



**Ministry of Attorney General
Justice Services Branch
Family Justice Services Division**

Addenda to the Evaluation of the Family
Justice Registry (Rule 5)
Pilot Project

Final Report

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evaluation.

1. Page E-5 (Erratum)

Reporting of the results contained in Table E-5 (see Appendix E) should be changed. Specifically, the last sentence of the second paragraph below Table E-5 (on page E-5) should read as follows:

“The increase in the proportion of applications that were diverted from the court system at the Rule 5 sites was 70% larger than those applications that did not continue to court at the comparison sites (an absolute difference of 11%).”

2. Diversion and Narrowing of Issues

Rule 5 was intended to reduce court activity in two ways. First, it was intended to divert some cases from court altogether (the “diversion effect”). Second, it was expected that, for those cases that did proceed to court, some would require less time in court (i.e., fewer appearances and/or hearings) because triage had helped the parties to resolve some issues, leaving fewer to be dealt with by the court (the “narrowing effect”).

In the original analysis, the diversion effect was measured and found to be stronger at the Rule 5 pilot sites than the comparison sites. Table E-5 (see Appendix E) documents the diversion effect at both Rule5 and the comparison sites. However, the original analysis did not examine the extent to which court activity was decreased only for those cases that proceeded through the courts. Rather, the original analysis examined average court activity, overall, which included cases where there was no court activity (see Tables E-1, E-2 and E-5). This analysis measured the combined effects of diversion and narrowing of issues, making it impossible to determine the extent to which the decreased rate of court activities was attributable to the impact of the diversion effect or the narrowing effect.

In order to test the narrowing effect, the extent to which the amount of court activity (i.e., appearances and hearings) decreased for cases that proceed through the courts was examined in isolation from diverted cases (i.e., cases with no court activity after an application is filed). The results of the analysis are presented Table 1.

Table 1

| | Total Average Activities/ Total Applications | Average Activities/Application that Proceeded to Court (Narrowing Effect) | Activity Reduction as a Result of the Diversion Effect |
|----------------------------------|---|--|---|
| Pre-Implementation | | | |
| Rule 5 | 2.12 | 2.18 | |
| Non-Rule 5 | 1.61 | 1.65 | |
| | | | |
| Post -Implementation | | | |
| Rule 5 | 1.26 | 1.76 | |
| Non-Rule 5 | 1.33 | 1.61 | |
| | | | |
| Change (Pre – Post) | | | |
| Rule 5 | -0.86 | -0.42 | -0.44 |
| Non-Rule 5 | -0.28 | -0.04 | -0.24 |
| | | | |
| % Change (Pre & Post) | | | |
| Rule 5 | -40.5% | -19.2% | -21.3% |
| Non-Rule 5 | -17.4% | -2.4% | -15.0% |

As evidenced in Table 1, of the cases that proceed to court, there was significantly less (-19.2%) court activity in the post-implementation than in the pre-implementation period at Rule sites.¹ In contrast, the difference in court activity (-2.4%) between the pre- and post-implementation periods at the comparison sites was not significantly different.²

The reduction in the amount of court activity for applications that proceed to court accounts for close to one-half of the total reduction (19.2% out of 40.5%) in activities per application seen at the Rule 5 sites. However, reduction in court activities per filed application at non-Rule 5 sites is due almost entirely to cases not continuing to court after submitting an application. These results can be considered evidence that Rule 5 produced a “narrowing” of issues.³

In summary:

Rule 5 has an added, demonstrated benefit that the other new rules do not seem to impart at all. For *cases that still proceeded to court*, Rule 5 resulted in a reduction in court activity of approximately 19%. In contrast, the reduction was slightly more than 2% at the non- Rule 5 comparison sites.

¹ $t = 4.532, p < .001$

² $t = 0.442, p = .658$

³ *The narrowing effect is statistically significant (Interaction: $F = 8.925; p = .003$).*