps at the JAC where parties may decide to explore options outside of the Early Resolution process, or where one party does not engage with the process. An analysis of a sub-set of cases where a Notice to Resolve was filed indicates continued involvement with the process: both parties participated in a needs assessment in almost two thirds of families; and almost one third of families attended CDR at the JAC. The primary reason for not attending CDR is lack of engagement of the other party. Once in the Provincial Court, the results support the impact of the Model in potentially diverting or resolving cases as the proportion of cases still engaged with the court declines with each further step.

5.2 Progress toward expected outcomes

Understanding of family justice process and next steps

The evaluation found that the Model has helped parties' understand their legal issues, the family justice process, and available resolution options. Both client survey results and CSB data indicate that the Model is improving clients' preparedness for each step in the process. Clients reported that the needs assessment helped them understand the court and CDR process as well as their resolution options. Clients who had CDR also felt prepared and that they had a good understanding of what to expect. Using a definition for adjournments that was intended to capture those where parties were not prepared to go forward, the evaluation also found that the ER-CM Model has contributed to reducing the total number of adjournments by 71% in Victoria and that result is statistically significant.

Early and appropriate responses

The evaluation found that the Model is generally providing early and appropriate responses to meet family needs, although there are potential issues with timeliness.

The PO process enables parties to access the court on urgent safety matters. The PPM process is, despite the increase in the types of issues that are considered to be priority, considered too restrictive.

Through the services at the JAC, the Model is intended to provide families with earlier assistance and supports. Client survey results indicate general satisfaction with JAC services, including substantial support for the Model's key features. Most clients agree that needs assessment and CDR are helpful and that families with family law issues should be required to attend a needs assessment and CDR, where appropriate.

Overall, the Model appears to be responsive in meeting clients' safety needs. Assessing safety issues is first done during the needs assessment and continues, even if CDR is initially considered appropriate, as clients' situations can change. It may be possible to address some power imbalance or safety issues in the design of the CDR process; for example, including support persons or offering a shuttle mediation process. FJSD is aware of some external stakeholder concerns with the appropriateness of CDR in certain circumstances and the desire of JAC staff to have more training and supports in this area. The needs assessment guide and questionnaire are in the process of being reviewed and updated, although it should be noted that needs assessments already consider family violence, including non-physical violence. Clients surveyed indicated that they believe that their safety concerns were understood by JAC staff.

The Model has introduced new requirements to the process. There is anecdotal evidence that there are some opportunities for delays, and the data indicate that it can take three months or more to complete the assessment and CDR processes. The main areas where the process appears to experience these delays is related to difficulties engaging the second party. After giving the party a reasonable time to engage, the FJCs or CSOs will consult with the initiating party and provide them the option to proceed with the court process. Initiating parties may wish to wait for the second party to engage to attempt the CDR process. There are guidelines for approaching these situations, however given the diversity of circumstances, final decisions are left to discretion of the FJCs and CSOs along with their local manager. Another potential delay mentioned was that some parties are not aware that they only have to attend one CDR session and end up attending several when that is not their preference.

Recommendation 8: Complete the review and revision of the needs assessment guide and questionnaire to incorporate best practices.

Recommendation 9: Review guidelines on when the JAC should provide parties with a Confirmation of ER Requirements when a second party does not engage at all or is intentionally stalling the process.

Recommendation 10: Ensure that parties are provided clear messaging that only one CDR session is required so that they understand their option to end the process and proceed to court.

Narrowing or resolving issues

The evaluation found that the Model is assisting parties by narrowing or resolving issues through the use of CDR. Mediation and facilitated negotiation sessions at the JAC have increased 30% since the Model. That greater use of CDR was an anticipated outcome that was expected to assist parties in narrowing or resolving issues outside of court. While clients surveyed were more dissatisfied than satisfied in the effectiveness of CDR in resolving some or all of their family law issues, based on administrative data, most CDRs had some or all issues settle; and while this is less than the proportion of voluntary mediations that have issues settled, that is to be expected when CDR is required as not all parties are necessarily entering CDR with the hope of settling some issues. When considering the number of issues identified on initiating court documents pre- and post-Model in Victoria and comparing that to the comparison court locations, the evaluation found that Victoria had a far greater decline (57%), which was statistically significant. This result is evidence that the Model is having its intended effect of narrowing or resolving issues outside of court.

Effective and efficient use of court

The evaluation found that the Model is contributing to more effective and efficient use of court. Based on two different measures, the Model is reducing the number of cases coming to court. The reduction of cases coming to court is one fifth when considering the number of new family law cases pre-post in Victoria and comparison court locations, and two thirds when tracking a sub-set of cases that went through the Early Resolution process at the JAC. When considering the number of new cases, the evaluation found a greater decline between the pre- and post-Model time periods in Victoria (21%) compared to the same periods in the comparison court locations (9% decline in Kamloops and 10% rise in Nanaimo), and the decline in Victoria is statistically significant, which confirms the impact of the Model in reducing the number of cases coming to court. When considering the sub-set of cases that went through the Early Resolution process at the JAC, the ratio of Notices to Resolve to Applications About a Family Law Matter are approximately 3:1, indicating potential diversion of up to two out of every three family law matters.

In addition, using statistical tests, the evaluation also found that the Model has resulted in:

- ▶ **Fewer cases with a court appearance.** The number of cases drops more sharply from 2017 to 2019 in Victoria (26% decline) compared to Kamloops (10% decline) and Nanaimo (0% change). Statistical results support the conclusion that the ER-CM Model had a moderate but discernible impact on reducing the number of cases with a court appearance in Victoria — an impact not observed in the comparison locations.
- ▶ **Fewer court appearances per case.** Total number of appearances dropped by 53% in Victoria from pre-Model to post-Model. In comparison, total number of appearances dropped much less sharply in Nanaimo (12% decline) and actually increased slightly in Kamloops (3% increase) during the same time periods. Statistical tests confirm the significance of these differences between the drop seen in Victoria compared to the changes seen in the comparison locations.

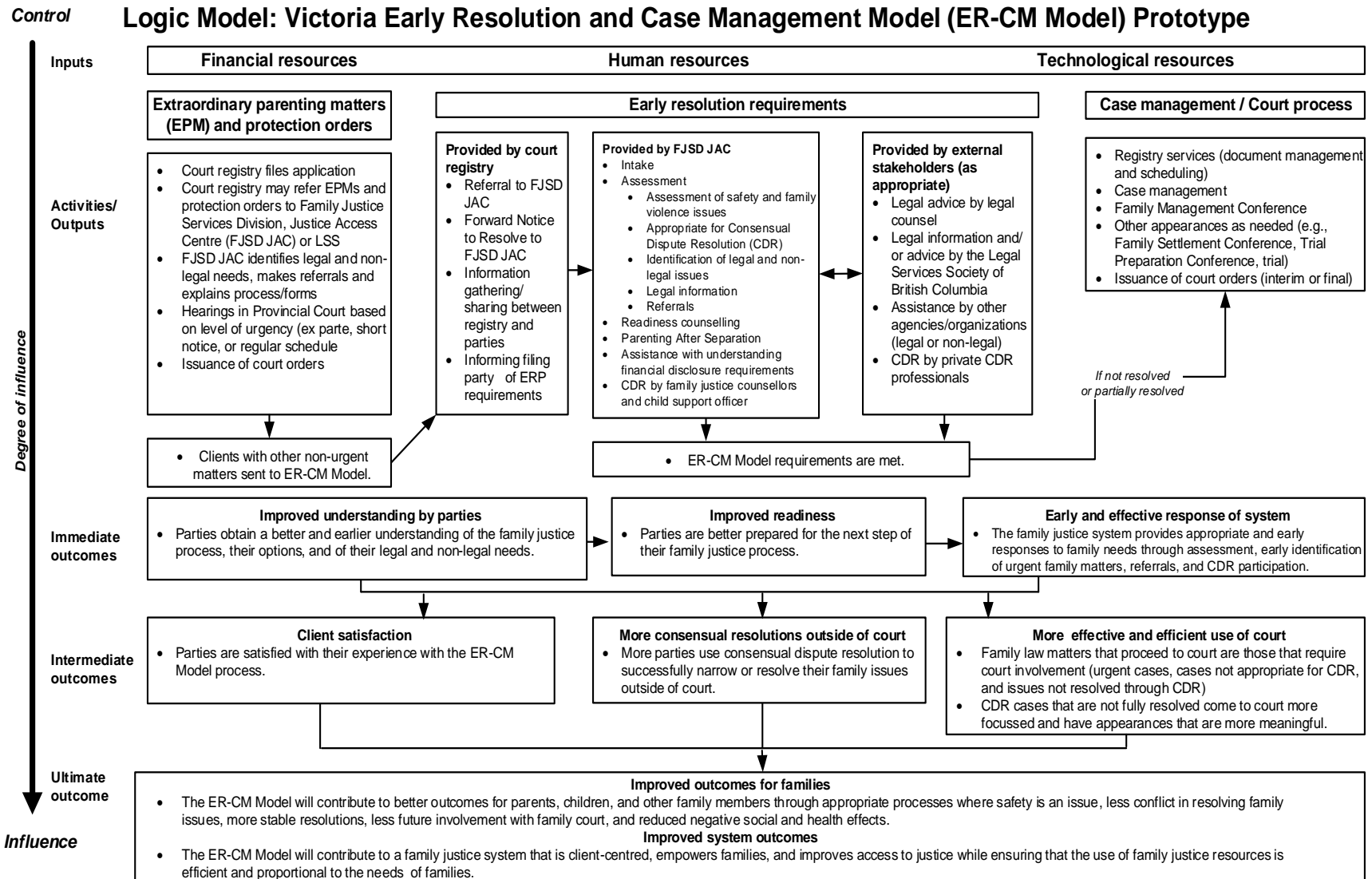
- ▶ **Less court time.** Average court appearance time per new family law case in Victoria fell sharply (by 42 minutes) from 2017 to 2019, whereas it fell less sharply in Nanaimo (by 27 minutes) and increased in Kamloops (by 20 minutes). The total court appearance time for new cases declined by 63% in Victoria compared to a 42% decline in Nanaimo and a 13% increase in Kamloops. Regression results and other tests verify these differences at statistically significant levels, bolstering the evidence that the ER-CM Model caused the sharper drops seen in Victoria.
- ▶ **Fewer cases with a trial appearance.** The percentage of family law cases with a trial appearance dropped by 11% in Victoria, whereas Kamloops experienced a 2% drop and Nanaimo saw a 6% drop. Regression results support the premise that number of cases with a trial appearance decreased more sharply in Victoria than in the comparison locations.

Overall, the findings of the evaluation are evidence of a more efficient court process which is expected to enable the Provincial Court to devote more time to cases that require judicial attention, such as urgent matters, situations where CDR was not appropriate, or situations where CDR was not successful in resolving the matter. Cases that can be resolved outside of court or have their issues narrowed are provided opportunities to do that through the Early Resolution process.

