

NANAIMO FAMILY JUSTICE SERVICES CENTRE

BACKGROUND AND CONTEXT

Family Justice Reform Context

On April 2, 2007, the Family Justice Services Division, BC Ministry of Attorney General, in partnership with the Legal Services Society (LSS), began to pilot a Family Justice Services Centre in Nanaimo. These two agencies administer important family justice services throughout BC; they also have a shared experience in designing and implementing family justice reform projects. Their collective experiences and their existing services provided the basis for the new centre.

This was a complex project that required both organizations to adapt policies and procedures and service delivery to meet the objectives set out in the Family Justice Reform Working Group report. One outcome was housing the two agencies in the same centre, but it is important to note that integrated service delivery was being tested in this pilot, not merely collocation.

Family Justice Services in the Centre

A brief description of the kinds of family justice services available to families in Nanaimo prior to the implementation of the Family Justice Services Centre is provided here as background information.

Family Justice Services Division, Ministry of Attorney General

Family justice services have been available in Nanaimo for many years. The Family Justice Centre (FJC) has helped families experiencing divorce and separation resolve disputes about child custody and access, guardianship, and spousal or child support. With the assistance of Family Justice Counsellors, people are able to come to agreements without going to court. The FJC also administers the Parenting After Separation Program. Before attending court on most contested family law matters, parents are required to separately attend a three-hour session that helps them to understand their dispute resolution options, learn about the impact of separation and divorce on families and children, and focus on the best interests of their children.¹

Legal Services Society (LSS)

In Nanaimo prior to the implementation of the centre pilot project, LSS services primarily assisted eligible individuals with criminal, immigration, family and child protection law matters. Clients included parents who were at risk of having their children removed by a child protection worker with the Ministry of Children and Family Development, and eligible individuals with critical or emergency family matters. Examples of emergency family situations include:

- an immediate court order is required for an adult's or a child's safety and security
- serious denial of access to a child is alleged
- there are serious legal issues in high conflict cases

¹ Some Family Justice Counsellors in the Family Justice Services Division prepare Custody and Access reports ordered by the Supreme or Provincial Court. There are no custody and access report writers located in the Nanaimo Family Justice Centre, and this is not a service offered to the public.

The table below shows the services offered by MAG and LSS to families undergoing separation and divorce prior to and post implementation of the Family Justice Services Centre Pilot Project.

Services Existing Prior to Implementation

Family Justice Services Division, MAG	Legal Services Society
<ul style="list-style-type: none"> ▪ Assessment to determine what services are appropriate for the client with priority given to clients with modest incomes ▪ Brief Service ▪ Brief Counselling ▪ Dispute Resolution, primarily mediation, further to screening to assess if the case is appropriate ▪ Parenting After Separation Program 	<ul style="list-style-type: none"> ▪ Intake to determine if the client is eligible for service* ▪ Representation in court for some criminal, family and child protection matters ▪ Limited legal advice through Duty Counsel at Provincial and/or Supreme Court to assist eligible unrepresented clients with criminal or family legal matters

Services Added Post Implementation

Family Justice Services Division, MAG	Legal Services Society
<ul style="list-style-type: none"> ▪ Comprehensive needs assessment process intended to determine clients issues in five key areas² ▪ More focused and formalized procedures for referring clients to services in the justice system and in the community ▪ Comprehensive Child Support Officer to assist parents to reach agreements on child support ▪ Dispute Resolution services expanded to include small and simple property matters ▪ Parenting After Separation options expanded to include: <ul style="list-style-type: none"> ○ <i>Separated with Children — Dealing with Finances</i> ○ <i>Aboriginal Parenting After Separation</i> ○ <i>Reducing Conflict After Separation: Helping Parents Move On</i> 	<ul style="list-style-type: none"> ▪ More advice lawyer coverage to provide limited legal advice on family law issues to eligible clients (lawyers visit centre at scheduled times)* ▪ Resource Room with staff person to assist clients to locate key information about their family justice problem (computer kiosks, print materials, dedicated website, etc.)³

In addition, Nanaimo was designated as a Family Justice Registry pursuant to Rule 5 of the Provincial Court (Family) Rules, commencing April 2007. As a consequence, parties to most *Family Relations Act* cases are required to meet with a Family Justice Counsellor before proceeding to court on a contested family law matter. The purpose of the meeting is to help the parties to clarify their issues, and to ensure they know about dispute resolution options and services that are appropriate for their case.

Planning for Implementation

The Justice Services Branch, MAG, began planning for the implementation of the FJRWG recommendations with regard to a Family Justice Information Hub in September 2005. A broad range of issues were examined such as: what would government's role be in a hub; what would be the target population of the hub; what kind of partnerships would be required to bring the right mix of services together consistent with the vision in the FJRWG report; how would information be shared; what would the assessment function look like and should an assessment tool be used.

² Family violence, mental health and substance abuse issues, debt or financial issues, and child protection issues.

³ When implemented, one LSS staff person supported the Resource Room, but had two functions: 1) to assist clients in the Resource Room, and 2) carry out LSS intake. Later, a second person was added to support the Resource Room full time. LSS hired a staff person in its Legal Information Outreach Worker series for this task.

The Ministry and LSS agreed to partner to implement a Family Justice Services Centre in Nanaimo, with MAG taking the lead on developing an assessment and referral service and LSS developing the Resource Room and the limited legal advice services envisioned by the FJRWG. The site for the centre would be the existing Family Justice Centre with the services LSS intended to bring to the centre to be collocated there.

To support implementation the following activities were carried out:

- an assessment tool was developed, evaluated and tested in the field;
- a Privacy Impact Assessment was completed;
- limited and appropriate access to electronic Provincial Court files was secured;
- client and service flow models and related policies were developed and implemented;
- protocols governing the interactions within the office between Ministry and LSS staff were designed and implemented;
- a roster of Family Advice Lawyers was assembled;
- a dedicated website for the centre was built and public information materials designed;
- court volumes and cases were examined to anticipate service uptake;
- BC Stats and Statistics Canada information and research reports were analysed to help anticipate the target population;
- tenant improvements were carried out to facilitate access to the Resource Room and to maximize the number of available working offices; and
- consultations took place with the Family Bar and the Provincial Court Judiciary in Nanaimo by way of in person presentations and written information.

An advantage of building the Family Justice Services Centre at the existing Family Justice Centre was being able to capitalize on the community relationships already in place. For example, the centre's Local Manager participates on the Nanaimo Violence Against Women in Relationships Committee. Information about the forthcoming centre was disseminated at appropriate community forums and engagement with complementary agencies was pursued prior to implementation including with the Family Maintenance Program and the Family Maintenance Enforcement Program. As well, the Local Manager met with every Ministry of Child and Family Development office in the district and with Aboriginal Agencies with delegated authority for child protection.