

March 12, 2025

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 Process](#) (ER Process) implementation in Surrey. The final report indicates significant benefits for families and a substantial reduction in Provincial Court caseload pressures.

The ER Process was first launched as a prototype in Victoria in May 2019. Based on positive results there, the process was implemented in Surrey in December 2020. The ER Process is designed to assist families with family law matters such as parenting arrangements, guardianship, contact, child support and spousal support. It offers early access to information and resources, helping families resolve disputes and increase preparedness of parties that proceed to court. The process focuses on early information, needs assessment (including screening for family violence), and referrals to address legal and non-legal needs. It also assesses the suitability of consensual dispute resolution (CDR) requiring, where appropriate, participation in one CDR session. These services are primarily delivered by Family Justice Services Division (FJSD) of the Ministry of Attorney General.

Key evaluation findings demonstrate that the ER Process significantly improves parties' understanding of the family justice process and next steps. It also provides timely and appropriate responses to meet families' needs; supports narrowing or resolution of issues outside of court; and contributes to a more effective and efficient use of court time.

- **68%** of families who initiated the ER Process and participated in CDR resolved some or all of their family law issues through the CDR process.
- **57%** of families resolved their issues without filing an application with the court.
- Families who went to court had often narrowed their issues through assessment and CDR, resulting in clarity for parties and allowing their case to be managed more efficiently.
- Surrey Provincial Court experienced:
 - A **61%** decrease in new family law cases.
 - A **45%** reduction of total court time for new family law cases.
 - New family law cases proceeding to court were more likely to have at least one appearance, indicating that court intervention was necessary.
 - The largest decrease in the number of court appearances per new family law case (**-8%**) compared to two non-ERP court locations.

FJSD clients were surveyed about their experience with the ER process:

- The vast majority found the needs assessment and consensual dispute resolution helpful and believe both should be required for people facing family law issues.

- As a result of their participation, most reported a better understanding of their legal and non-legal needs, the family justice process and options available to them.
- A large majority of clients expressed satisfaction with the timeliness of the ER Process.

The ER Process also prioritizes identifying and addressing safety concerns through continuous screening with clients. Client surveys indicate that most participants felt comfortable sharing their safety concerns with the staff, believe their concerns were understood, and where CDR occurred staff took steps to address safety concerns through that process.

The report provides four recommendations for ongoing improvement, all of which are being addressed. For example, the Ministry continues to engage with legal professionals, community organizations, and the public to increase awareness of the ER Process. The commitment to continuous improvement ensures that the Ministry and Provincial Court are responsive to feedback and continue to adjust as needed.

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.

The ER Process improves access to justice throughout the system. Evaluations from implementation of the process in both Victoria and Surrey have consistently shown the benefits to individual children and families and a remarkable number of families resolving their disputes out of court. Providing these services at the front-end enables better use of court time, freeing up judicial resources to address other caseload pressures (e.g. outstanding family and criminal matters). We are pleased to have expanded access to the ER Process with the addition of Port Coquitlam as an Early Resolution Registry in November 2024, with further expansion this year:

- April 1, 2025: Abbotsford, Chilliwack, and New Westminster
- November 1, 2025: Vancouver (Robson), North Vancouver, Richmond, Sechelt and Pemberton

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Evaluation of the Early Resolution Process in the Surrey Registry

Date: January 2025

Prepared for: BC Ministry of Attorney General

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By PRA Inc. (Prairie Research Associates)

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Acronyms

CDR	Consensual dispute resolution
CSB	Court Services Branch
CSO	Child Support Officer
EAG	Evaluation Advisory Group
ER Process	Early Resolution Process
FJC	Family Justice Counsellor
FJSD	Family Justice Services Division
FLA	<i>Family Law Act</i>
FLM	Family Law Matter
FMC	Family Management Conference
FPLTD	Family Policy, Legislation and Transformation Division
FTE	Full-time equivalent
IND	Initial Needs Determination
JAC	Justice Access Centre
JCM	Judicial Case Manager
JI	Justice Interviewer
MCFD	Ministry of Children and Family Development
N2R	Notice to Resolve a Family Law Matter
PAS	Parenting After Separation
PCFR	Provincial Court Family Rules

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Executive summary

This report presents the evaluation findings of the Early Resolution Process (ER Process or the Process) in the Surrey Provincial Court Registry (Surrey Registry). The ER Process was developed by the Ministry of Attorney General and the Provincial Court of BC as part of the reforms to the previous Provincial Court (Family) Rules. The new Provincial Court Family Rules (PCFR) provide for Early Resolution Registries that promote early resolution for family law matters through enhanced assessment and consensual dispute resolution (CDR).¹ The Surrey Registry is one of two Early Resolution Registries in the province.

The evaluation covers the time period from the ER Process launch in the Surrey Registry (December 7, 2020) to November 2023 with a particular focus on ER Process activities between January 1, 2021 and February 28, 2023.

Overview of the ER Process

First launched as a prototype in the Victoria Provincial Court Registry (Victoria Registry) in May 2019, the ER Process began in the Surrey Registry on December 7, 2020. The ER Process includes early resolution requirements for family law matters as defined in the PCFR (parenting arrangements, child support, contact with a child, guardianship of a child, and spousal support).

To initiate the ER Process, one party must file a Notice to Resolve a Family Law Matter (N2R) with the Surrey Registry, which is an indication that the party has a family law matter that they need help resolving. Under the ER Process, before parties can file an Application About a Family Law Matter, which is used to apply to court for a court order about a family law matter, or a Reply to an Application About a Family Law Matter in the Surrey Registry, they must meet the requirements of the Process unless an exception or exemption set out in the PCFR applies to them. The requirements include:

- a needs assessment with a Family Justice Counsellor (FJC) from the Justice Access Centre (JAC) of the Family Justice Services Division (FJSD);
- completion of an online parenting education program provided by the FJSD; and

¹ CDR is defined in the PCFR as “(a) mediation with a family law mediator who is qualified as a family dispute resolution professional in accordance with section 4 [family law mediators] of the *Family Law Act* Regulation, (b) a collaborative family law process conducted in accordance with a collaborative participation agreement, or (c) facilitated negotiation of a child support or spousal support matter with a child support officer employed by the Family Justice Services Division of the Ministry of Attorney General.”

- participation in at least one CDR session, if appropriate, either with staff from the JAC or with a private mediator or counsel using a collaborative law process.²

If any issues remain unresolved after the requirements have been met, parties can proceed to court. The first appearance for a family law matter is a Family Management Conference (FMC), which is an informal meeting with a judge to clarify the issues, identify options for resolution, resolve matters where possible, and prepare for next steps where resolution is not possible. This is the case management aspect of the Process. The FMC is allocated more time per file than would previously have been 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 case management orders in place in order to minimize the number of court appearances that parties must attend.

Methodology

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

- a document review of relevant materials;
- 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 Process clients; 3) CSB data on a sample of new family law cases in Surrey and two comparison court locations for periods before and after the ER process began in Surrey; 4) CSB data on volumes of certain court activities and filings; and 5) data collected on a sample of FMCs;
- interviews with internal and external key informants who have experience with the ER Process;
- a survey of clients (online or by telephone) about their experiences with the ER Process; and
- case studies that considered families' paths through the ER Process at the JAC.

² There are certain circumstances where parties do not have to meet all three requirements as described in the body of the report.

Evaluation context

The evaluation of the ER Process in the Surrey Registry is able to isolate the unique effects of the ER Process in a few ways.

First, before it became an ER Registry, the Surrey Registry was a Family Justice Registry, where parties must have a needs assessment and complete a parenting education course before they can attend an FMC.³ Since Surrey came from this starting point, this enabled the evaluation to focus on the unique aspects that the ER Process added. This includes participation in at least one CDR session, if appropriate, and that each party must comply with the ER Process requirements before they can file the necessary court documents for the family law matter.

Second, because all court locations operated under the new PCFR as of May 17, 2021, the evaluation could compare Surrey to other court locations that were also operating under the new PCFR but were not ER Registries. This enabled the evaluation to consider the impacts of the ER Process distinct from the other impacts of the new PCFR.

These two ways in which the Surrey evaluation can isolate the effects of the ER Process make this evaluation different from the Victoria evaluation. The Victoria Registry was not a Family Justice Registry before it became an Early Resolution Registry, and it was the only registry that operated under the PCFR during the time period covered by the evaluation. These differences make it more likely that the impact of the ER Process measured in Surrey is smaller than it was in Victoria as is further described in Section 3.6.

The Surrey evaluation benefitted, however, from a longer observation period to follow cases through the court system than the Victoria evaluation, which gives a high level of confidence in the results of the evaluation of the ER Process in Surrey.

³ Under the PCFR, there are three distinct registry types: Early Resolution Registries; Family Justice Registries; and Parenting Education Program Registries. Each one has its own requirements. Early Resolution Registries (see Overview of the ER Process) and Family Justice Registries are described above. Parenting Education Program Registries only require completion of a parenting education course before parties can attend an FMC.

Highlights of key evaluation findings

The key difference between the Surrey ER Registry and other registries is the new front-end process designed to help families resolve their issues early, before any court appearances, by providing them with information, resources, and CDR.