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Appendix A – Logic model



Appendix B – Evaluation matrix

Evaluation Matrix for the Evaluation of the Early Resolution and Case Management Model (the ER-CM Model) in Victoria (Year Two)		
Questions	Indicators	Data sources
Delivery questions		
1. What are the volume and flow of cases through the new processes?	1. Key informant opinion on volume and flow of cases including factors affecting volume and flow (including attrition points)	<ul style="list-style-type: none"> • Key informant interviews • FJSD and CSB statistics (identified in more detail in the Data Appendix)
	2. Level of demand/volume of the new process	
2. Does the ER-CM Model have appropriate tools, sufficient resources, and the capacity to meet demand and any intended targets?	1. Available tools and resources - court forms, case management system	<ul style="list-style-type: none"> • Document review • Key informant interviews
	2. Key informant opinion on available tools, including any changes since Year One, and any suggested improvements	
	3. Key informant opinion on sufficiency of resources and capacity of stakeholders to satisfactorily meet demand (stakeholders include FJSD, Provincial Court, external stakeholders such as private CDR professionals, LABC, community resources)	
	4. Effect (positive or negative) on resources outside of the FJSD (e.g., private CDR professionals, legal aid services, court registry, judiciary, other local court registries)	
	5. Client opinion on the timeliness and level of assistance provided by the ER-CM Model (see Q8)	<ul style="list-style-type: none"> • Client survey
	6. Evidence of impact on FJSD workload and staffing	<ul style="list-style-type: none"> • FJSD data
	7. Effect on volume and wait times for non-ER-CM Model FJSD services	
3. To what extent do the current processes and structure of the ER-CM Model and the process for PPM and protection orders support efficient and effective delivery?	1. Outreach activities, documentation or other products to explain model (during Year 2)	<ul style="list-style-type: none"> • Document review • Key informant interviews
	2. Key informant opinion on effectiveness and efficiency of the current processes supporting the ER-CM Model (including communications between JAC/registry/private CDR/other service providers) and any improvements or changes since Year 2	
	3. Key informant opinion on level of awareness and understanding of the Model (including internal and external stakeholders)	
	4. Key informant opinion on whether the ER-CM Model promotes early identification that issue is not within scope of provincial family court	<ul style="list-style-type: none"> • Client survey • FJSD data
	5. Key informant opinion on the impact of the limitation of the scope of issues that FJSD can address	
	6. Client perception of the ER-CM Model process (e.g., clear, easy to use, any difficulties, issues they wanted addressed through the process that could not be)	
	7. Number of cases with limitation of the scope of issues that FJSD can address	
4. What are the lessons learned and best practices from Year 2?	1. Lessons learned and best practices from Year 2	<ul style="list-style-type: none"> • Key informant interviews • Documentation/data related to Q1 to Q4 • Limited data collection of Family Management Conferences conducted by CSB
	2. Ability of Family Management Conferences to be heard by judicial justices (experience of model with decisions made requiring Provincial Court Judge versus decisions that could be made by a judicial justice)	

Evaluation Matrix for the Evaluation of the Early Resolution and Case Management Model (the ER-CM Model) in Victoria (Year Two)		
Questions	Indicators	Data sources
Outcome questions		
5. Has the ER-CM Model improved parties understanding of the family justice process, their options, and their needs?	1. Services offered by the ER-CM Model and the process for PPM and protection orders to inform clients of the process, their options, and their needs and any changes since Year One	<ul style="list-style-type: none"> Document review
	2. Key informant opinion on the effect of the ER-CM Model on parties' understanding of the family justice process, their legal options, and their legal and non-legal needs	<ul style="list-style-type: none"> Key informant interviews
	3. Client perception of the effect of the assistance they received on their understanding of the family justice process, their legal options, and their legal and non-legal needs	<ul style="list-style-type: none"> Client survey
6. Are parties better prepared for the next step of their family justice process?	1. Services offered by the ER-CM Model and the process for PPM and protection orders to improve client readiness and any changes since Year One	<ul style="list-style-type: none"> Document review
	2. Key informant perception of client readiness for next step of process (e.g., use of correct forms, submission of accurately completed forms, able to proceed/fewer adjournments for lack of readiness)	<ul style="list-style-type: none"> Key informant interviews
	3. Client perception of their level of readiness for next steps (e.g., CDR and/or court processes)	<ul style="list-style-type: none"> Client survey
	4. Client perception of ease/difficulty of their experiences with the CDR and/or court processes	
	5. ER-CM model cases experience fewer adjournments compared to similar new family law cases in Victoria pre-ER-CM Model and in comparison court locations	<ul style="list-style-type: none"> CSB data
7. Has the ER-CM Model and the process for PPM and protection orders contributed to the family justice system providing appropriate and early responses to family needs?	1. Key informant opinion on extent to which referrals are helping clients	<ul style="list-style-type: none"> Key informant interviews
	2. Key informant opinion ability of ER-CM Model to provide appropriate and early responses to meet family needs (e.g., identify safety and family violence issues, accommodations in CDR to address safety and family violence issues)	
	3. Extent to which clients believe that the referrals assisted them with their legal or non-legal issues	<ul style="list-style-type: none"> Client survey
	4. Client perception on the timeliness of the process and responsiveness to their needs	
	4. Referrals to other services	<ul style="list-style-type: none"> FJSD data
	5. Timeliness of ER-CM Model (first assessment to CDR completed/mediation occurred)	
6. Timeliness of ER-CM Model and PPM and protection order process compared to similar new family law cases in Victoria pre-ER-CM Model and in comparison court locations	<ul style="list-style-type: none"> CSB data 	

Evaluation Matrix for the Evaluation of the Early Resolution and Case Management Model (the ER-CM Model) in Victoria (Year Two)		
Questions	Indicators	Data sources
8. Are clients satisfied with their experience with the ER-CM Model and the process for PPM and protection orders? What, if anything, can be done to improve clients' experiences?	1. Key informant opinions on the experience for clients of the ER-CM Model and the process for PPM and protection orders and improvements needed	<ul style="list-style-type: none"> Key informant interviews
	2. Extent to which clients are satisfied with the services received from the family justice system actors involved in ER-CM Model (registry, FJSD, private CDR professionals, court)	<ul style="list-style-type: none"> Client survey
	3. Client satisfaction with the CDR experience (e.g., mandatory requirement, pre-mediation assistance, level of neutrality, timeliness, outcome)	
	4. Client satisfaction with court process (if applicable) (e.g., in understanding their family law issues, fairness, timeliness)	
	5. Extent to which clients believe the services received were effective in dealing with their family law issues	
9. Has the ER-CM Model contributed to more parties using consensual dispute resolution and to more parties successfully narrowing or resolving their family issues outside of court?	1. Key informant opinions regarding impact of the ERP process on narrowing of clients' issue and/or clients' ability to resolve issues outside of court	<ul style="list-style-type: none"> Key informant interviews
	2. Client perception of their ability to narrow issues through the ERP process and/or to resolve issues outside of court including perceptions of outcomes related to communication, levels of conflict	<ul style="list-style-type: none"> Client survey
	3. Number of people using FJSD CDR pre and post	<ul style="list-style-type: none"> FJSD data
	4. The Model reduces the number of issues in cases, including in cases that proceed to court	<ul style="list-style-type: none"> FJSD data CSB data
	5. Fewer family law cases proceed to court	<ul style="list-style-type: none"> CSB data
10. Has the ER-CM Model and the process for PPM and protection orders contributed to more effective and efficient use of court?	1. Key informant opinion on the impacts of the ER-CM Model and the process for PPM matters and protection orders on the effectiveness and efficiency of the use of court	<ul style="list-style-type: none"> Key informant interviews
	2. Families participating in the ER-CM model are successfully narrowing issues, requiring fewer court appearances	<ul style="list-style-type: none"> CSB data
	3. Families participating in the ER-CM model are successfully narrowing issues, requiring less court time	<ul style="list-style-type: none"> Provincial court scheduling system where indicated (Trial tracker, Next Date Delay Surveys, OCJ)
	4. Court time is being used more efficiently (length of time to next available court date)	
	5. Families participating in the ER-CM Model are involved in fewer trials	
11. Were there any unintended positive or negative consequences or outcomes of the ER-CM Model identified in Year 2?	1. Key informant opinion on unintended consequences or outcomes of the ER-CM Model	<ul style="list-style-type: none"> Key informant interviews
	2. Key informant opinion on the impact of COVID (may also be raised in other evaluation questions as relevant)	

Appendix C – Data appendix

Data Appendix

This appendix provides detailed descriptions of the statistical methods used in the report to assess the ER-CM Model. For each statistical analysis, the appendix refers back to the sections of the report in which that specific result appears. The first section describes the various statistical techniques used in order to generate the results. The second section presents the full analyses corresponding to the noted headings and sub-headings of the report.

Methods used in report

Method 1: Cohen's *d* effect size formulas

Cohen's *d* effect size formulas are used in analyses of number of adjournments per case, number of issues in new family law cases in the two time periods (Aug-Dec 2017 and Aug-Dec 2019), and impact of CDR on the number of issues per case.

Cohen's *d* is a measure of the distance between two means, measured in pooled standard deviations, thereby indicating the standardized difference between the two means. It is one of the most common statistical tools used to measure effect sizes, and is a frequently reported statistic in meta-analysis studies and other types of analyses comprised of summary data. This makes Cohen's *d* well-suited to the purposes of analyzing the summary data in this evaluation.

The formula used to calculate Cohen's *d* is:

$$d = \frac{M_1 - M_2}{SD_{pooled}}$$

where M_1 and M_2 are the means for the first and second samples, and SD_{pooled} is the pooled standard deviation for the samples. SD_{pooled} is calculated as follows:

$$SD_{pooled} = \sqrt{\frac{SD_1^2 + SD_2^2}{2}}$$

The coefficient sign provides the direction of the effect. To interpret the resulting coefficient, the general guide below was developed by Cohen:

- < 0.1 = trivial effect
- 0.1 - 0.3 = small effect
- 0.3 - 0.5 = moderate effect
- > 0.5 = large difference effect

Method 2: Wilcoxon rank sum tests

Wilcoxon rank sum tests are used in analyses on number of court appearances, and on distributions of cumulative court times per case using case-level data. In the latter, a special case of the Wilcoxon rank sum test was used, in which outliers were excluded for one step of a two-step procedure (the test was otherwise run normally with its usual parameters and assumptions).

The Wilcoxon rank sum test (also called Mann-Whitney U test) is a non-parametric test of differences in distributions, which does not rely on assumptions of a normal distribution for the variables being tested. Wilcoxon rank sum tests compare the probability of getting higher values from group 1 with the probability of getting higher value from group 2. With the data in this evaluation, this test is used where tables of frequencies consisting of a minimum number of unique rows of observations ($n > 10$) are available.

Specifically, the Wilcoxon rank sum test is a non-parametric test of the null hypothesis that:

For $[X_a, Y_a]$ and $[X_b, Y_b]$ where a and b are two different populations, then
 $Prob(X > Y) = Prob(X < Y)$

Method 3: Linear regression, simple and multiple

Linear regressions were run to analyze number of new family law cases in the two time periods (2017 and 2019), number of new family law cases with court appearances, cumulative court times per case, and number of new family law cases with a trial appearance.

A linear regression is a technique using a linear approach for modelling the relationship between a response variable and one or more explanatory variables. Linear regression is the process by which we find the best line to fit the data, where the best line is found by minimizing the sum of the squares of the distance between the data points and the line. Most linear regression methods assume an ordinary least squares (OLS) calculation to estimate the unknown parameters in the regression equation. Several coefficients describing the power and significance of the regression coefficients (such as the correlation estimate and the R-squared coefficient of determination, for instance) most often accompany the results.

In a linear regression model, the dependent variable Y_i is a linear function of the regressors. Simple regression runs one dependent variable on one independent variable. Multiple regression runs one dependent variable on two or more independent variables. The general linear model is defined by the equation:

$$Y_i = \alpha + \beta_i X_i + \varepsilon_i, \text{ where}$$

Y_i = dependent (or response) variable,

α = constant term,

β_i = vector of unknown parameters,

X_i = column vector of the i -th observation of all the independent (or explanatory) variables,

ε_i = scalar component representing unobserved random variables (or errors) of the i -th observation.

A goodness-of-fit test of the OLS regression, denoted by the coefficient of determination R^2 , is commonly reported alongside the regression results. The coefficient of determination R^2 is defined as a ratio of “explained” variance to the “total” variance of the dependent variable Y . R^2 is defined by the equation:

$$R^2 = \frac{\sum(\hat{y}_i - \bar{y})^2}{\sum(y_i - \bar{y})^2}$$

Specific results presented in report

Report section 4.2.1: Parties’ understanding of the family justice process and preparation for next steps

Preparation for next steps
 Court

Result 1: Effect size comparisons for adjournments per case

Due to the small number of unique observations available for statistical analysis, a Wilcoxon rank sum test is not an appropriate tool to use in this case, because conducting this test on samples containing fewer than 10 unique rows of full data produces spurious results. Instead, effect size comparisons utilizing Cohen’s d formulas were applied, in order to gauge whether the ER-CM Model had a statistically significant impact on numbers of adjournments per case. The Cohen’s d coefficient resulting from the calculations entered into its formula indicate both the size and direction of the effect.

Table A1 shows that these calculations demonstrated that the coefficient for Victoria (-0.762) suggests a large negative impact on number of adjournments per case, between pre-Model and post-Model. On the other hand, the coefficient for Nanaimo (0.290) indicates a small positive change on number of adjournments per case in the same time period, and the coefficient for Kamloops (0.044) is trivial and therefore indicates a negligible effect on number of adjournments per case.

Table A1: Cohen's d effect size calculations, adjournments per case

Location and time period	Number of observations	Mean	Standard deviation	Pooled standard deviation calculation $SD_{pooled} = \sqrt{\frac{SD_1^2 + SD_2^2}{2}}$	Cohen's d effect size calculation $d = \frac{M_1 - M_2}{SD_{pooled}}$
Victoria 2017	9	9.89	11.12	8.75	-0.762
Victoria 2019	9	3.22	5.43		
Kamloops 2017	9	4.89	8.72	7.60	0.044
Kamloops 2019	9	5.22	6.28		
Nanaimo 2017	9	3.22	6.24	6.52	0.290
Nanaimo 2019	9	5.11	6.79		

Source: Consolidated CEIS unlinked data, August 12, 2021.

Report section 4.2.3: Ability of the Model to narrow or resolve issues

Reduction in the number of issues

Result 1: Effect size comparisons for number of issues in new family law cases

Due to the small number of unique observations available for statistical analysis, a Wilcoxon rank sum test is not an appropriate tool to use in this case, for the same reasons as above. Instead, effect size comparisons utilizing Cohen’s *d* formulas were applied, in order to gauge whether the ER-CM Model had a statistically significant impact on numbers of issues per case in Victoria.

Table A2 shows that these calculations demonstrated that the coefficient for Victoria (-0.596) suggests a large negative impact on number of issues per case, between pre-Model and post-Model. On the other hand, the coefficient for Nanaimo (-0.019) indicates a negligible negative impact on number of issues per case in that time period, and the coefficient for Kamloops (-0.102) indicates a small negative impact on number of issues per case.

Table A2: Cohen's *d* effect size calculations, number of issues in new family law cases

Location and time period	Number of observations	Mean	Standard deviation	Pooled standard deviation calculation $SD_{pooled} = \sqrt{\frac{SD_1^2 + SD_2^2}{2}}$	Cohen's <i>d</i> effect size calculation $d = \frac{M_1 - M_2}{SD_{pooled}}$
Victoria 2017	11	29.18	36.64	27.92	-0.596
Victoria 2019	11	12.55	14.74		
Kamloops 2017	11	27.27	22.34	24.14	-0.102
Kamloops 2019	11	24.82	25.82		
Nanaimo 2017	11	22.64	22.20	23.63	-0.019
Nanaimo 2019	11	24.18	24.98		

Source: Consolidated CEIS unlinked data, August 12, 2021.

Result 2: Effect size comparisons for impact of CDR on number of issues per case

Effect size comparisons employing Cohen’s *d* formulas were calculated in order to determine whether the occurrence of CDR had a statistically significant impact on number of issues per case.

Table A3 shows that these calculations resulted in a coefficient of -0.213, which points to a small impact on the number of issues per case where CDR occurred. This negative coefficient means that number of issues per case dropped slightly for parties who had CDR. The Cohen’s *d* effect size calculations therefore confirm that CDR slightly decreases the number of issues per case.

Table A3: Cohen's <i>d</i> effect size calculations, impact of CDR on number of issues per case in Victoria					
Occurrence of CDR	Number of observations	Mean	Standard deviation	Pooled standard deviation calculation $SD_{pooled} = \sqrt{\frac{SD_1^2 + SD_2^2}{2}}$	Cohen's <i>d</i> effect size calculation $d = \frac{M_1 - M_2}{SD_{pooled}}$
No CDR	7	9.29	9.46	8.04	-0.213
CDR occurred	7	7.57	6.29		
Source: Consolidated CEIS linked data, August 12, 2021.					

Report section 4.2.4: Efficient and effective use of court

Fewer cases proceeding to court

Result 1: Regressions on number of new family law cases in 2017 and 2019

Table A4 below reports linear regression results of number of new cases, by a dummy (binary) variable for time period (Aug-Dec 2017 or Aug-Dec 2019). Separate regressions are run for each of the three locations. The regression results show that number of new cases are negatively correlated with the time period dummy variable for Victoria, which suggests that new cases decline due to the ER-CM Model. The R-squared coefficient for Victoria is of moderate strength, which adequately supports the validity of the results. Kamloops also exhibits a negative correlation (meaning new cases dropped between 2017 and 2019), but the R-squared significance test is very weak in this case, which puts the validity of this relationship in doubt. For Nanaimo, the results indicate a positive relationship between number of new cases and time period, meaning that cases increased from 2017 to 2019. Once again, however, the R-squared coefficient is too weak to conclude that this result is valid. Among the three locations, only the results for Victoria are statistically robust enough to conclude that number of new cases is in fact negatively correlated with time period.

Table A4: OLS Regressions, number of new cases, by time period			
Variable	New cases		
	Regression 1: Victoria	Regression 2: Kamloops	Regression 3: Nanaimo
Constant	30.2	22.4	22.6
Time period:			
Aug-Dec 2019	-6.4	-2.0	2.2
Number of unique observations in statistical sample	10	10	10
R-Squared	0.20	0.04	0.03
<p><i>Notes:</i></p> <ul style="list-style-type: none"> The time period variable “Aug-Dec2019” is a binary dummy variable with values of 0 or 1 only. Aug-Dec2017 = 0 and Aug-Dec2019 = 1. Standard errors of independent variables, which are commonly provided in parentheses after each variable, are not shown in this case; standard errors of the coefficients are unreliable here since the sole variable is binary. <p>Source: Consolidated CEIS unlinked data, August 12, 2021.</p>			

Result 2: Regressions on family law cases with a court appearance

Table A5 below presents linear regression results of family law cases with a court appearance, by time period (Aug-Dec 2017 or Aug-Dec 2019) and total number of cases. Regressions 1 to 3 run number of cases with a court appearance on a dummy (binary) variable for time period and on total number of cases for that location. The regressions are run separately for each of the three locations.

The variable for total number of cases is included in these regressions primarily to control for disparities caused by large variations in total number of cases among the three locations; it is not a variable that is of analytical interest for its own sake. By including it, the variable that is of interest (the time period) is less affected by disparities in number of cases. The inclusion of “control” variables in a regression, when the variable itself is not of analytical interest, precludes potential problems such as collinearity and heteroscedasticity among the variables of interest. Collinearity means that there exists some level of correlation between predictor variables, such that they end up measuring the same thing in the regression, thus reducing the robustness of the results. Heteroscedasticity means the variability of random disturbances across a variable is different across elements (for instance, if observations are from different cities, as is precisely the case here). Both of these statistical problems are to be avoided if possible, since they weaken the robustness of the coefficient estimates and render statistical significance tests invalid.

The results in Table A5 show that number of cases with a court appearance is negatively correlated with the time period dummy variable in Victoria, when controlling for total number of cases. This means that the number of cases with a court appearance likely decreases due to the ER-CM Model by approximately 2.3 cases from pre- to post-Model. However, the standard error of this estimate is high at 1.82, which is close enough in magnitude to the magnitude of the coefficient estimate to suggest that the true variability of this estimate is high. Nonetheless, the negative correlation is robust, as indicated by a strong significance level (R-squared of 0.74). For Kamloops and Nanaimo, the relationship between number of cases with a court appearance and the time period variable is also negative, suggesting that number of cases drop from 2017 to 2019. But in both cases, the standard errors of the coefficients are close to or far exceed the estimate itself, thus creating difficulty in drawing any solid conclusions from these estimates. The R-squared coefficients are high for both comparison court locations, though, which means that the regression results themselves are reliable — even though these results may not have yielded any highly useful information.

In spite of the high variance of the coefficient estimates, overall the regression results still indicate that number of cases dropped more sharply from 2017 to 2019 in Victoria, compared to Kamloops and Nanaimo, and that the variability of the estimate for Victoria is relatively lower than those of Kamloops and Nanaimo. These results therefore support the hypothesis that the ER-CM Model had a moderate but discernible impact on Victoria’s number of cases with a court appearance — an impact not dependably perceptible in Kamloops and Nanaimo.