The introduction of the ER Process in Surrey has meant that more families are receiving services from the JAC, including interviews and needs assessments (+6%) and at least one CDR session, when appropriate (+53%). The ER Process has resulted in families resolving issues so that they either do not have to go to court or are able to reduce the number of issues going to court. The number of CDR services with at least some issues being resolved has increased by 35%.

The Surrey evaluation benefited from a long observation period to follow cases through the court system, which provides a high level of confidence in the results on key outcomes.⁴

- **The ER Process is diverting cases from court** as 57% (389 of 685) of cases that had filed an N2R and received ER services at the JAC did not have an Application About a Family Law Matter filed within 15 to 26 months after filing an N2R. Without the ER Process, all of the 685 cases would have had one or more applications filed with the court. In addition, while all court locations experienced a decrease in cases during the pandemic,⁵ when comparing Surrey pre/post the ER Process to the two comparison court locations, Surrey experienced the greatest proportionate decline with 61% fewer new court cases. Statistical testing suggests that the ER process decreased the number of new cases by 13% compared to Robson Square.
- The evaluation evidence indicates that **cases that require court intervention are those that remain in the court process** as the proportionate increase in new cases in Surrey pre/post the ER Process with at least one court appearance is larger than the comparison court locations (+27% compared to +8.3% in Robson Square and -0.1% in New Westminster). The differences between Surrey and the comparison court locations were statistically significant.

⁴ Different analyses had different observation periods, which are explained in Section 3.2.

⁵ The Court's 2022/2023 Annual Report indicates that during COVID there were 28,289 new family cases province wide in 2019/2020 and that this went down in 2021/2022 to 18,579 new family cases (retrieved from <https://www.provincialcourt.bc.ca/system/files/2024-07/AnnualReport2022-2023.pdf>). Please note that in the Provincial Court's Annual Report, "new cases" include all newly initiated cases and subsequent applications that occur in that same year. While this definition is different than "new cases" in this report, the Provincial Court's Annual Report does indicate that the court experienced a decrease in cases over this period.

- **Surrey experienced the largest decrease in the number of court appearances per case** comparing the pre/post ER Process time periods (-8.4% compared to -3.5% in Robson Square and +31% in New Westminster). The results comparing Surrey to New Westminster were close to being statistically significant.
- The total duration of all court appearances associated with new cases decreased substantially in Surrey (-45%) compared to relatively no change in Robson Square and a large increase seen in New Westminster. Considering the modest change of duration per case in Surrey (-1.1%), the decrease in total duration is likely a reflection of the decrease in new cases with at least one appearance. For the duration of court appearances per case, Surrey was the only one of the three locations to experience a decrease.

Client survey results showed a high level of satisfaction.

- **Between 74% and 82% of respondents found the needs assessment at the JAC to be helpful** in understanding the family justice process, their options, their legal and non-legal needs, and how to prepare for next steps.
- **Safety concerns were addressed** as 79% of clients who mentioned their safety concerns believe that the FJs understood their concerns and 42 of 58 clients with safety or power imbalance concerns who completed CDR believe their concerns were addressed “very well” or “okay.”
- **Between 85% and 95% of clients indicated they were prepared for their CDR sessions** as they knew what to expect, how to prepare, and what was being discussed and why.
- **Most clients were satisfied with CDR:** 72% of clients who completed CDR were satisfied or very satisfied with the experience and over-two thirds with the outcomes of the process (fairness to both parties, and its consideration of the parties’ and children’s needs).
- **Over four-fifths (81% to 86%) of clients consider key aspects of the ER Process — the needs assessment and CDR — to be helpful for people and should be required.**

Summary of findings

Delivery

Overall, operations went well in the first three years of the ER Process in Surrey.

The evaluation found that the ER Process has operated as expected, and virtual service delivery options, instituted to respond to the COVID-19 pandemic, work well as they are convenient for parties and can also serve to respond to concerns regarding intimidation and power imbalance.

That being said, the return to in-person services at the JAC is also beneficial for making seamless referrals from the Registry to the JAC, as they are on the same floor.

Overall, JAC and Registry staff receive supports through training and other assistance with a few areas for improvement noted.

Staff at the JAC found the initial training in the ER Process prepared them well for its launch and the ongoing responsiveness of management and bi-weekly case conference meetings to be helpful in addressing new issues that arise. Staff acknowledged the usefulness of training received at the division-level but would like to receive additional training that is more specifically relevant to their experience with the ER Process, such as learning other mediation models or other approaches to use in situations they experience more often under the ER Process (e.g., high-conflict situations, people with mental health crises and/or experience with trauma).

Recommendation: Review training needs with JAC staff and consider offering additional training that is tailored to the needs of JAC staff working in the ER Process.

Staff at the Registry also found the ongoing responsiveness of their immediate supervisors to be extremely helpful as well as their regular weekly meetings.

Communication between the JAC and the Registry is clear and collaborative with most direct communications going through management. Internal key informants suggested that more direct contact between JAC and Registry staff could be helpful as Registry staff could learn more about what occurs at the JAC so they provide a more thorough description and answer questions of about the ER Process.

Recommendation: Consider the best method to have some direct contact between JAC and Registry staff, particularly for enhancing the Registry staff's understanding of the ER Process at the JAC.

There is need for more outreach to external stakeholders.

Outreach to counsel and the community has occurred but there is a perceived need for more information and outreach.

Recommendation: Develop and implement an outreach plan that includes counsel, relevant community organizations, and the community in general. This outreach will educate stakeholders on the ER Process but also provide information that will increase understanding of the rationale of the Process and why it was developed.

There is sufficient capacity at the JAC and the Registry to handle the ER Process.

While the overall workload at the JAC has increased substantially, additional hiring for key positions occurred. Consequently, the JAC has been able to manage the increase in service provided.

Registry staff do not believe that the ER Process has added to their workload.

Cases are moving through the ER Process as expected and the majority are being diverted from court.

Families are moving through the ER Process as expected and the results show a high level of engagement, careful use of CDR, and diversion of cases from court. Most families have both parties participate in a needs assessment. One-third of families had CDR; the most common reason for not engaging in CDR is that it is not considered appropriate by FJCs. Of cases that had an N2R filed, 57% (389 of 685 cases) did not proceed further in court by filing an Application About a Family Law Matter.

ER Process services are accessible.

The evaluation did not find any accessibility issues with JAC services. Many clients prefer the virtual services and clients with special needs (language needs, or physical or mental illnesses or disabilities) reported that their needs were adequately addressed.

Outcomes

The ER Process helps families understand the family justice process, options, and needs.

More families are receiving interviews and needs assessments at the JAC (+6%) since the launch of the ER Process in Surrey. The evaluation found that the needs assessment at the JAC is helping parties understand the family justice process, know their options for how to resolve matters, identify their legal and non-legal needs, and understand what to expect when going to court. The majority of respondents to the client survey (ranging from 70% to 82%) considered the needs assessment to be helpful or very helpful in these areas. Those who indicated that the needs assessments were not helpful in some areas most often reported that the information provided was too generic to meet their needs. This perception on the part of clients may be due to, in part, their desire for legal advice, which JAC staff cannot provide. One suggestion was to include a legal educational component as part of the ER Process; while JAC staff refer parties to the legal advice counsel, they do not always use the referral.

The ER Process provides appropriate and early responses to family needs.

The ER Process identifies safety needs early and continues to screen for safety issues throughout engagement with the parties. Client survey results indicate that most parties are comfortable sharing their safety concerns with the FJCs, believe their concerns were understood by the FJCs, and that their concerns were addressed well or very well during CDR sessions. FJSD administrative data reflects the major consideration given to safety in terms of whether CDR occurs. The most common reason for not having CDR is that the FJC did not consider it to be appropriate; and shuttle mediation, where parties do not have direct contact with each other, was used in 36% of the mediation sessions that did occur.

The ER Process helps prepare families for next steps, although increasing the understanding of FMCs is an area for improvement.

Based on client survey results, the assistance at the JAC is helping parties prepare for CDR and the FMC. However, based on internal key informant interviews, more information could be provided to clients on the court process, including possible outcomes at the FMC.

Recommendation: Review the information about FMCs that is provided to clients by the JAC and CSB for any potential improvements. These improvements could be to the content of the information, the timing of its provision, and what methods or media are used (e.g., in person, email, video, or other options).

The ER Process increases the use of CDR and is helping parties to narrow or resolve issues.

The introduction of the ER Process in Surrey has meant that more families are receiving interviews and assessments (+6%) and attending at least one CDR session, when appropriate (+53%).

CDR is generally considered to be effective as 72% of clients who completed CDR were satisfied or very satisfied with the experience, and over two-thirds were satisfied with the outcomes of CDR in terms of its fairness, and consideration of their and their children's needs.

The evaluation also found evidence that the ER Process is helping to narrow or resolve issues. Over two thirds of CDR services at the JAC for ER Process clients result in some or all issues being settled, and the number of CDR services with at least some issues being resolved has increased by 35%. Court data also show that Surrey has the largest decline between the pre- and post-ER Process time periods in the number of issues per case compared to the comparison court locations. This difference in changes was statistically significant for Robson Square, although it was not for New Westminster.

Additional evidence that parties are resolving at least some of their issues is found in FJSD data: of families that filed an N2R and had a CDR session, almost half (47%) had written agreements (draft but unsigned, or signed by all parties), informal agreements, memoranda of understanding, or consent orders. While court data reflect few cases with consent orders or Applications for a Family Law Matter Consent Order, these data likely underestimate the number of agreements reached as informal agreements cannot be filed at court, and internal key informants believe that many written agreements and consent orders are not filed with the court unless parties need to enforce them.

The ER Process is timely.

The evaluation results demonstrate that the JAC is taking active measures to promote timeliness while maintaining a party-driven process. Client survey results indicate that clients are satisfied with the timeliness of the ER Process. Based on the case studies that tracked a sample of cases for 15-26 months after the N2R was filed, the measures taken by the JAC balance timeliness with the need to respect the desires or needs of the parties related to the timing of particular steps. FJSD administrative data shows a timely process and reflects that parties also determine the timing of next steps. For example, of the families who attended CDR, three-quarters had their last recorded CDR session 106 days after the filing of an N2R, with half of the families completing CDR in 60 days or less. These parties can request a Confirmation of ER Requirements immediately after their last CDR session, if desired, to enable them to file an Application About a Family Law Matter or a reply. However, the data show that parties take time to consider their next steps. Of parties who had CDR and requested a Confirmation of ER Requirements, three-quarters requested it within 150 days of filing an N2R and half within 86 days or less. Of the parties who did not have CDR and requested a Confirmation of ER Requirements, three-quarters requested it within 114 days of filing an N2R.

The ERP Process improves the effective and efficient use of court

The ER process is helping families resolve issues, reducing the number of families going to court, as well as decreasing the number of issues going to court.

The evaluation findings indicate that the ER Process is resulting in fewer new cases proceeding to court. Over half of ER cases at the JAC (57% or 389 of 685) did not proceed further in court by filing an Application About a Family Law Matter. Based on court data comparing Surrey to the comparison court locations, Surrey had the greatest proportionate decline with 61% fewer new cases in the post-ER period. In addition, there is a statistically significant difference between Surrey and Robson Square in their percent change of new cases from the pre- to post-ER Process period.

Cases that remain in the court process in Surrey are those that require court intervention.

Another sign of the effective and efficient use of court is that when cases that can be resolved outside of court are resolved, those that proceed to court do need the court's involvement. This would be reflected in a higher proportion of new cases with at least one court appearance. The evaluation found that Surrey had a larger proportionate increase in new cases with a court appearance pre- to post-ER Process period, which was statistically significant when compared to Robson Square and New Westminster (the latter had experienced a small decline). This result, combined with the decrease in the number of new cases, is evidence that the ER Process diverts those cases that can be resolved out of court, and those that remain need court involvement.

Surrey had the largest decrease in number of appearances per case, but this could not be definitively linked to the ER Process.

The evaluation found that Surrey experienced the largest decrease in the number of appearances per case (-8.4% per case), although the difference between Surrey and the comparison locations was not statistically significant. The ER Process is intended to help parties be better prepared for court and narrow their issues, which was expected to reduce the number of court appearances.

The ER Process has reduced the court time (total and per case court time).

The total duration of all court appearances associated with new cases decreased substantially in Surrey (-45%) compared to relatively no change in Robson Square and a large increase seen in New Westminster. Considering the modest change of duration per case in Surrey (-1.1%), the decrease in total duration is likely a reflection of the decrease in new cases with at least one appearance. For the duration of court appearances per case, Surrey was the only one of the three locations to experience a decrease.

Given that new cases decreased for all three locations, but total duration and duration per case increased for the comparison sites, the evaluation findings indicate that Surrey was able to reduce the duration of appearances comparatively in the post-ER Process period. Testing showed a statistically significant difference between the change in duration of court appearances per case (i.e., total court time per case) between Surrey and New Westminster pre- to post-ER Process. Estimates indicate the ER Process resulted in the average duration of court appearances per case being 288 minutes shorter in Surrey as compared to New Westminster in the post-ER Process period. However, testing did not find a statistically significant difference in the change between Surrey and Robson Square.

Overall, clients are satisfied with the ER Process and agree with requiring needs assessments and CDR when appropriate.

Client survey results showed overall satisfaction with the services they received at the JAC as well as strong support for the key features of the ER Process. A high proportion of clients believe that needs assessments (86%) and CDR, when appropriate (84%), are helpful for people with almost the same proportion believing that needs assessments (81%) and CDR, when appropriate (83%), should be required.

1.0 Introduction

This report presents the final evaluation findings of the Early Resolution Process (ER Process or the Process) in the Surrey Provincial Court Registry (Surrey Registry). The ER Process was developed by the Ministry of Attorney General and the Provincial Court of BC as part of the reforms to the previous Provincial Court (Family) Rules. The new Provincial Court Family Rules (PCFR) provide for Early Resolution Registries that promote early resolution for family law matters through enhanced assessment and consensual dispute resolution (CDR). The ER Process is currently used in two Provincial Court registries (Surrey and Victoria).⁶

The evaluation of the ER Process in the Surrey Registry occurred over two years. Its objectives were to:

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

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 Process, including the Office of the Chief Judge Integrated Judicial Services, 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 evaluation considers the implementation and delivery of the ER Process as well as its progress toward achieving its intended outcomes.⁷ It covers the period from the ER Process launch in the Surrey Registry (December 7, 2020) to October 2023 with a particular focus on ER Process activities between January 1, 2021 and February 28, 2023.

⁶ Registries that use the ER Process are defined as Early Resolution Registries in the PCFR.

⁷ The focus of the evaluation is on the ER Process. Out of scope for the evaluation are the PCFR reforms more generally that are not particular to the ER Process (e.g., the court forms, the priority parenting matters/protection order process, the operation of the Family Management Conferences by the court).

2.0 Overview of the ER Process

2.1 Background

First launched as a prototype in the Victoria Registry in May 2019, the ER Process began in the Surrey Registry on December 7, 2020.⁸ The ER Process was 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 [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.”⁹

As noted in the introduction, the ER Process is a component of the reforms that are included in the new PCFR and family forms. After the earlier implementation in Victoria and Surrey, the new PCFR took effect province-wide on May 17, 2021 and all court locations began using the new Rules and family forms. Under the PCFR, there are three types of court registries: Early Resolution Registries (Victoria and Surrey); Family Justice Registries (which also existed under Rule 5 of the Provincial Court (Family) Rules and currently are Vancouver [Robson Square], Nanaimo, and Kelowna); and Parenting Education Program Registries (all other registries).¹⁰

⁸ The ER Process was set out in the Provincial Court (Family) Rules, which were amended to include Rule 5.01 (*Early Resolution and Case Management Model Procedures*). The ER Process in Victoria and Surrey operated under Rule 5.01 (including subsequent amendments) until the PCFR took effect on May 17, 2021. Ministry of Attorney General. (2018). *Early assessment and resolution services for families: Business Case*.

⁹ The types of registries are described in the PCFR and can be found at https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/120_2020#section6. Under the new rules, Family Justice Registries and Parenting Education Program Registries do not have any requirements before an Application About a Family Law Matter can be filed, although they each have requirements before a party can attend a Family Management Conference. For the Family Justice Registries, parties must have a needs assessment and complete a parenting education course before they can attend a Family Management Conference, while Parenting Education Program Registries only require completion of a parenting education course. The key features of Early Resolution Registries are described in detail in Section 2.2.

The experience with the ER Process in the Victoria and Surrey Registries will help inform decisions regarding the implementation of additional Early Resolution Registries.¹¹

2.2 The ER Process

2.2.1 Application of the ER Process

Under the ER Process, parties are provided with early access to information and referrals, assistance resolving disputes out of court, and support to increase preparedness if they are proceeding to court. The Process applies to family law matters as defined under the PCFR, which are:¹²

- parenting arrangements, including parental responsibilities and parenting time;
- child support;
- contact with a child;
- guardianship of a child; and
- spousal support.

Before parties can file an Application About a Family Law Matter or a Reply to an Application About a Family Law Matter in the Surrey Registry, they must meet the requirements of the Process unless an exception or exemption set out in the PCFR applies to them.¹³ The requirements include:

- participation in a needs assessment;
- completion of a parenting education program; and
- participation in at least one CDR session, if appropriate.

¹¹ The ER Process in the Victoria Registry was also evaluated. The 2021 report of the Evaluation of the Victoria Early Resolution and Case Management Model is found at <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/justice-services-branch/fjsd/victoria-model-evaluation-report.pdf>.

¹² Starting January 15, 2024 (after the time period covered by the evaluation), property division in respect of companion animals is a family law matter under the PCFR.

¹³ Rule 12 of the PCFR lists exceptions to the early resolution requirements. Under Rule 12, the early resolution requirements do not apply in certain situations, including when the person is applying for one or more orders that are to be made under Part 5 [*Applying for other orders*] or 10 [*Enforcement*]. This includes case management orders, protection orders, an order about priority parenting matters, an order about relocation, consent order, and/or enforcement order. Parties also do not have to meet the early resolution requirements when the matter involves support only and the party has assigned support rights to the government under applicable legislation or when the case has been transferred to a non-ER Process Registry. Under Rule 13, parties who are the government, a minister, or a public officer acting in their official capacity are exempt from the ER Process.

There are circumstances where some parties may not have to meet all three of the requirements. For example:

- the court can waive some or all of the requirements for a party;
- completion of parenting education is not required when a party meets one of the parenting education exemptions under Rule 17; and
- CDR is not required when the parties have recently completed CDR (usually within 12 months), CDR is determined to be not appropriate (examples provided in Section 2.2.2), or when all of the issues are out of scope of FJSD services.¹⁴

2.2.2 *The procedures of the ER Process*

The ER Process is outlined below.