Table A5: OLS Regressions, family law cases with at least one court appearance held, by time period and total number of cases with a court appearance			
Variable	Cases with a court appearance		
	Regression 1: Victoria	Regression 2: Kamloops	Regression 3: Nanaimo
Constant	6.62 (4.05)	-1.39 (3.23)	-0.31 (2.48)
Time period:			
Aug-Dec 2019	-2.29 (1.82)	-0.03 (1.45)	-1.33 (1.26)
Total number of cases:			
Total cases	0.42 (0.13)	0.69 (0.14)	0.61 (0.10)
Number of unique observations in statistical sample	10	10	10
R-squared	0.74	0.79	0.83
Notes:			
<ul style="list-style-type: none"> The time period variable “Aug-Dec2019” is a binary dummy variable with values of 0 or 1 only. Aug-Dec2017 = 0 and Aug-Dec2019 = 1. Standard errors of coefficient estimates are included in parentheses. 			
Source: Consolidated CEIS unlinked data, August 12, 2021.			

Report section 4.2.4: Efficient and effective use of court

More efficient use of court

Result 1: Non-parametric tests for fewer court appearances

With the data in this evaluation, Wilcoxon rank sum tests are used where tables of frequencies consisting of a minimum number of unique rows of observations ($n > 10$) are available. Because the data in this evaluation display non-normal distributions, with the bulk of frequencies clustered in the lower numbers of appearances (making it left-skewed), a parametric test is unsuitable. Therefore, this non-parametric test was used instead.

Wilcoxon rank sum tests confirmed that the differences observed in the graphs in Figure 14 of the report, describing cumulative total number of court appearances for new family law cases, are statistically significant at $p < 0.05$. This indicates that the differences between Victoria and the two comparison locations are unlikely to have resulted randomly, as shown in Table A6 below.

Table A6: Wilcoxon rank sum tests, cumulative total number of court appearances for new family law cases			
Indicator	Victoria	Kamloops	Nanaimo
Number of observations (same in 2017 and 2019)	21	21	21
<i>p</i> -value	0.0297	0.8042	0.3178
$p < 0.05$	Yes	No	No
<i>Interpretation 1:</i> Distributions are the same in 2017 and 2019.	No	Yes	Yes
<i>Interpretation 2:</i> 2017 sample has a distribution with larger values than 2019 sample.	Yes	No	No
Source: Consolidated CEIS unlinked data, August 12, 2021.			

Result 2: Regressions on average and maximum court time per appearance

Result 2.1 Analysis of cumulative durations of appearance per case

Table A7 below reports linear regression results of average and maximum cumulative court times, by time period (Aug-Dec 2017 or Aug-Dec 2019). Regressions 1 to 3 run average cumulative court time on a dummy (binary) variable for time period, and regressions 4 to 6 run maximum cumulative court time on the same dummy variable for time period.

The regression results suggest that, for Victoria, both average and maximum cumulative court times are negatively correlated with the time period dummy variable. This means that these results make a fairly strong case for the claim that average and maximum cumulative court times decrease due to the ER-CM Model. The R-squared coefficient in both regressions for Victoria is of moderate strength, suggesting that the results are valid. A negative correlation between the cumulative court times and the time period variable also exists for Nanaimo, but the coefficient is much lower, suggesting that the effect of the time period variable is weaker in the case of Nanaimo. The time period coefficient is positive — though low — in both regressions for Kamloops, suggesting that average and maximum cumulative court times increased slightly in Kamloops from 2017 to 2019. However, in the case of Kamloops, the R-squared is very low in both sets of regressions, so the validity of the variable coefficients is debatable.

Of particular note, the effect of the time period variable is heavy on maximum cumulative court times in Victoria — with a coefficient nearly two and a half times larger than the coefficient for Nanaimo (and nearly 14 times the coefficient for Kamloops, but the R-squared is once again too small to accord this result much validity). From this result, it can be surmised that the ER-CM Model had a considerable effect primarily on maximum cumulative court times in Victoria, cutting the longest times down by an estimated 625 minutes from pre- to post-Model.

Table A7: OLS Regressions, average and maximum cumulative court times, by time period			
Variable	Average cumulative court times		
	Regression 1: Victoria	Regression 2: Kamloops	Regression 3: Nanaimo
Constant	79.4	76.7	62.8
Time period:			
Aug-Dec 2019	-39.0	15.4	-26.5
R-squared	0.34	0.09	0.41
	Maximum cumulative court times		
	Regression 4: Victoria	Regression 5: Kamloops	Regression 6: Nanaimo
Constant	791.6	435.2	394.0
Time period:			
Aug-Dec 2019	-625.4	45.4	-264.6
R-squared	0.43	0.01	0.43
Notes:			
<ul style="list-style-type: none"> • The time period variable “Aug-Dec2019” is a binary dummy variable with values of 0 or 1 only. Aug-Dec2017 = 0 and Aug-Dec2019 = 1. • Standard errors of independent variables, which are commonly provided in parentheses after each variable, are not shown in this case; standard errors of the coefficients are unreliable here since the sole variable is binary. 			
Source: Consolidated CEIS unlinked data, updated September 29, 2021.			

Result 2.2 Analysis of distributions of cumulative court times per case (using case-level data)

The frequency tables accompanying the summary statistics list cumulative court appearance times per case (with no identifying information) by month. The statistical analysis which follows below will make use of methods which exclude outliers in order to perform a special case of the Wilcoxon rank sum test, in order to determine whether the distributions of times are different in 2019 compared to 2017.⁵⁸ Table A8 shows further summary statistics of the same data described in Table 21 of the report, using the case-level frequency data. When outliers are excluded from the summary statistics, the average cumulative court time per case increases in Victoria (from approximately 20 to 28 minutes), and decreases in both Kamloops (from 52 to 36 minutes) and Nanaimo (from 31 to 27 minutes).

Table A8: Cumulative court appearance time per new family law case (in minutes), in 2017 and 2019, Victoria and comparison locations, with outliers included and excluded							
Location	Total # cases with an appearance	Average cumulative court time per case (outliers included)	Total court time in minutes (outliers included)	Percent change in total court time	Number of outliers among all cases	Number of cases with appearance with outliers excluded	Average cumulative court time per case (outliers excluded)
August 2017 to December 2017							
Victoria	97	83.2	8068	--	14	83	20.2
Kamloops	70	77.8	5449	--	4	66	52.0
Nanaimo	67	64.2	4304	--	7	60	30.6
August 2019 to December 2019							
Victoria	72	41.2	2967	- 63%	6	66	28.1
Kamloops	63	98.0	6175	+ 13%	10	53	36.0
Nanaimo	67	37.5	2511	- 42%	6	61	26.6

Source: Consolidated CEIS unlinked data, updated September 29, 2021.

The above disparities in the average cumulative court times when outliers are included versus excluded, imply that outliers contribute to distorting the summary statistics in Table 21, which could lead to drawing unwarranted conclusions related to the shape of the distribution of cumulative court times for the three locations.

With access to case-level data on cumulative court times, the hypothesis that the initial summary statistics may have been distorted by outliers can be tested. To test the hypothesis, a statistical test which first includes, then excludes the outliers should be used to reveal whether the distributions of cumulative court times are different pre- and post-Model in Victoria, compared to Kamloops and Nanaimo in the same time periods. An auxiliary test called Tukey’s Fences was used to identify individual outliers for all three locations — which could then be excluded in the test of the hypothesis.

⁵⁸ Please note that outliers are excluded solely within, and for the purposes of, the statistical test being performed. They are not removed or excluded for any other part of the analysis or any other test.

In order to test whether the existence of the dissimilarities in distributions of cumulative court appearance times can be demonstrated statistically, and the results are shown to be statistically significant, a special case of the Wilcoxon rank sum test was run on each of the three locations, alongside the regular Wilcoxon rank sum test. Specifically, on each set of data in 2017 and 2019 in the three locations, the test was first run with outliers included (the regular case) and then run once more with outliers excluded (the special case). Comparing the test results for the regular case versus the special case show whether a few extreme outliers could have masked the true effects of the Model on the distribution of court times per case in Victoria. If the distributions of cumulative court times are dissimilar in Victoria pre- to post-Model with outliers excluded compared to outliers included, and remain unchanged in the comparison locations in the same time period (with outliers excluded versus included) — and if these dissimilarities are statistically significant — then this would suggest that the Model affected Victoria’s distribution of cumulative court times per case.

Table A9 below displays the results of these six tests, with the significance level set at the customary $p < 0.05$. The results show that the test posits dissimilar distributions of average cumulative court times pre- and post-Model solely for Victoria, in the special case of the test only (outliers excluded). In the other five runs of this test, the distributions of court times are posited to remain the same from 2017 to 2019 — and for the two comparison locations, they remain the same whether outliers are included or excluded. These results support the notion that the Model influenced the distribution of cumulative court times per case in Victoria, whereas the distributions appear unaffected in the two comparison locations in the same time period.

Table A9: Results of special application of Wilcoxon rank sum tests, outliers included and excluded, for Victoria and comparison locations, by time period					
Location	Indicator	Outliers included		Outliers excluded	
		Aug-Dec 2017	Aug-Dec 2019	Aug-Dec 2017	Aug-Dec 2019
Victoria	Sample size	97	72	83	66
	Number of outliers	14	6	14	6
	Average cumul. court time per case	83.2	41.2	20.2	28.1
	<i>p</i> -value	0.134		0.007	
	<i>p</i> < 0.05 (significance test)	No		Yes	
	Interpretation: Distributions are the same in 2017 and 2019?	Yes		No	
Kamloops	Sample size	70	63	66	53
	Number of outliers	4	10	4	10
	Average cumul. court time per case	77.8	98	52.0	36.0
	<i>p</i> -value	0.625		0.078	
	<i>p</i> < 0.05 (significance test)	No		No	
	Interpretation: Distributions are the same in 2017 and 2019?	Yes		Yes	
Nanaimo	Sample size	67	67	60	61
	Number of outliers	7	6	7	6
	Average cumul. court time per case	64.2	37.5	30.6	26.6
	<i>p</i> -value	0.247		0.280	
	<i>p</i> < 0.05 (significance test)	No		No	
	Interpretation: Distributions are the same in 2017 and 2019?	Yes		Yes	
Source: Consolidated CEIS unlinked data, updated September 29, 2021.					

Result 3: Regressions on new family law cases with trial appearances

Table A10 below presents linear regression results of new family law cases with a trial appearance, by time period (2017 or 2019) and total number of cases. Regressions 1 to 3 run number of cases with a trial appearance on a dummy (binary) variable for time period and on total number of cases for that location. The regressions are run separately for each of the three locations. The variable for total number of cases is included in these regressions primarily to control for disparities caused by large variations in total number of cases among the three locations; it is not a variable that is of analytical interest for its own sake. By including it, the variable that is of interest (the time period) is less affected by disparities in number of cases.