- One party must file a **Notice to Resolve a Family Law Matter (N2R)** with the Surrey Registry, which is an indication that the party has a family law matter that they need help resolving. The filing party is then required to provide a copy of the N2R to each of the other parties.
- If desired, before the needs assessment (described below), a party can have an **initial needs determination** discussion with a Justice Interviewer (JI) from the Surrey Justice Access Centre or the Langley Family Justice Centre (which will collectively be referred to as the JAC) where the party can receive information about the process, options, and early referrals. This discussion is optional.
- Each of the parties must participate in their own individual **needs assessment** appointment with a Family Justice Counsellor (FJC) from the JAC. Parties are welcome to have a support person or their lawyer (if they are represented) attend their needs assessment with them. Once an N2R has been filed, it is the responsibility of the parties to contact the JAC to schedule their needs assessment. The JAC will contact all additional parties to schedule their needs assessments once the first party has completed theirs. The needs assessment with the FJC involves early screening for family violence, help identifying legal and non-legal needs, provision of legal information, support preparing for the appropriate next steps, and referrals to community organizations and legal resources.

¹⁴ Issues out of scope include support issues where the payor controls a corporation or income needs to be imputed; matters where the child is in the custody of the Provincial Director of Child Welfare or there is a concurrent child protection matter that interferes with parties' ability to negotiate the *Family Law Act* (FLA) issues; cases involving a third party where the parents are not separated.

A key component of the needs assessments is a determination of whether CDR is appropriate given the legal issues and circumstances of the parties. Power imbalances, capacity, and safety or family violence risks are taken into consideration in determining whether families will engage in a CDR process. The CDR process can be adapted to address these issues (such as through the use of shuttle mediation);¹⁵ however, if the process cannot be adapted to safely address the identified concerns, CDR is not appropriate and the family will not be required to participate. While the determination of the appropriateness of CDR begins with the needs assessments, assessing the appropriateness of CDR is ongoing throughout the course of ER Process services (pre-mediation sessions, mediations, or facilitated negotiations) and, at any point, CDR could be determined to be inappropriate, and the process terminated.

- Parties with family law matters related to children must complete a **parenting education program** unless a party receives an exemption.¹⁶ Parties can complete either the Parenting After Separation (PAS) (in English or Punjabi) or Parenting After Separation for Indigenous Families (PAS-IF) courses, which are available online (24/7 availability) and provided free of charge.¹⁷
- Parties for whom CDR is determined to be appropriate are provided information about options for completing CDR and must participate in at least one **CDR session**, although they could request or consent to additional sessions. Based on the parties' preferences, the CDR session(s) could be:
 - mediation with an FJC through the JAC;
 - for cases involving only child/spousal support, a facilitated negotiation with a Child Support Officer (CSO) through the JAC;
 - mediation with a private mediator; or
 - a collaborative family law process.¹⁸

All services through the JAC are free.

¹⁵ Shuttle mediation is a process where the parties do not directly interact with each other and the CDR professional serves as the intermediary by shuttling between them. Government of British Columbia (2020, February 3). Surrey Early Resolution Process: FJSD Operations Procedures.

¹⁶ Under Rule 17 of the PCFR, 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 literacy, linguistic, or technological barriers, or due to a serious medical condition.

¹⁷ The PAS courses are not within the scope of this evaluation. Feedback on these courses is obtained through a participant exit survey.

¹⁸ In a collaborative family law process, the parties involved each hire their own private lawyer and enter into a contract to finalize any legal aspects of their separation or divorce without attending court.

- Those completing CDR with an FJC from the JAC typically participate in a **pre-mediation** session. These sessions are held separately with each party prior to mediation. These sessions include ongoing safety screening and preparation for the CDR session, such as coaching on managing emotions within conflict, focusing on the best interest of the child(ren), assisting with identifying issues and priorities, and building confidence and perspective. Those completing CDR with a CSO from the JAC also participate in a similar session, called a pre-negotiation session.

The CDR session(s) with the FJC/CSO from the JAC can be held in person or by videoconference or teleconference. As mentioned above, in appropriate cases, shuttle mediation will be used. At the CDR session(s), parties may resolve all, some, or none of their issues. For any issues that are resolved, 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 JAC services, JAC staff can prepare a written agreement or consent order documenting the arrangements and will recommend parties seek independent legal advice about any agreement reached before documents are signed.

- If any of the issues are unresolved following the completion of the early resolution requirements and a party wishes to proceed to court, they can do so by filing an **Application About a Family Law Matter** along with accompanying financial statements and supporting documents (if required). In order to file an Application About a Family Law Matter, the party must first request that a **Confirmation of ER Requirements** be sent to the Registry by the JAC. In addition, the other party must also complete the early resolution requirements in order to be able to file a **Reply to an Application About a Family Law Matter**.
- In all court registries, the first appearance in court is a **Family Management Conference (FMC)**, which is a meeting with a judge to clarify the issues, identify options for resolution, resolve matters where possible, and prepare for next steps where resolution is not possible.¹⁹ If parties do not agree on how to resolve the issues, the judge may make an interim order, which one or both parties may or may not agree with, and move the file on to the next step, which is often preparation for trial.

The FMC is allocated more time per file than was previously allotted on a family list day for a first appearance in order to support steps toward earlier resolution. The aim of the FMCs is, wherever possible, to resolve issues at this initial appearance or adjourn them to the next step in the process with interim orders and case management orders in place, which will support earlier resolutions and minimize the number of court

¹⁹ The FMC takes the place of First Appearances (Family Remand) under the previous process.

appearances that parties must attend. FMCs are scheduled in Surrey by Judicial Case Managers with the input of the parties.²⁰

- 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.

2.2.3 *Highlights of key changes to the Surrey Registry*

The Surrey Registry was a Family Justice Registry before becoming an Early Resolution Registry.²¹ There are some key differences between the requirements in Family Justice Registries and the ER Process in Early Resolution Registries.

- **Initial requirements:** At Family Justice Registries (Vancouver [Robson], Nanaimo, and Kelowna), parties can file their application or reply **before** complying with the Family Justice Registry requirements. At an Early Resolution Registry, the Application About a Family Law Matter or reply cannot be filed until **after** the party has met the ER Process requirements under the PCFR. This difference is expected to:
 - reduce the likelihood of parties becoming entrenched in an adversarial perspective by defining their issues and stating positions in a detailed application as the initiating document, making them less likely to explore CDR processes;
 - increase the likelihood that both parties will have earlier interactions with the JAC, screening for family violence, assistance to help identify their legal needs, and the opportunity to resolve disputes by agreement before defining issues to the court and stating their positions to the other party; and
 - provide screening for family violence in every case before a court application is filed.
- **Requirement details:** The Family Justice Registry requirements include a needs assessment with an FJC at the JAC and the completion of a parenting education program before a first court appearance can be scheduled. The ER Process requirements are a needs assessment (which is similar to a Family Justice Registry needs assessment, but the conversation on CDR and its potential benefits can be more extensive), completion of a parenting education program, and an additional requirement that parties participate in at least one CDR session, if appropriate.

²⁰ This is different than in Family Justice or Parenting Education Registries where scheduling is done by the Registry.

²¹ The Surrey Registry was a Family Justice Registry under Rule 5 of the Provincial Court (Family) Rules. Family Justice Registries still exist under the PCFR as described in footnote 10.

The ER Process provides increased opportunities for parties to participate in less adversarial processes if appropriate to try to resolve some or all of their issues prior to proceeding to court.

- **Participation of the parties:** The requirements for Family Justice Registries are that at least one party has to meet the requirements before a first court appearance can be scheduled.²² Under the ER Process, each party has to comply with the ER Process requirements before they can file the necessary court documents (see bullet above) and participate in the court process.

Based on the differences highlighted above, the anticipated impacts of moving from a Family Justice Registry to an Early Resolution Registry were that:

- both parties would have earlier interactions with the JAC to receive assistance;
- both parties would be more likely to have a needs assessment; and
- more families would engage in CDR, if appropriate.

The Early Resolution Registry is expected to help more families resolve their issues early, reduce the issues proceeding to court, and better prepare them for court.

3.0 Methodology

The evaluation is guided by two foundational documents that were developed in consultation with the EAG: the logic model and evaluation matrix (see Appendix A and B, respectively). It relies on five lines of evidence: a document review, a data review, key informant interviews, a client feedback survey, and case studies.

3.1 Document review

The document review included materials relevant to the ER Process, including the following:

- PCFR (effective May 17, 2021)
- Provincial Court (Family) Rule 5.01, Appendix B and Appendix C (effective May 13, 2019 until replaced by PCFR)
- the Surrey Early Resolution Process Operations Procedures Manual

²² Under the Provincial Court (Family) Rules, in Family Justice Registries, both parties were supposed to meet the requirements before the court appearance occurred; this was not routinely required and, as a result, appearances occurred without both parties having an assessment and completing a parenting education course.

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- relevant administrative forms (client information and assessment form, pre-mediation, file summary form)
- training sessions materials

The documents helped inform the development of the logic model, evaluation matrix, and data collection instruments.

3.2 Data review

The data review included five administrative data sources. A description of each data source, including the observation period used, is outlined in Table 1.