The results in Table A10 show that, when controlling for total number of cases, number of cases with a trial appearance is negatively correlated with the time period dummy variable in Victoria. This suggests that number of cases with a trial appearance decrease due to the ER-CM Model, by approximately 2.4 cases from pre- to post-Model. Although the standard error of this estimate is fairly sizeable (1.28), the R-squared coefficient of determination is high (0.71), validating the robustness of this result. In Kamloops, while the relationship between number of cases with a trial appearance and time period is negative in the same time period (suggesting that the number of cases decreased by approximately 0.7 cases from 2017 to 2019), the standard error exceeds the estimate itself, and the R-squared in this case is too low (0.16) compared to the other locations to accord the result much reliability. In Nanaimo, number of cases with a trial appearance is also negatively correlated with the time period dummy variable, meaning that number of cases drop there as well from 2017 to 2019. However, the drop is more modest at 1.79 cases, also with a relatively high standard error (0.91). Nonetheless, this result is quite robust as well, with an R-squared of 0.68.

The regression results below support the premise that number of cases with a trial appearance undergo a sharper drop from pre- to post-Model in Victoria than they do in Kamloops and Nanaimo in the same time period. Based on these results, it can be hypothesized that the ER-CM Model had a statistically significant impact on lowering the number of cases with a trial appearance in Victoria, compared to Kamloops and Nanaimo.

Table A10: OLS Regressions, new family law cases with at least one trial appearance, by time period and total number of cases with a trial appearance			
Variable	Cases with a trial appearance		
	Regression 1: Victoria	Regression 2: Kamloops	Regression 3: Nanaimo
Constant	-0.71 (2.85)	1.46 (2.13)	-1.46 (1.78)
Time period:			
Aug-Dec 2019	-2.38 (1.28)	-0.66 (0.96)	-1.79 (0.91)
Total number of cases:			
Total cases	0.22 (0.09)	0.07 (0.09)	0.27 (0.07)
Number of unique observations in statistical sample	10	10	10
R-squared	0.71	0.16	0.68
Notes:			
<ul style="list-style-type: none"> The time period variable "Aug-Dec2019" is a binary dummy variable with values of 0 or 1 only. Aug-Dec2017 = 0 and Aug-Dec2019 = 1. Standard errors of coefficient estimates are included in parentheses. 			
Source: Consolidated CEIS unlinked data, August 12, 2021.			

Appendix D – Data collection instruments

**Ministry of the Attorney General
Evaluation of the
Early Resolution and Case Management Model**

Interview Guide for Internal Stakeholders

The Ministry of the Attorney General, Family Justice Services Division (FJSD) is conducting an evaluation of the Early Resolution and Case Management Model (ER-CM Model) in Victoria Provincial Court, which began operations in May 2019. The evaluation includes the Early Resolution and Case Management process in Provincial Court that applies to family law matters, as well as the process for handling priority parenting matters (PPMs) or protection orders. The evaluation covers two years of the ER-CM Model's operations: May 2019 to May 2020 (Year 1) and June 2020 to June 2021 (Year 2).

FJSD hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the ER-CM Model. You may have participated in an interview during the evaluation's first year. Your participation is voluntary.

The interview should take approximately 60 to 90 minutes. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio-record the interview. Although we will take notes throughout the interview, no one outside of PRA will see these notes or listen to the recordings.

The evaluation's objectives are to:

- ▶ assess the implementation of the ER-CM Model, including challenges and mitigation strategies;
- ▶ obtain information on the achievement of outcomes for clients;
- ▶ assess the system impacts of the ER-CM Model, including its effects on various actors within the system; and
- ▶ consider how the experience gained and lessons learned through the implementation of the ER-CM Model can inform the Model's rollout in other court locations.

In your responses, please address the Early Resolution and Case Management process that applies to family law matters in Provincial Court separately from the PPMs or protection orders, if you have experience with both processes.

We understand that your role within the ER-CM Model may mean that you have perspectives on particular points in the process and may not be able to address the Model as a whole. Please address the questions based on the aspects of the Model for which you have experience or knowledge.

We also realize that you may not be able to answer all questions. If that is the case, please let us know, and we will skip to the next question.

Delivery of the ER-CM Model

1. Please briefly describe your role in the delivery of the ER-CM Model.
2. We would like to understand how the COVID-19 pandemic impacted the operations of the ER-CM Model and the work that you do.
 - a. How did the pandemic affect the services that you provide as part of the ER-CM Model? What steps were taken to mitigate the impact of the pandemic on service delivery?
 - b. How did the changes in service delivery impact clients? Please describe positive and negative impacts.
 - c. Overall, what were the main promising practices or lessons learned from how the ER-CM Model's operations responded to the pandemic?
3. Thinking of the Model's operations during the last two years, have cases flowed through the new process as intended (e.g., being referred to the PPM and protection order process as required and, if appropriate, back to the Early Resolution and Case Management process)? Have you noticed any bottlenecks or unexpected attrition at different points in the process? Please explain any issues that you have noticed and whether the pandemic has had any specific impact in terms of bottlenecks or attrition.
4. In your opinion, do the current processes and structure of the ER-CM Model support its effective and efficient delivery?
 - a. If any changes have been made to processes since the Model launched, how effective have they been (excluding changes already addressed in Question 2)?
 - b. Are there any improvements to the processes and structure that you believe should be made?
5. Has the workload or staffing needs changed between Year One and Year Two? If so, in what ways? How has management responded to workload and staffing needs?
6. What training and/or other supports did you receive to assist you in providing services under the Model? Were your training needs met? Are there any areas where you would like to receive additional training?
7. How would you describe staff satisfaction with their work in Year Two? What has impacted the level of satisfaction?
8. In your opinion, is the ER-CM Model able to meet demand and provide the expected level of services? Please explain why or why not. In your response, please consider the following areas:
 - a. tools (forms, case management system)
 - b. resources (human, financial, technological)
 - c. capacity of other stakeholders (including internal stakeholders, such as FJSD, Provincial Court staff, and the judiciary, and external stakeholders, such as private consensual dispute resolution professionals, community organizations, family duty counsel, and advice counsel)

What steps have been taken to overcome any resource or capacity challenges for the ER-CM Model?

9. How effective is the communication among internal stakeholders (staff of the Justice Access Centre, Court Services Branch [e.g., clerks and sheriff services], and Provincial Court) in supporting the delivery of the Model?
 - a. Have you noticed a change between the first year of operations (May 2019 to May 2020) and the second year (June 2020 to June 2021)?
 - b. Where have there been improvements and where do gaps in understanding remain?
10. Based on your experience, how well do external stakeholders in the family justice system (e.g., counsel, private mediators, community organizations) understand the Model?
 - a. Have you noticed a change between the first year of operations (May 2019 to May 2020) and the second year (June 2020 to June 2021)?
 - b. Where have there been improvements and where do gaps in understanding remain?
11. Has the ER-CM Model assisted parties with earlier identification of their legal issues, including those outside of the ER-CM Model's scope? What impact, if any, does the limitation on the type of issues that can be addressed through the ER-CM Model have on the parties or the family justice process?
12. After two years of operation, what have been the main lessons learned or best practices of the ER-CM Model? Based on those lessons learned, how could the ER-CM Model be improved in terms of its design or implementation?

Progress towards achieving objectives

To the extent that you can, for all of the questions below, please compare the Model to what you observed in Victoria Provincial Court prior to the Model's launch (May 13, 2019). If you have noticed differences between Year One (May 2019 to May 2020) and Year Two (June 2020 to June 2021) of the Model's operations, please note what has changed, including any impacts that the pandemic may have had on the ability of the Model to achieve its objectives.

Also, please consider in your responses the impact of different aspects of the Model for which you have experience or knowledge, such as the PPM/protection order process, needs assessment, pre-mediation, consensual dispute resolution (CDR), and Family Management Conferences (FMCs).

13. To what extent has the Model improved parties' understanding of the family justice process, their family law issues, their options to resolve their issues, and their legal and non-legal needs?
14. To what extent has the Model helped prepare parties for their next step in the family law process? Please consider feedback that you may have received from parties, as well as other indications, such as the use of correct forms, submission of accurate and complete forms, and whether parties are ready to proceed with CDR, FMC, hearings, or trials.

15. To what extent has the Model contributed to parties using CDR to successfully narrow or resolve their family issues outside of court? In particular, has the Model had an impact on any of the following areas?
- helping parties communicate better with one another and reducing conflict between them
 - helping parties understand what their issues are
 - narrowing issues or encouraging earlier, more collaborative resolution of issues
 - identifying and helping address safety issues
 - encouraging parties to make decisions that are in the best interest of the children
16. In your opinion, what has been the impact, if any, of the Model on:
- a. providing appropriate and early responses to parties, particularly related to identifying and addressing safety and family violence issues
 - b. determining the appropriateness of CDR, and
 - c. providing referrals to services for legal or non-legal needs?
17. How effectively does the ER-CM Model address situations that involve family violence or high conflict? How are any potential safety issues addressed to ensure that both parties feel safe at each stage of the process? Are there any areas of improvement that you would suggest?
18. Based on your experience, what has been the impact of the Model, if any, on the efficient and effective use of court resources and time? Some possible areas to consider are listed below.
- the PPM and protection order process
 - new forms
 - the overall volume of family cases coming to court
 - adjournments due to lack of preparedness
 - number of court appearances per case
 - amount of court time per appearance
 - cases resolved without a trial
19. Have you received any feedback from parties about their experiences with the Model? Please describe whether the feedback was different during the pandemic. Do you have any suggestions for how parties' experiences with the Model can be improved?
20. Have there been any unintended consequences or outcomes of the Model, either positive or negative? If so, what were they?
21. Do you have any other suggested improvements for the Model that have not already been mentioned? Do you have any other comments?

Thank you for your time.

**Ministry of the Attorney General
Evaluation of the
Early Resolution and Case Management Model**

Interview Guide for Judges

The Ministry of the Attorney General, Family Justice Services Division (FJSD) is conducting an evaluation of the Early Resolution and Case Management Model (ER-CM Model) prototype in Victoria Provincial Court, which began operations in May 2019. The evaluation includes the Early Resolution and Case Management process in Provincial Court that applies to family law matters, as well as the process for handling priority parenting matters (PPMs) or protection orders. The evaluation covers two years of the ER-CM Model's operations: May 2019 to May 2020 (Year 1) and June 2020 to June 2021 (Year 2).

FJSD hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the ER-CM Model. Your participation is voluntary.

The interview should take no more than 45-60 minutes. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio-record the interview. Although we will take notes throughout the interview, no one outside of PRA will see these notes or listen to the recordings.

The evaluation's objectives are to:

- ▶ assess the implementation of the ER-CM Model, including challenges and mitigation strategies;
- ▶ obtain information on the achievement of outcomes for clients;
- ▶ assess the system impacts of the ER-CM Model, including its effects on various actors within the system; and
- ▶ consider how the experience gained and lessons learned through the implementation of the ER-CM Model can inform the Model's rollout in other court locations.

In your responses, please address the Early Resolution and Case Management process that applies to family law matters in Provincial Court separately from the PPMs or protection orders, if you have experience with both processes.

We understand that your role within the ER-CM Model may mean that you have perspectives on particular points in the process and may not be able to address the Model as a whole. Please address the questions based on the aspects of the Model for which you have experience or knowledge.

We also realize that you may not be able to answer all questions. If that is the case, please let us know, and we will skip to the next question.

Delivery of the ER-CM Model

1. We would like to understand how the COVID-19 pandemic impacted the operations of the ER-CM Model and the work that you do. [Q3 and Q11]
 - a. How did the pandemic affect the services that you provide as part of the ER-CM Model? What steps were taken to mitigate the impact of the pandemic on service delivery?
 - b. How did the changes in service delivery impact clients? Please describe positive and negative impacts.
 - c. Overall, what were the main promising practices or lessons learned from how the ER-CM Model operations responded to the pandemic?
2. To what extent has the ER-CM Model supported effective and efficient use of the family justice process? What features of the Model have contributed to efficiency and effectiveness and in what ways? [Q3]
 - a. How effective have any changes been to processes made since the Model launched (excluding changes already addressed in Question 1)? (*Probe: changes related to PPMs, protection orders, case management orders, the forms generally, desk order process*)
 - b. Are there any improvements to the processes and structure of the Model that you believe should be made?
3. The design of the ER-CM Model allows for Family Management Conferences to be conducted by a new judicial justice role, the family justice manager. A family justice manager (FJM) has limited jurisdiction as compared to a judge (an FJM cannot make: case management orders about the trial or trial process; final orders in the absence of a party, orders that would change, suspend or cancel an order of a judge). In Victoria, the Model has used Provincial Court judges instead.
 - a. How often have you acted under your authority as a judge and made decisions that a judicial justice could not have made? Please provide some examples.
 - b. What have the impacts been (positive or negative) on the family justice process of using Provincial Court judges for Family Management Conferences? What have the benefits been, if any, for families?
 - c. What would change if FJMs conducted Family Management Conferences? [Q3]
4. Two years after the Model's launch, what do you consider to be the best practices/key improvements and lessons learned? [Q4]

Progress towards achieving objectives

To the extent that you can, for all questions below, please compare the Model to what you observed in Victoria Provincial Court prior to the Model's launch (May 13, 2019). If you have noticed differences between Year One (May 2019 – May 2020) and Year Two (June 2020 – June 2021) of the Model's operations, please note what has changed, including any impacts that the pandemic may have had on the ability of the Model to achieve its objectives.

5. Have you observed any change in how prepared parties seem for their next step in the family law process? Please consider such things as the use of correct forms, submission of accurate and complete forms, and whether parties are ready to proceed for their Family Management Conference, hearings, or trials. [Q6]
6. How are any potential safety issues addressed to ensure that both parties feel safe while attending Family Management Conferences? [Q7]
7. Have you observed any impacts resulting from the Model's mandatory early assessment and consensual dispute resolution requirement? Have you observed any impacts resulting from Family Management Conferences? In particular, based on what you have observed, has the Model had an impact on any of the following areas? [Q8]
 - helping parties communicate better with one another and reducing conflict between them
 - helping parties understand what their issues are
 - narrowing issues or encouraging earlier, more collaborative resolution of issues
 - identifying and helping to address safety issues
 - encouraging parties to make decisions that are in the best interest of the children
8. To the extent not already addressed in Question 2, what has been the impact of the Model, if any, on the efficient and effective use of court? Some possible areas to consider are listed below. [Q10]
 - the PPM and protection order process
 - new forms
 - number of enforcement applications
 - need to adjourn the matter for lack of preparedness
9. Have there been any unintended consequences or outcomes of the Model, either positive or negative? If so, what were they? [Q11]
10. Do you have any other suggested improvements for the Model that have not already been mentioned? Do you have any other comments?

Thank you for your time.

**Ministry of the Attorney General
Evaluation of the
Early Resolution and Case Management Model**

Interview Guide for External Stakeholders

The Ministry of the Attorney General, Family Justice Services Division (FJSD) is conducting an evaluation of the Early Resolution and Case Management Model (ER-CM Model) prototype in Victoria Provincial Court, which began operations in May 2019. The evaluation includes the Early Resolution and Case Management process in Provincial Court that applies to family law matters, as well as the process for handling priority parenting matters (PPMs) or protection orders. The evaluation covers two years of the ER-CM Model's operations: May 2019 to May 2020 (Year 1) and June 2020 to June 2021 (Year 2).

FJSD hired PRA Inc., an independent research company, to assist in the evaluation. One component of the evaluation is to conduct telephone interviews with stakeholders who are familiar with the ER-CM Model. Your participation is voluntary.

The interview should take no more than one hour. The information we gather through the interviews will be summarized in aggregate form. With your permission, we will audio-record the interview. Although we will take notes throughout the interview, no one outside of PRA will see these notes or listen to the recordings.

The evaluation's objectives are to:

- ▶ assess the implementation of the ER-CM Model, including challenges and mitigation strategies;
- ▶ obtain information on the achievement of outcomes for clients;
- ▶ assess the system impacts of the ER-CM Model, including its effects on various actors within the system; and
- ▶ consider how the experience gained and lessons learned through the implementation of the ER-CM Model can inform the Model's rollout in other court locations.

In your responses, please address the Early Resolution and Case Management process that applies to family law matters in Provincial Court separately from the process for prioritizing PPMs or protection orders, if you have experience with both processes.

We understand that your role within the ER-CM Model may mean that you have perspectives on particular points in the process and may not be able to address the Model as a whole. Please address the questions based on the aspects of the Model for which you have experience or knowledge.

We also realize that you may not be able to answer all questions. If that is the case, please let us know, and we will skip to the next question.

Delivery of the ER-CM Model

1. Please briefly describe your involvement with the ER-CM Model in Victoria Provincial Court.
2. Has the ER-CM Model impacted you and/or your organization's work and workload either positively or negatively? Has the Model created any capacity issues or other challenges? If so, have you and/or your organization been able to address those challenges?
3. Did you attend any outreach or training sessions about the ER-CM Model? How helpful were they in assisting you with understanding the Model?
 - a. Do you believe that your understanding of the Model has improved over the two years of its operations? If so, in what ways? If not, what is still unclear about the Model?
4. How would you describe the clarity and consistency of the communications or information that you have received from staff of the Justice Access Centre (justice interviewers, family justice counsellors, and child support officer), Court Services staff (registry clerk, counter clerk, court clerk, and sheriff), and Provincial Court staff (judicial case manager and judiciary) in supporting the delivery of the Model?
5. We would like to understand how the COVID-19 pandemic impacted the operations of the ER-CM Model.
 - a. How did the pandemic affect the Model's operations and any services that you provide as part of the ER-CM Model (if applicable)?
 - b. What steps, if any, were taken by FJSD, Court Services, and/or the Provincial Court to mitigate the impact of the pandemic on service delivery?
 - c. How did the changes in service delivery impact clients? Please describe positive and negative impacts.
 - d. Overall, what were the main promising practices or lessons learned from how the ER-CM Model's operations responded to the pandemic?
6. In your opinion, do the current processes and structure of the ER-CM Model support its effective and efficient delivery?
 - a. If any changes have been made to processes since the Model launched, how effective have they been (excluding changes already addressed in Question 5)?
 - b. Are there any improvements to the processes and structure that you believe should be made?
7. Two years after the Model's launch, what do you consider to be the best practices/key improvements and lessons learned?

Progress towards achieving objectives

To the extent that you can, for all of the questions below, please compare the Model to what you observed in Victoria Provincial Court prior to the Model's launch (May 13, 2019). If you have noticed differences between Year One (May 2019 to May 2020) and Year Two (June 2020 to June 2021) of the Model's operations, please note what has changed, including any impacts that the pandemic may have had on the ability of the Model to achieve its objectives.

Also, please consider in your responses the impact of different aspects of the Model for which you have experience or knowledge, such as the PPM/protection order process, needs assessment, referrals to other services, pre-mediation, consensual dispute resolution (CDR), and Family Management Conferences (FMCs).

8. To what extent has the Model improved parties' understanding of the family justice process, their family law issues, their options to resolve their issues, and their legal and non-legal needs?
9. To what extent has the Model helped prepare parties for their next step in the family law process? Please consider feedback that you may have received from parties as well as other indications, such as the use of correct forms, submission of accurate and complete forms, and parties being ready to proceed with CDR, FMC, hearings, or trials.
10. To what extent has the Model contributed to parties using CDR to successfully narrow or resolve their family issues outside of court? In particular, has the Model had an impact on any of the following areas?
 - helping parties communicate better with one another and reducing conflict between them
 - helping parties understand what their issues are
 - narrowing issues or encouraging earlier, more collaborative resolution of issues
 - identifying and helping address safety issues
 - encouraging parties to make decisions that are in the best interest of the children
11. In your opinion, what has been the impact, if any, of the Model on:
 - a. providing appropriate and early responses to parties, particularly related to identifying and addressing safety and family violence issues
 - b. determining the appropriateness of CDR, and
 - c. providing referrals to services for legal or non-legal needs?
12. What is your understanding of how the ER-CM Model addresses situations that involve family violence or high conflict? How are any potential safety issues addressed to ensure that both parties feel safe at each stage of the process? Are there any areas of improvement that you would suggest?

13. Based on your experience, what has been the impact, if any, of the Model on the efficient and effective use of court resources and time? Some possible areas to consider are listed below.
- the PPM and protection order process
 - new forms
 - the overall volume of family cases coming to court
 - adjournments due to lack of preparedness
 - number of court appearances per case
 - amount of court time per appearance
 - cases resolved without a trial
14. Have you received any feedback from your clients about their experiences with the Model? Please describe whether the feedback was different during the pandemic. Do you have any suggestions for how parties' experiences with the Model can be improved?
15. Have there been any unintended consequences or outcomes of the Model, either positive or negative? If so, what were they?
16. Do you have any other suggested improvements for the Model that have not already been mentioned? Do you have any other comments?

Thank you for your time.

**Evaluation of the Victoria Early Resolution and Case Management Model
Survey questionnaire for clients – online version**

Invitation email

(Subject line: We would like your feedback on new family law process in Victoria)

The Ministry of the Attorney General and the Provincial Court want to hear from individuals about their experience using the Victoria Early Resolution and Case Management process to assist them with their family law matter. They have hired PRA Inc., a private research company, to assist with this study.

We understand you recently went to the Justice Access Centre in Victoria and received some services through this new early resolution and case management process. When you first went to the Justice Access Centre for help you provided your consent on the intake form to be contacted for research and evaluation purposes. That is why you have been invited to take part in this survey — to find out your experiences under this new model. The survey is completely voluntary.

The survey should take about 15 minutes to complete.

At the end of the survey, you will be provided an opportunity to enter into a draw for a \$20 gift card from Tim Hortons.

To proceed to the survey, please click on the button below.

If you have any questions about the survey, please contact Amy Richmond of PRA Inc. at 1-888-877-6744 or richmond@pra.ca. If at any time you experience technical difficulties while completing the survey, please contact survey@pra.ca. If you have any questions about the evaluation, please contact Oriole Courcy at Oriole.Courcy@gov.bc.ca.