Table 1: Sources of data and observation periods for the interim evaluation

Data source	Description	Observation periods
FJSD data	The evaluation used individual, anonymized, ²³ record-level data from FJSD's Family Information System2 (FIS2), which is the information management system used by the JAC. FJSD data includes information on services provided, timelines of services, and outcomes at the JAC.	All activities between the dates below are included: Post-ER Process: January 1, 2021 and February 28, 2023 Pre-ER Process: January 1, 2018 and February 28, 2020
CSB data linked to a sub-set of FJSD data (Linked data)	The evaluation followed a sub-set of cases through the early resolution and court processes in order to show the progress of early resolution cases at the JAC and court (case flow).	Cases with an N2R filed between the dates below are included: January 1, 2021 and November 30, 2021 (date the N2R is filed) Case activity was followed until February 28, 2023 (15-26 month observation period)
CSB Monitoring Report	CSB Monitoring Report includes data on various activities such as the number of new <i>Family Law Act</i> (FLA) cases, various court documents filed (e.g., N2R, Applications About a Family Law Matter), and FMCs scheduled and held. This information was used to show the activity volumes in Surrey Provincial Court.	Activities or filings occurring between the dates below are included: January 1, 2021 and February 28, 2023 (monthly)

²³

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

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Data source	Description	Observation periods
CSB data, not linked to FJSD data (Unlinked data) Count of new cases only	<p>The number of new FLA cases for Surrey Provincial Court pre/post the ER Process was compared to new cases in the comparison court locations of Robson Square and New Westminster during those same time periods.²⁴</p> <p>New cases refers to all Provincial Court family cases opened (by any type of court document) during the pre- and post-ER Process time periods, with the exception of cases that involve <i>Child, Family, and Community Service Act</i>-related issues, and that have at least one substantive document filed during the observation period.²⁵ The post-ER Process time period was chosen so that it was after the PCFR took effect on May 17, 2021 in all registries.</p> <p>Note: The new case data here and in the entry below is a sub-set of cases before the Surrey Provincial Court during these time periods. The new case data does not include applications or other activities on existing court files or all types of applications. As a result, it does not reflect the Court's full caseload or activities for these time periods. See Section 4.1.5 for all court activity specifically related to the ER Process between January 1, 2021 and February 28, 2023.</p>	<p>Post-ER Process: New cases opened between June 1, 2021 and August 31, 2022 with a substantive document filed by February 28, 2023 (6-21 month observation period)</p> <p>Pre-ER Process: New cases opened between June 1, 2018 and August 31, 2019 with a substantive document filed by February 28, 2020 (6-21 month observation period)</p>
CSB data, not linked to FJSD data (Unlinked data)	For the other outcome measures (e.g., adjournments, issues, number and duration of appearances), the	Post-ER Process: New cases opened between June 1, 2021 and November 30, 2021

²⁴ These court locations were selected based on a comparison of volume of family law activity and other considerations, such as demographics and whether they were a Family Justice Registry. The two sites

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Data source	Description	Observation periods
Analysis of other outcomes	evaluation considered new FLA cases for Surrey and the comparison court locations of Robson Square and New Westminster that opened within a shorter period than used for the count of new cases described above. This was done to have the longest observation period possible in order to capture the most complete picture of activities in these cases.	with case activity followed until February 28, 2023 (15-21 month observation period) Pre-ER Process analysis: New cases opened between June, 1, 2018 and November 30, 2018 with case activity followed until February 28, 2020 (15-21 month observation period)
FMC data collection	Court clerks in Surrey are capturing information on a sample of FMCs. Information collected includes the outcomes of the FMC (whether order given and type of order), whether there was an adjournment and, if so, the reasons for adjournments (not prepared, did not appear, other). Not all FMCs for which data are collected will necessarily be cases that received services from the JAC under the ER Process.	FMCs that occurred between the dates below are included: March 29, 2021 and February 28, 2023

selected by the EAG are similar to Surrey in some respects but also provide two distinct comparisons based on whether they are a Family Justice Registry: Vancouver Robson Square (a Family Justice Registry) and New Westminister (not a Family Justice Registry).

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A substantive document is defined in the pre-ER Process period (2018-2020) as an: Application to Obtain an Order (APO), Application Respecting Existing Orders or Agreements (AEO), Application to Recognize an Extra-Provincial Order (AEA), or a Notice of Motion (NM). The document may have been filed at any time during the observation period, beginning on the case opening date and ending on February 28, 2020 (inclusive). A substantive document is defined in the post-ER Process period (2021-2023) as an: Application About a Family Law Matter (FLC), Application for Case Management Order with Notice (ACMO), Application for Case Management Order without Notice or Attendance (ACMW), Application About a Protection Order (AAP), Application About Priority Parenting Matter (AXP), Application for Order Prohibiting the Relocation of a Child (APRC), Application about Enforcement (AFET), or an Application for Family Law Matter Consent Order (AFCO). The document may have been filed at any time during the observation period, beginning on the case opening date and ending on February 28, 2023 (inclusive).

A note on analysis

The variables analyzed from the unlinked data include: the change in the total number of new cases, new cases with court appearances and with trial appearances. The analysis also covers court-related activities within new cases, specifically the average change in the per case number of issues, adjournments, court appearances, and duration of court appearances. Analyses of these variables include statistical testing to determine whether changes observed from the pre to the post period for Surrey compared to the other sites are statistically significant.

The change in the totals of court-related activity variables are also presented in the report (total issues, adjournments, appearances, and durations). However, changes in total activity variables are not tested for statistical significance as they primarily reflect the already-tested changes both in overall case volumes and per case activity levels from the pre to the post periods. Further details on the methodology and statistical models for the analysis of the unlinked data are in Appendix C.

3.3 Key informant interviews

The evaluation included key informant interviews to obtain the perspectives of individuals involved in the delivery of the ER Process (internal key informants) and others who have experience using its services (external key informants). Two rounds of interviews occurred: between August and December 2022, and between September and November 2023.

Some interviews were conducted in small groups to increase coverage and to include more participants. A total of 33 interviews were conducted in the two rounds with 43 individuals (17 of the individuals were interviewed in both rounds; 26 individuals were interviewed once). More details are included in Table 2.

Table 2: Key informant interviews

Category	Type and number
Internal key informants	<p>2 interviews with manager/acting manager of the Surrey JAC (one each round)</p> <p>12 interviews with FJCs/CSOs (small group interviews with 17 individuals in round one and 11 in round two)</p> <p>1 interview with FJSD JAC interviewers (small group with 3 individuals in round one)</p> <p>1 interview with administrative staff (small group with 2 individuals in round two)</p> <p>6 interviews with judges (three each round)</p> <p>6 interviews with CSB representatives, including Registry staff and a Judicial Case Manager (JCM) (small groups with 6 individuals in round one and 6 in round two)</p>
External key informants	<p>1 interview with a community organization representative (round one)</p> <p>3 interviews with Legal Aid BC family duty/family advice counsel (small group with 2 individuals in round one and two interviews in round two)</p> <p>1 interview with representatives of the Ministry of Children and Family Development (small group with 2 individuals in round one)</p>

3.4 Client survey

The client survey gathered information on clients' experiences with the ER Process, their satisfaction with the process, and success of the process in achieving its intended outcomes for clients.

Survey consent: Over the two years of the evaluation, clients were surveyed up to twice with their informed consent which was initially gathered as part of the needs assessment at the JAC. They were surveyed once after completion of services from the FJSD to ask about their experiences with the ER Process, and then again at a later date to ask about their experiences with the case management and court process and to help assess longer term outcomes. Only those clients who consented at the end of the first survey to being re-contacted received a follow-up survey.

Survey population: The client feedback survey population included clients who filed or were named on an N2R, completed a needs assessment at the JAC, and consented to being contacted for the purposes of evaluation.²⁶

Survey administration: The survey was a mixed-mode survey (online and telephone) that was offered in English, Punjabi, and Tagalog.²⁷ 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.

In addition, for those languages that PRA could not directly support, PRA worked with an interpretation services firm so that the survey could be offered to clients who received interpretation services at the JAC. Out of the 40 clients who consented to be contacted for a survey and required interpretation services, a total of 19 interviews were completed.

As of November 5, 2023, a total of 941 clients had consented to be contacted for the survey at least once during the two years of the evaluation. Of those, 339 completed the survey (i.e., completed the survey based on how far their case had progressed), resulting in a response rate of 36%. Of those completing the survey, 59% completed it online and 41% completed it by

²⁶ The survey population included those clients where an application for a protection order or about a priority parenting matter was filed, who were also required to complete the ER Process on a family law matter. The survey does not include families where only an application regarding a protection order/priority parenting matter was filed and who were not required to complete the ER Process.

²⁷ Punjabi and Tagalog were selected as they were the two of the most common languages for which interpretation services were requested at the Surrey JAC, and PRA also had interviewers who were fluent in those languages. Seventeen respondents completed the survey in Punjabi and two in Tagalog.

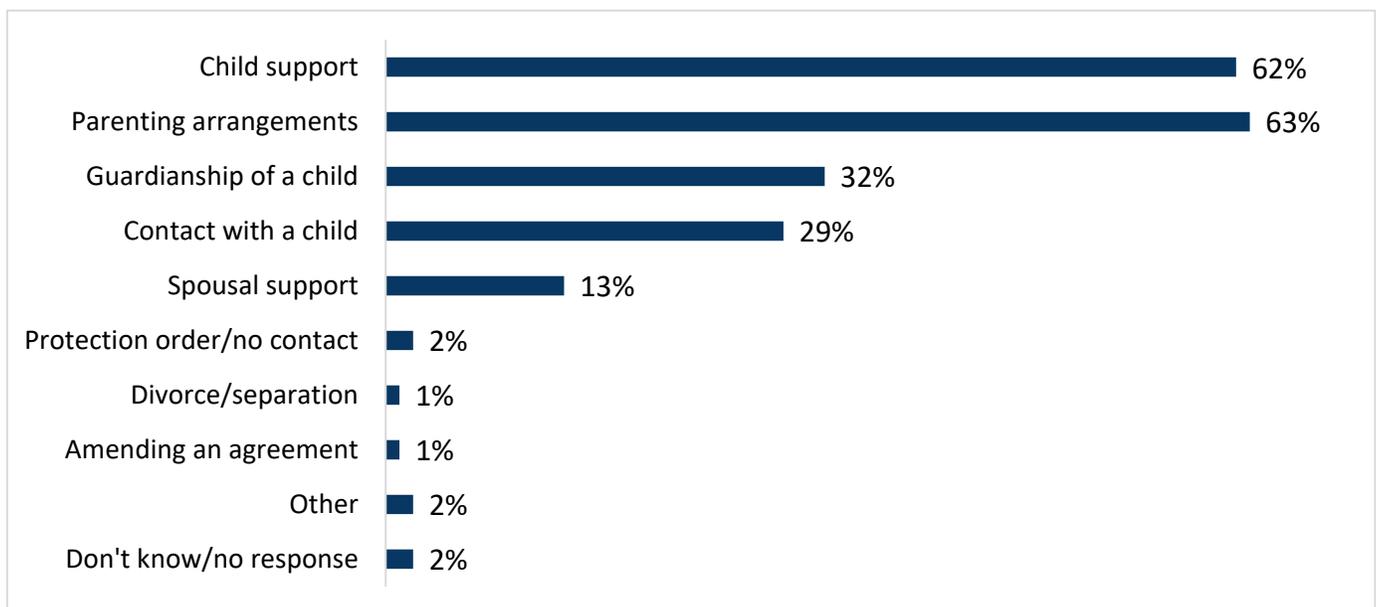
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telephone. A profile of respondents based on their answers to demographic questions on the survey is provided below and a more detailed table is in Appendix D.

- Approximately two-thirds of respondents were between the ages of 30 and 49 (65%).
- Over half of respondents identified as female (61%).
- Almost a quarter of respondents identified as an immigrant who arrived more than five years ago (23%) and an additional 5% identified as a newcomer to Canada who arrived five years ago or less.
- Just over one-tenth of respondents identified as a person with a mental illness/disability (13%), and a similar proportion identified as a person with a physical disability (11%).
- Almost one-tenth identified as Indigenous (9%).
- Most respondents (82%) speak English most often at home. The most common non-English language spoken at home is Punjabi, which was spoken by 5% of respondents.
- Most respondents had completed at least some university, college, or other post-secondary training (71%).
- Over one-third of respondents (36%) reported annual household incomes of less than \$40,000, with another 31% reporting incomes between \$40,000 and \$79,999.

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

Figure 1: Family law matters of JAC clients (n=339) (client survey)



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

3.5 Case studies

The evaluation included 24 case studies that considered families' paths through the ER Process for 15-26 months after the N2R was filed.²⁸ This method was chosen to better understand what factors might impact the length of time for parties to complete the ER Process at the JAC. The time to completion is measured from the date when the N2R was filed to the date when a party requested that a Confirmation of ER Requirements be sent to the Registry by the JAC so that the party can file an Application About a Family Law Matter if they so choose. The case studies were selected based on certain criteria that reflected common paths through the process and by length of time (quartiles) as shown in Table 3. The 24 case studies are a sample of the families within each quartile.

Table 3: Case studies – (number of cases in each quartile)

Cases with a Confirmation of ER Requirements (CoERR)
Quartiles are based on number of days from N2R to CoERR

Types of cases	First quartile	Second quartile	Third quartile	Fourth quartile	Total number of cases
With CDR	2	2	2	2	8
Without CDR	2	2	2	2	8
With multiple CoERR	1	1	1	1	4
Sub-total for cases with CoERR	5	5	5	5	20

Cases without a CoERR
Quartiles are based on number of days from N2R to the last CDR session

Types of cases	First quartile	Second quartile	Third quartile	Fourth quartile	Total number of cases
With CDR	1	1	1	1	4
Total number of cases	6	6	6	6	24

A template was created that included relevant FJSD data and fields for providing details on steps the JAC took to contact parties and any information that is relevant to explaining the time required for the family to move through the ER Process. To maintain client confidentiality, the JAC manager completed the template and provided information for analysis that did not contain any personally identifying information.

²⁸ The 24 cases were selected from the sub-set of families that had a N2R filed between January 1, 2021 and November 30, 2021 with case activities tracked until February 28, 2023 (15-26 month observation period).

3.6 Context for the evaluation

While both the Victoria Early Resolution and Case Management Model and the Surrey ER Process have been evaluated using similar methods, direct comparisons of results should not be made for several reasons, two of which are important to highlight.

- Prior to implementation of the ER Process, Surrey was a Family Justice Registry and Victoria was a Parenting Education Program Registry. This difference means that the changes for Victoria to become an Early Resolution Registry were much more substantial and, therefore, the potential impact of the new process in Victoria is likely to be greater.
- During the period covered by the evaluation of the Surrey ER Process, the PCFR was introduced to all court locations. Therefore, while the Victoria Early Resolution and Case Management evaluation compared Victoria to two locations that were operating under the previous rules, the Surrey ER Process evaluation compares Surrey to two locations that, in the post-period, also operated under the PCFR.

These factors indicate it is more likely that the impact of the ER Process measured in Surrey is smaller than it was in Victoria. This is because Surrey's evaluation is measuring effects on the transition from a Family Justice Registry to an ER Process, whereas in Victoria the measured move was from a Parenting Education Program Registry to an ER Process including the added impact of the PCFR generally.

The Surrey evaluation benefited, however, from a longer observation period than the Victoria evaluation, which had a more limited time frame for the evaluation. Given this longer time period to follow cases through the court system, there is a high level of confidence in the results of the evaluation of the ER Process in Surrey.

3.7 Limitations

Table 4 presents the methodological limitations encountered and the steps taken to mitigate them.

Table 4: 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 ER Process.	<p>The evaluation compared the number of new cases in Surrey pre/post the ER Process with two comparison court locations during the same time periods. The time periods were chosen so that the pre-ER Process time period was entirely pre-pandemic and the post-ER Process time period was after the start of the pandemic. This approach enabled the evaluation's pre/post comparisons to control for pandemic impacts, to the extent possible, although this assumes that the pandemic impacts are similar across all Provincial Court locations.</p> <p>While the pandemic impact on Registries' operations may be similar across the province (e.g., the pivot to virtual services at specific times, acceptance of electronic filings), the pandemic impacts on the populations served by each Registry are unknown and may affect particular demographic groups differently. Based on a review of Census data, Surrey's population differs from other court locations in a variety of ways (the proportion of its population that are immigrants or visible minorities, education levels, etc.). It is unknown whether these differences could result in differential pandemic-related impacts to such things as the volume and type of family law matters in Surrey compared to the other court locations.</p>
CSB data	Family law cases are party driven, meaning a party can influence how engaged and active they are with the court. They are also complex as family dynamics change and children grow up. It can take substantial time for a family law case to be resolved.	The evaluation had to balance the length of time for the sample periods with the observation periods so that there was sufficient sample of cases for the analysis as well as ample time to measure subsequent activity for those cases. The EAG selected the time periods with input from CSB regarding the length of observation periods needed, which was based on a review of court data by CSB (15-26 month for the linked data, 6-21 months for the unlinked data on new cases, and 15-21 months for the unlinked data for other outcomes).

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Data methods	Limitations	Mitigation steps
CSB data	<p>Implementation of the PCFR on May 17, 2021 changed the types of court documents filed in the pre/post-period, thus impacting the comparability of data on new cases for the pre/post analysis.</p>	<p>The processes for Applications About a Protection Order and Priority Parenting Matters are not part of the ER Process or within the scope of the evaluation.</p> <p>While Applications About a Protection Order and Priority Parenting Matters can be identified in the post-ER Process data, in the pre-ER Process period, separate applications for protection orders and priority parenting matters did not exist. Instead, protection orders and priority parenting matters may have been combined with family law matter issues within the same application in the pre-ER Process period.</p> <p>To adjust for this, the evaluation conducted an analysis that did not include new cases where a protection order was listed as an issue on a court filing in the pre-ER Process period or where there was an Application About a Protection Order in the post-period. There is no ability to similarly adjust for priority parenting matters in the pre-period so those cases remain in the analysis for both periods.</p>
Client survey and key informant interviews	<p>The interviews and survey 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).</p> <p>In addition, the level of participation in interviews among external key informants (particularly counsel and community organizations) was low.</p>	<p>The risk of bias was mitigated using 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.</p> <p>Engaging external key informants to participate in an interview proved to be challenging. Because of staff turnover, few community organization staff had sufficient experience with the ER Process to participate in interviews. There was not a way to mitigate this challenge.</p> <p>Similarly, in the first round of interviews, the evaluation attempted to include private legal counsel and contacted those considered to have the most experience with the ER Process. The few who responded to invitations to participate declined due to having insufficient experience with the ER Process. For the second round of interviews, the evaluation focused on getting the perspectives of family duty counsel as they have greater interaction with the ER Process.</p>

4.0 Findings

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

4.1 Delivery

4.1.1 Overall operations

The evaluation found that the ER Process **operated as expected in its first three years of operations**. The ER Process has been fully implemented and there have been no major changes to the process. According to key informants, because Surrey was a Family Justice Registry, the transition to an Early Resolution Registry was easier as families with family law matters already had to attend the JAC for assessments and to complete a PAS course.