Thank you in advance for participating in the evaluation.

Online survey landing pages

Welcome to the survey for the Evaluation of the Victoria Early Resolution and Case Management process.

The survey is completely voluntary and your decision whether to participate will not affect any services you are currently receiving at the Justice Access Centre or that you may receive in the future. Please be assured that you will not be asked personal details about your family law matter. The focus of the survey is on services received and how helpful they were to you. Your information will be combined with the responses of others and reported all together. Your name will not be mentioned in any report.

The survey should take about 15 minutes to complete.

At the end of the survey, you will be provided an opportunity to enter into a draw for a \$20 gift card from Tim Hortons.

You may leave the survey at any time and come back later to complete the questions. If you do leave the survey prior to completion, we ask that you wait approximately 15 minutes to re-enter to give the survey a chance to refresh.

To protect the privacy of others, we request that you do not include personal information about others in your responses, including their name. Information provided about a third party will be deleted.

Once the survey is completed, the data, which includes your contact information and responses, will be stored on a server that could be accessed by a US service provider for maintenance or repair as required. Please indicate below if you consent to your personal information identified above being accessed outside of Canada for these purposes.

Yes

No If no - end the survey (Thank you for your time).

Your consent is valid from today until such time as you rescind your consent.

First contact with JAC and their family law matter

We would like to focus on your experience with your most recent family law issue.

1. How did you first hear about the Justice Access Centre? (CHECK ALL THAT APPLY)

- Through the internet
- From someone at legal aid/legal aid intake
- From a private lawyer
- From Provincial Court staff
- From another government service
- From the other parent
- From a friend, relative, or acquaintance
- From previous experience using the Justice Access Centre
- Other (specify)
- Don't know/can't recall

2. Which of the following family law issues did you and/or the other party need help with from the Justice Access Centre? (CHECK ALL THAT APPLY)

- Parenting arrangements, including parental responsibilities and parenting time
- Child support
- Contact with a child
- Guardianship of a child
- Spousal support
- Other (specify)
- Don't know/can't recall

Needs Assessments and other initial assistance from the FJC

One of the first services provided at the Justice Access Centre is a needs assessment with a Family Justice Counsellor. This is where you would have filled out a form (called a Client Intake and Assessment Form) asking about your family law issues and some other personal information. The Family Justice Counsellor would have reviewed the assessment form with you and provided information and maybe written materials.

3. How helpful was this first meeting (the needs assessment) with the Family Justice Counsellor in assisting you with...
(Response categories to use: Very helpful, helpful, not helpful, not at all helpful, don't know)

- Understanding your family law issues?
- Identifying other needs that are important to address (e.g., housing, debt issues, need for counselling for you or your children)?
- Knowing the options available for resolving your family law issues?
- Identifying ways to communicate better with the other party?
- Identifying safety issues for you or your children?
- Thinking of ways to best support your children's interests and needs?
- Having a plan for next steps?
- Understanding the consensual dispute resolution (mediation) process?
- Understanding the benefits of consensual dispute resolution (mediation)?
- Knowing what to expect with the court process?

4. (If said not helpful, not at all helpful to any of Q3) Why did you find the needs assessment not helpful or not at all helpful in the areas that you indicated? [pull in list from Q3]

Specify
Don't know

5. During your needs assessment, were you asked about any safety concerns that you had?
Yes
No
Don't know/can't recall

6. (If yes to Q5) Do you believe that your safety concerns were understood by the Family Justice Counsellor?
Yes
No
Don't know/can't recall

7. (If no to Q6) How could your safety concerns have been better addressed?

8. Did the Family Justice Counsellor refer you to other individuals, organizations, or resources? (CHECK ALL THAT APPLY)

Yes, to legal service providers for legal advice (e.g., legal aid, family advice lawyer, duty counsel, private lawyer)

Yes, to community services to help you with other needs (for example, a crisis line, transition house, or shelter, someone to help with housing or debt counselling, a counsellor or a social worker)

Yes, to online or print resources

No referrals were provided (Note: this field will be exclusive)

Don't know/can't recall

9. (If were referred to either legal, community or online or print resources in Q8) Did you follow-up on any of these referrals?

Yes

No not yet, but I plan to

No

Don't know/can't recall

SKIP TO Q12

SKIP TO Q12

SKIP TO Q12

10. (If yes) How helpful did you find these referrals?

Very helpful

Helpful

Not helpful

Not at all helpful

Don't know

SKIP TO Q12

SKIP TO Q12

SKIP TO Q12

11. Why did you find the referral or referrals not helpful or not at all helpful?

Specify
Don't know

Consensual dispute resolution process

12. After your needs assessment you may have been told that some type of consensual dispute resolution process would be appropriate for you. These are not meetings with the judge in the courthouse. Did you or are you using a consensual dispute resolution process? Please select only one.

Yes, consensual dispute resolution (mediation) at the Victoria Justice Access Centre
Yes, mediation with a private mediator or a collaborative family law process
No, I was told consensual dispute resolution was not appropriate given my situation, my issues were out of scope, or that I was exempt SKIP TO Q27
No, I did not use a consensual dispute resolution process (other reasons/reasons unknown) SKIP TO Q27

CLICK HERE FOR A DESCRIPTION OF CONSENSUAL DISPUTE RESOLUTION AT THE JUSTICE ACCESS CENTRE:

The Victoria Justice Access Centre located at 225 - 850 Burdett Ave offers consensual dispute resolution (mediation) free of charge. The services are provided by a Family Justice Counsellor or, if the only issue is child support, a Child Support Officer. The process would include helping you prepare for the meeting with the other party and the mediation or, if the only issue is child support, facilitated negotiation session(s) with the other party.

CLICK HERE FOR A DESCRIPTION OF PRIVATE MEDIATION:

The parties involved would agree to hire a private family mediator, who meets the requirements of being a family dispute resolution professional under the *Family Law Act*. The mediation session(s) would not occur at the Justice Access Centre but at another location, most likely the offices of the family mediator.

CLICK HERE FOR A DESCRIPTION OF THE COLLABORATIVE FAMILY LAW PROCESS:

In the collaborative family law process, the parties involved each hire their own private lawyer who specializes in collaborative family law. Depending on a family's particular needs, a financial specialist and/or mental health professionals may also support the negotiations. Each party and their lawyers sign a collaborative practice participation agreement promising to work together to find acceptable solutions outside of court. If the parties are unable to resolve their matters through the collaborative process, the lawyers cannot represent the parties in a contested legal claim.

13. (If yes - CDR, private mediation/collaborative family law process - to Q12) At what stage are you with your consensual dispute resolution process?

It is completed

It is still ongoing

Don't know

SKIP TO Q27

SKIP TO Q27

14a. How was your consensual dispute resolution process conducted?

In person with the other party

Shuttle mediation where the parties are in different rooms or locations

Videoconference

Teleconference

Don't know

14. (If CDR at JAC to Q12) Who led your consensual dispute resolution process at the Justice Access Centre?

A Family Justice Counsellor

A Child Support Officer

Don't know

15. In total, about how many weeks did it take from the time you first went to the Justice Access Centre to when you completed the consensual dispute resolution process? Did it take...

Less than 3 weeks

4 to 5 weeks

6 to 7 weeks

8 to 9 weeks

Over 9 weeks

Don't know

16. Did you think that this was a reasonable amount of time?

Yes

No

Don't know

SKIP TO Q18

SKIP TO Q18

17. Why do you think it was an unreasonable amount of time?

Specify

Don't know

18. What was the result of your consensual dispute resolution process?

All issues were resolved

Some issues were resolved, but some were not resolved

No issues were resolved

Don't know

19. Did you have any issues that you wanted addressed through the consensual dispute resolution process, but you were told that you could not?

- Yes
- No
- Don't know

20. (If yes to Q19) What were those issues?

- Canceling or reducing child or spousal support arrears
- Retroactively calculating child or spousal support for more than 12 previous months
- Issues related to complex income for child or spousal support (e.g., payor controls a corporation)
- Child or spousal support where the payor lives outside of Canada
- Guardianship of a child over 12 years of age
- Other (specify)

21. What is your level of agreement with each of the following statements about the consensual dispute resolution process?

(Response categories to use: Strongly agree, agree, disagree, strongly disagree, don't know)

- I had a good understanding of what to expect
- I had a good understanding of how to prepare (e.g., financial and other information)
- I understood what was being discussed and why
- I was treated with respect by the person who led the process
- I felt listened to by the person who led the process
- I felt safe throughout the process
- The process provided tools and resources that helped us reach an agreement

22. What effect did the consensual dispute resolution process have in the following areas? (Response categories to use: Very positive, positive, no effect, negative, very negative, don't know)

- Helping us understand what our issues were
- Improving our ability to communicate with each other about those issues
- Encouraging us to make decisions that are in the best interest of the children
- Reducing conflict between us

23. How satisfied are you with the outcome of the consensual dispute resolution process in terms of the following? (Response categories: Very satisfied, satisfied, not satisfied, very unsatisfied, don't know)

- Its fairness to both parties
- Its consideration of your needs
- Its consideration of your children's needs
- Its effectiveness in resolving some or all of your family law issues without going to court

24. (If resolved all or some issues in Q18) So far, have you and the other party been able to keep your agreement(s)?

- Yes, fully
- Yes, partially
- No, not at all
- Too early to tell

25. Overall, how satisfied are you with the consensual dispute resolution process you took part in?

- Very satisfied
- Satisfied
- Not satisfied
- Not at all satisfied
- Don't know

SKIP TO Q27

26. Please explain why you are [INSERT RESPONSE TO Q25] with the consensual dispute resolution process you took part in.

- Specify
- Don't know

ASK Q27 TO Q30 TO ALL RESPONDENTS

27. Overall, how satisfied were you with the help and support you received from the Justice Access Centre?

- Very satisfied
- Satisfied
- Not satisfied
- Not at all satisfied
- Don't know

SKIP TO Q29

28. Please explain why you felt [INSERT RESPONSE FROM Q27].

- Specify
- Don't know

29. To what extent do you agree that it is **helpful** for people with family law issues to have the following services?

(Response categories to use: Strongly agree, agree, disagree, strongly disagree, don't know)

- A needs assessment conducted by a Family Justice Counsellor
- Consensual dispute resolution, when appropriate

30. To what extent do you agree with the following services being **required** for people with family law issues?

(Response categories to use: Strongly agree, agree, disagree, strongly disagree, don't know)

A needs assessment conducted by a Family Justice Counsellor
Consensual dispute resolution, when appropriate

IF SAID IN Q18 THAT ALL ISSUES WERE RESOLVED OR SAID DON'T KNOW, SKIP TO Q54

IF SAID IN Q13 THAT PROCESS IS STILL ONGOING, SKIP TO Q56

Next steps for unresolved matters – Family Management Conference

31. (If no - CDR not appropriate or did not use CDR - to Q12 or in Q18 indicated that some or no issues were resolved) What other steps have you taken to resolve your family law matter?