When the ER Process launched in December 2020, the **method of service delivery** had already shifted to virtual options (video or teleconference) due to the COVID-19 pandemic. The **use of virtual options works well** as parties do not have to take the time and expense, such as transportation and childcare costs, to come to the JAC or to the Provincial Court. In addition, some parties prefer not having to be physically present with the other party, particularly if there are concerns about intimidation or power imbalance.

While in-person service provision has resumed in Surrey and Langley,²⁹ both the JAC and the Provincial Court are using a hybrid approach. At the JAC, there are staff available for in-person inquiries, and some other services, such as needs assessments and CDR sessions, can be conducted either in person or using virtual options. At the Provincial Court, the Registry provides in person services but also accepts electronic court document filings; in addition, most FMCs are conducted virtually. Those working at the JAC and the Provincial Court noted the **benefits of offering in-person services**. Parties who come to the Registry to file an N2R can be directed to the JAC, which is on the same floor as the Registry, for additional information about the ER Process. In addition, it is easier to connect parties to the Legal Aid BC family advice counsel who are co-located with the JAC. As FMCs are primarily conducted virtually, connecting parties to family duty counsel in advance of them can be difficult.

²⁹

There was gradual resumption of regular court operations in the Surrey Registry with full in-person operations on July 13, 2020. The JAC resumed in-person services as of June 6, 2022.

4.1.2 *Building awareness and understanding (training and outreach)*

JAC

Staff at the JAC reported that the training they received before the launch of the ER Process prepared them well. In addition, for questions that arose during the early implementation period, the JAC and Registry managers, as well as the FPLTD and FJSD policy analysts, responded quickly and follow-up training was offered as needed.

That **responsiveness of the JAC management** has continued throughout the three years of the ER Process as staff know to whom to go with questions (the JAC manager or senior FJCs) and answers are provided promptly. While more time-sensitive issues are handled through these one-on-one exchanges between FJCs/CSO and management, the JAC also has a check-in meeting that occurs every two weeks. Staff found these bi-weekly meetings helpful as a method to share their experiences and learn from colleagues. In addition, the JAC keeps a Q&A sheet that captures responses to past questions and supports consistency in approach to recurring questions.

Division-wide training is offered through an annual provincial workshop as well as webinars throughout the year. This training was well-received by staff, particularly the recent training on pre-mediation. However, as this training is intended to be relevant to FJSD staff working with all registries, **more training specifically relevant to staff's experience with the ER Process is desired.** Staff would like to have additional training on how to handle mediations in situations that they believe they experience more often with the ER Process. In particular, they mentioned training in conducting mediation in high conflict situations, with people in mental health crises, and individuals who have experienced trauma. Some noted that they are trained in interest-based mediation, which may be less useful in these situations, and they would like to explore other mediation models and strategies. Other suggestions made by staff were for additional training in developing a safety plan and providing each FJC with an annual amount of funding for individual professional development.

Registry

Registry staff received training on the ER Process and the new forms ahead of the launch. In addition, substantial learning continued after the launch as staff encountered new situations. **Staff found their immediate supervisors to be very helpful and responsive in assisting them.** They also have regular weekly meetings where they can discuss situations they have encountered and learn from each other. This on-the-job training was considered the best way to learn the ER Process, which was considered a relatively small part of the larger rule changes and the accompanying new forms. The biggest challenge for the Registry has been the large amount of staff turnover over the last three years.

Communications between the JAC and the Registry

The communications between the JAC and the Registry are clear and collaborative. When issues or questions arise that are considered “big picture” (i.e., not a question specific to only one file), the typical approach is for the JAC and Registry management to have discussions and decisions are then shared within each group. This approach is generally seen to work well. Internal key informants did suggest that having some more direct communication between the JAC and Registry staff would be helpful. For example, **with a better understanding of the process at the JAC, including what occurs during needs assessments and CDR, Registry staff could provide a more thorough explanation of the ER Process and answer questions.** More direct contact could also build a rapport and understanding of their roles and challenges.

Outreach to counsel and the community

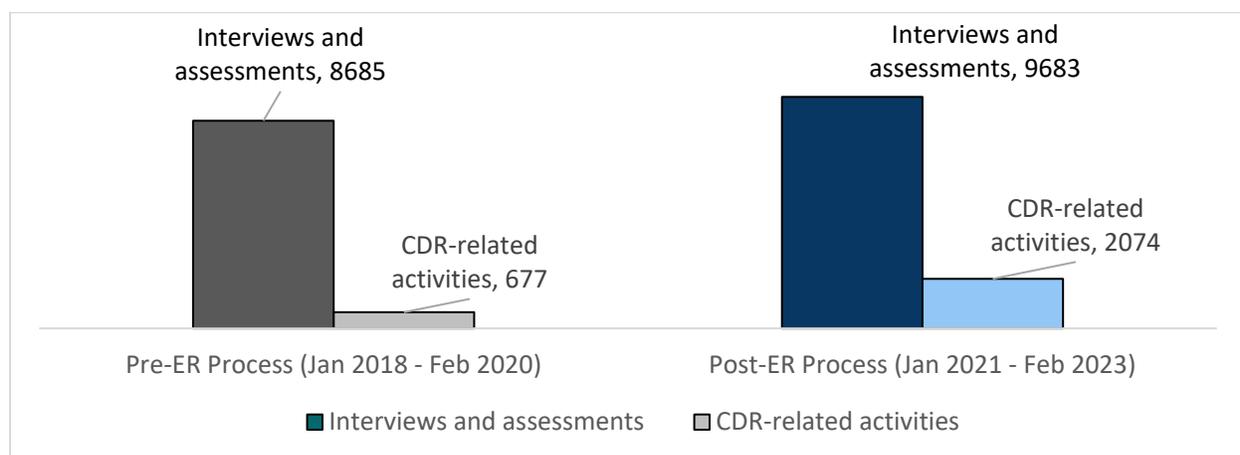
Outreach sessions to counsel and community organizations occurred during the early implementation of the ER Process. Attendance by counsel was considered low and, based on interviews, there is still an issue with counsel not fully understanding the ER Process. **There is a perceived need to provide more information on the ER Process to lawyers,** particularly for lawyers who are not family law specialists or have limited experience with the ER Process that are practicing in the area.

Managers and senior staff at the JAC have provided outreach to community organizations about the ER Process and the services provided by the JAC so that these organizations can make appropriate referrals. **Given the high level of staff turnover among community-based organizations, it was suggested that the JAC continue to conduct regular outreach.**

4.1.3 Volume and workload at the JAC

The overall workload of the Surrey JAC has increased substantially for some key activities since the ER Process was launched on December 7, 2020. As shown in Figure 2, the number of interviews and assessments conducted increased by 11%, and CDR activities increased by 206%. The reason for the much smaller increase in interviews and assessments is that these activities were already conducted for many families when Surrey was a Family Justice Registry. The high increase in CDR activities reflects the introduction of the requirement to participate in CDR when appropriate, which took effect when Surrey became an Early Resolution Registry.

Figure 2. Number of activities at the JAC, pre-post ER Process comparison (FJSD data)³⁰



Note: CDR-related activities in the pre- and post-ER Process periods include mediation and facilitated negotiation. Pre-mediation activities are only included in the post-ER Process period as this activity did not exist in the pre-ER Process period.

There is a corresponding increase in the number of families served. Families receiving interviews and assessments increased by 6%, from 3,597 to 3,818, and families receiving CDR-related services (pre-mediation and mediation) increased by 70%, from 463 to 787.