You, the other party, or a lawyer filed a Family Law Matter Claim to have the issue resolved with the help of the court

You resolved all the issues with the other party
without involving the court SKIP TO Q54

You are working with the other party to resolve the issues
on your own SKIP TO Q54

You are trying additional mediation
(e.g., using a different mediator) SKIP TO Q54

You don't plan on taking any other steps SKIP TO Q54

You have not had decided what to do next SKIP TO Q54

Other (specify) SKIP TO Q54

32. If parties are not able to resolve their issues through a consensual dispute resolution process, and a party or their lawyer files a Family Law Matter Claim, the first step in the court process is a Family Management Conference with a judge. This is an informal meeting and would be the first meeting with the judge. Have you taken part in a Family Management Conference? Or do you have one scheduled?

CLICK HERE FOR A DESCRIPTION OF THE FAMILY MANAGEMENT CONFERENCE: This is an informal and the first meeting with the judge. The judge may, for example, help parties to identify their issues, look at ways to resolve issues, make interim orders or other orders to help prepare for the next step, or, if parties come to agreement, help make consent orders. The Family Management Conference may require one or more meetings with the judge and it is not a trial or hearing.

Yes, I have completed a Family Management Conference
Yes, I am currently taking part in a Family Management Conference
Yes, I have a Family Management Conference scheduled SKIP TO Q54

No, I have not taken part in and do not yet have a
Family Management Conference scheduled SKIP TO Q54

Don't know SKIP TO Q54

33. Who, if anyone, helped (or is helping) you prepare for the Family Management Conference? (CHECK ALL THAT APPLY)

- | | |
|--|-------------|
| A Family Justice Counsellor | |
| Someone in the Justice Access Centre resource room | |
| A family advice or duty counsel lawyer at the courthouse | SKIP TO Q37 |
| A private lawyer | SKIP TO Q37 |
| Other (please specify) | SKIP TO Q37 |
| No one, you are doing it all yourself | SKIP TO Q37 |
| Don't know | SKIP TO Q37 |

34. What help did the Justice Access Centre provide you on the Family Management Conference? Did they...? (CHECK ALL THAT APPLY)

- Tell you what to expect to happen at the conference
- Help you prepare your financial information
- Tell you about what other information to bring to the conference
- Other (please specify)
- Don't know

35. How helpful was the assistance from the Justice Access Centre in preparing for the Family Management Conference?

- | | |
|--------------------|-------------|
| Very helpful | SKIP TO Q37 |
| Helpful | SKIP TO Q37 |
| Not helpful | |
| Not at all helpful | |
| Don't know | SKIP TO Q37 |

36. Why did you find the assistance from the Justice Access Centre not helpful or not at all helpful in preparing for the Family Management Conference?

- Specify
- Don't know

IF FROM Q32 THEY COMPLETED THE FAMILY MANAGEMENT CONFERENCE
CONTINUE, OTHERWISE SKIP TO Q54

37. Where was the Family Management Conference held?

In a court room

In a conference room in the courthouse

By teleconference

By videoconference

Other (specify)

Don't know/can't recall

SKIP TO Q39

38. How did you feel about how the Family Management Conference was conducted?

(Response categories to use: Strongly agree, agree, disagree, strongly disagree, don't know)

It was a comfortable setting that encouraged discussion

It was too formal and/or intimidating

I felt safe

Other thoughts about what you liked about how the Family Management Conference was conducted (specify)

Other thoughts about what you did not like about how the Family Management Conference was conducted (specify)

39. What was the result of your Family Management Conference?

All issues were resolved so no more court appearances were needed

Some issues were resolved and some were not resolved

No issues were resolved

Don't know/can't recall

40. What is your level of agreement with each of the following statements about the Family Management Conference?

(Response categories to use: Strongly agree, agree, disagree, strongly disagree, don't know)

I felt well prepared for the Family Management Conference

I had a good understanding of what to expect

I had a good understanding of how to prepare for the conference (e.g., financial and other information)

I understood what was being discussed during the Family Management Conference and why

The Family Management Conference helped me understand the options available to resolve the issues

The process was fair and considered my needs

My children's needs were adequately considered

I was treated with respect by the judge and court staff

I felt listened to by the judge

I felt safe throughout the process

(If not all issues resolved in Q39) The Family Management Conference helped me feel better prepared for the next step of the court process

41. (If disagreed or strongly disagreed with “I felt safe throughout the process”) What could be done to help you feel safer during the process?

42. What effect did the Family Management Conference have in the following areas?
(Response categories to use: Very positive, positive, no effect, negative, very negative, don’t know)

Helping us understand our issues that still needed to be resolved
Improving our ability to communicate with each other about those issues
Encouraging us to make decisions that are in the best interest of the children
Reducing conflict between us

43. How satisfied are you with the outcome of the Family Management Conference in terms of the following? (Response categories: Very satisfied, satisfied, not satisfied, very unsatisfied, don’t know)

Its fairness to both parties
Its consideration of your needs
Its consideration of your children’s needs
Its effectiveness in resolving some or all of your family law issues

44. (If resolved some or all issues in Q39) So far, have you and the other party been able keep your agreement(s)?

Yes, fully
Yes, partially
No
Too early to tell

45. Overall, how helpful did you find the Family Management Conference? Was it...

Very helpful
Helpful
Not helpful
Not at all helpful
Don’t know

SKIP TO NOTE BEFORE Q47

46. What was it about the Family Management Conference that you found [INSERT RESPONSE TO Q45]?

Specify
Don’t know

NOTE: IF SAID IN Q39 THAT CAME TO AGREEMENT ON ALL ISSUES SKIP TO Q51

Court trial

If not all issues are resolved at the Family Management Conference, parties may take their matter to trial or have another court appearance. These would be more formal court appearances with the judge.

47. After the Family Management Conference, have you had a court trial or any other court appearance for your family law matter?

Yes

No

Don't know

SKIP TO Q50

SKIP TO Q50

48. How prepared did you feel for the court appearance(s)?

Very prepared

Prepared

Not prepared

Not very prepared

Don't know

SKIP TO Q50

49. Please explain why you felt [INSERT RESPONSE FROM Q48].

Specify

Don't know

50. Has your family law matter been resolved (either by agreement between you and the other party or by an order from a judge)?

Yes

No

Don't know

SKIP TO Q52

SKIP TO Q52

51. Thinking of the court process from when you or the other party filed the Family Law Matter Claim to when your matter was resolved (either by agreement between you and the other party or by an order from a judge), what is your level of agreement with each of the following?

(Response categories to use: Strongly agree, agree, disagree, strongly disagree, don't know)

I had a good understanding of what to expect to happen at each step along the way

The time required to resolve my family law matter was reasonable

The number of times I had to go to court was reasonable

I was treated with respect by those involved in the court process (e.g., judge, court staff)

The court process was fair and considered my needs

I am satisfied with how the court process helped me resolve my family law matter

As part of the court process you would have had to complete and submit some court forms. Some examples of forms include the Family Law Matter Claim, financial statement, reply to a Family Law Matter Claim, reply to a counterclaim, application for a case management order, application for a consent order, application for enforcement, and others.

52. Who, if anyone, assisted you in completing your court forms? (CHECK ALL THAT APPLY)

Family Justice Counsellor

The person in the Justice Access Centre resource room

A family advice lawyer at the Justice Access Centre

A duty counsel lawyer at the courthouse

A private lawyer that I hired

I called the Family LawLine for help

A friend or relative

No one, I did them all myself

Other (please specify)

Don't know/can't recall

53. (SKIP if only indicate private lawyer to Q52) What is your level of agreement with each of the following statements about the court forms?
(Response categories to use: Strongly agree, agree, disagree, strongly disagree, don't know)

The number of forms I had to complete was reasonable

The time it took to complete the form or forms was reasonable

The language used in the form or forms was easy to understand

The instructions on the form or forms were clear

It was clear when I was to use each form and why

The form or forms helped me to tell my story to the court

Use of a private lawyer

54. Although you may have already mentioned hiring a lawyer, this question asks for more information on the use of private lawyers. Which of the following statements would apply to you on the use of a private lawyer to assist you in any part of the process of trying to resolve your family law matter? (SELECT ONE ONLY)

I hired a lawyer to assist me throughout the process
I hired a lawyer to assist me for parts of the process
I have not hired a lawyer yet to assist me
Don't know

55. (If they had a lawyer for part of the process) For which parts of the process did you hire a lawyer? (CHECK ALL THAT APPLY)

For some initial consultation
To help me with a collaborative law process
For advice and assistance on the mediation process
To help me complete the court forms
Other (please specify)
Don't know

Do not show the below options if Q18 is all issues resolved or are skipped to Q54 because of response to Q31

To help me prepare for and/or attend the Family Management Conference
To help me prepare for the court trial
To represent me at the court trial

We have just a few background questions. These are to help us understand who the Early Resolution and Case Management Model is serving.

56. What year you were born? [ENTER FULL YEAR]

57. Please indicate with which gender you identify:

Woman
Man
Gender diverse
An identity not listed (please self-identify: _____)
Prefer not to answer

58. Are you a member of any of these groups? (check all that apply)

First Nations
Métis
Inuit
Immigrant
People with disabilities
I do not identify with any of these groups
Prefer not to answer

59. What is your highest level of education?
- University degree (including Post-graduate or Professional)
 - College, technical school, apprentice or vocational school
 - Some university or college
 - Completed high school or GED equivalency
 - Some high school
 - Elementary school or less
 - Don't know
 - Prefer not to answer
60. Which of the following categories describes your total annual household income?
- Under \$20,000
 - \$20,000 to \$39,999
 - \$40,000 to \$59,999
 - \$60,000 to \$79,999
 - \$80,000 to \$99,999
 - \$100,000 to \$149,999
 - \$150,000 to \$199,999
 - \$200,000 or more
 - Don't know
 - Prefer not to answer

END SURVEY (NO FOLLOW UP) IF:
SAID IN Q18 THAT ALL ISSUES RESOLVED THROUGH DISPUTE RESOLUTION
OR
SAID IN Q31 THAT THEY RESOLVED THEIR ISSUES ON THEIR OWN WITH
THE OTHER PARTY OR
SAID IN Q39 THAT ALL ISSUES RESOLVED AT THE FAMILY MANAGEMENT
CONFERENCE OR
SAID IN Q50 THAT MATTER IS NOW RESOLVED

Follow-up survey and conclusion

61. Since your matter is not yet fully resolved, we would like to speak with you again in the future to get some additional feedback from you on how you found the process. Would you be okay with us contacting you in about six months for an update on your family law matter?

Yes

No

62. Would you like to be entered into the draw for a \$20 gift card from Tim Hortons?

Yes

No

63. If yes, please enter your email address for receiving an e-card or your mailing address:

Email address:

Mailing address:

That is the end of the survey. Thank you very much for your participation.