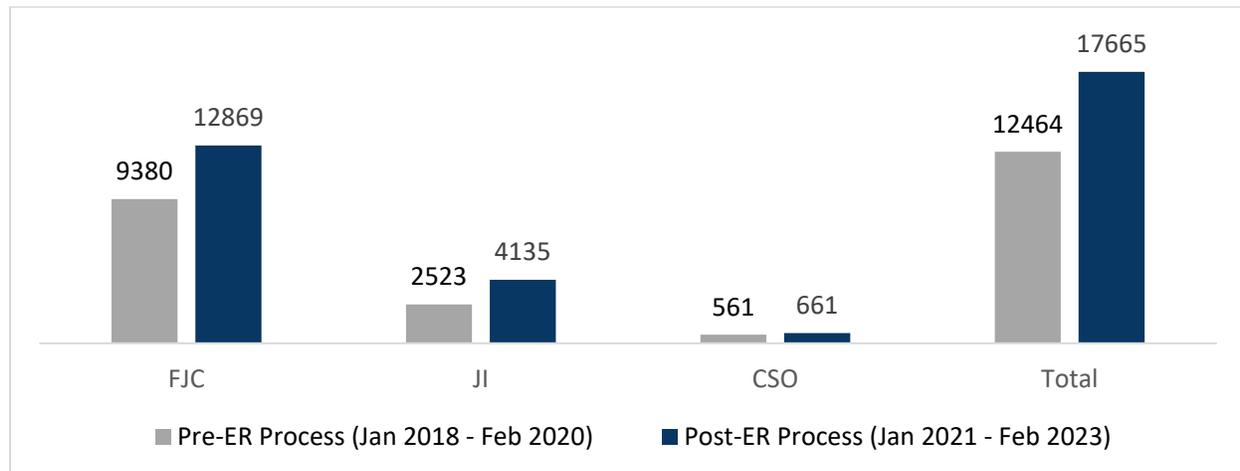
³⁰

The figure includes all instances of activities that occurred during the pre- and post-ER Process periods. In the post-ER Process period, this includes ER Process activities as well as non-ER Process activities in order to support the comparison of the pre-post ER Process workload. In the pre-ER process period, this includes FJR activities as well as non-FJR activities. 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*, *initial needs determination (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 and counts all activities under them to provide comparability across the two time periods. Pre-mediation was not offered in 2018-2019, so, to better reflect the increase in the volume of services, pre-mediation and CDR activities are both counted.

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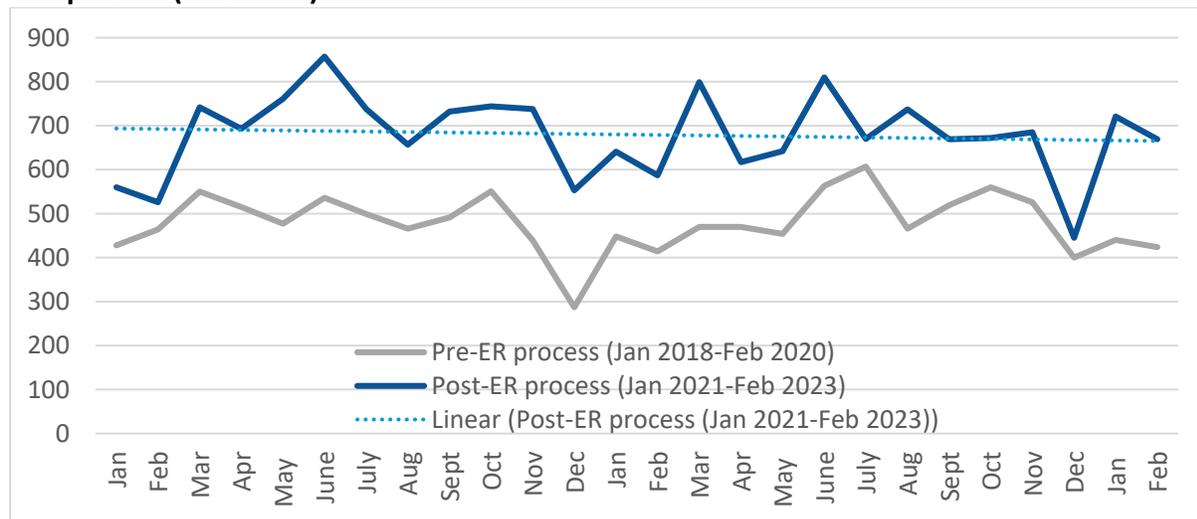
The overall increase in activities post-ER Process is 42%. The increase in activities for FJCs is 37%, for JIs is 64%, and for CSOs is 18%. See Figure 3.

Figure 3: Total number of unique activities by Surrey JAC staff by type, pre-post ER Process comparison (FJSD data)³¹



Over time, the increase in activities from the pre- to the post-ER Process period proved to be relatively stable as shown in Figure 4.

Figure 4: Total number of unique activities by Surrey JAC staff over time, pre-post ER Process comparison (FJSD data)³²



³¹ Figure 3 includes activities under the ER / FJR processes well as those outside of the ER / FJR processes conducted during the time periods to reflect overall workload. Figure 3 also includes all types of activities, such as those listed in footnote 30, as well as interviews (general), individual client contact, initiation of other party contact, child/youth in mediation process, interview with a child/youth, 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-ER Process time periods, it was not recorded in the FJSD data until May 2019.

³² See footnote 31 for description of what data are included in Figure 4.

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To accommodate the expected increase in workload, FJSD hired additional staff with the result that the staff complement at the Surrey JAC is higher than it was in the pre-ER Process period. The overall FTE complement grew from 13.69 FTEs to 21.76 FTEs, an increase of 8.07 FTEs (+59%). The biggest increase in FTEs was for FJCs, followed by administrative staff and JIs. See Table 5.

Table 5: Staffing complement at Surrey JAC, pre-post ER Process comparison (FJSD data)³³

Staff type	Pre-ER Process Jan 2018 – Feb 2020 FTEs	Post-ER Process Jan 2021 – Feb 2023 FTEs	Increase in number of FTEs
Local Manager	0.88	1.00	0.12
CSOs	0.82	1.00	0.18
FJCs ³⁴	7.22	12.21	4.99
JIs	2.43	3.64	1.20
Administrative	2.33	3.92	1.59
Total	13.69	21.76	8.07

³³ The FTE data have been adjusted to exclude vacant positions and longer term leaves such as parental leave.

³⁴ FJCs include the senior FJC, who also has management responsibilities, FJCs in training, and FJCs from other offices that assisted early in the transition to the ER Process. For workload analysis, each category was allocated a proportion of FTE to approximate their caseload at the Surrey JAC. The senior FJC and each FJC in training FTE is counted as a 0.5 FJC FTE. In addition, a limited number of FJCs from other FJSD offices assisted Surrey with its workload during the post-ER Process period. These FJCs contributed 0.43 FTE and are reflected in the number of FTEs in Table 5.

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This increase in staffing has allowed the Surrey JAC to keep up with the expanded workload, as shown in Table 6. When comparing the number of activities per FTE in the pre- and post-ER Process, the CSO workload has slightly decreased (-3%), and for JIs, the workload has increased by 9%. For FJCs the number of overall activities per FTE has decreased in the post-ER Process period (-19%). However, CDR activities are more time-intensive than interviews and assessments, so considering them separately, the number of CDR activities per FTE has increased 94% for FJCs in the post-ER Process period.

Table 6: Workload at Surrey JAC, pre-post ER Process comparison (FJSD data)³⁵

Staff type	Activities per FTE in pre-ER Process Jan 2018 – Feb 2020	Activities per FTE in post-ER Process Jan 2019 – Feb 2023	Percentage change in activities per FTE
CSOs	684.1	661.0	-3%
FJCs (total activities)	1299.2	1054.0	-19%
FJCs (CDR-related activities only)	85.7	166.3	94%
JIs	1038.3	1136.0	9%

As further support that the JAC has the capacity to handle the increased volume of activities, **the wait times for clients to have a meeting with an FJC did not increase after the launch of the ER Process and, in fact, appear to have declined.** The measure of wait times changed during the latter part of the pre-period so this comparison is based on a best estimate.³⁶

- In the pre-ER period (January 2018 to February 2020), in Langley and Surrey, the wait time for a “face to face” meeting with the FJC was typically within approximately one week, although in Surrey, for Family Justice Registry clients, there were thirteen months where the wait times were between two and three weeks.³⁷
- In the post-ER period (January 2021 to February 2023), on average, the wait times for ER and non-ER Process clients — calculated as the number of business days to the second available FJC assessment appointment — was just under one week (approximately four business days). The JAC appeared to experience some resource capacity issues in the

³⁵ The Local Manager does not carry a caseload and not all administrative activities are captured in FJSD data, so activities per FTE analysis for these categories of staff is not included.

³⁶ In the pre-ER period until April 2019, wait times were based on the number of calendar days in a week (within seven calendar days, eight to 14 calendar days, etc.) to when a “face to face” (videoconference or in-person) meeting with the FJC could be scheduled. Between April 2019 and mid-September 2019, the wait times recorded the estimated number of business days to have a face to face meeting with an FJC. Starting in October 2019 and extending into the post-ER period, a new measure of wait times was introduced and is based on the number of business days to the second available appointment for a needs assessment with an FJC.

³⁷ The measures used for wait times changed during the pre-ER period. Therefore, the reference to two to three weeks includes wait times recorded as “eight to 14 calendar days” or “15 to 21 calendar days” until April 2019 and thereafter, it includes wait times recorded as “six or more business days.”

spring-summer of 2021, which showed a longer wait time for both ER and non-ER Process clients of eight and seven business days to the second available FJC assessment appointment, respectively.

Key informants reported that there are few issues with capacity.

- **FJCs' workload is currently considered to be manageable, although FJCs are working at capacity.** It was noted that, on some occasions, even adding one ER Process client to one's caseload can be challenging as each ER Process client requires substantial work, including multiple meetings and additional administrative work, such as follow-up emails. The summer months can create slightly longer wait times for an assessment appointment due to staff vacations, but that is often managed by prioritizing ER Process clients. Key informants expressed concerns moving forward about capacity as there are increased service expectations for non-ER Process clients which could create difficulties with handling the volume of ER Process clients.
- **The CSO may be underutilized for the ER Process** as FJCs who had conducted the needs assessment often kept clients with only child and/or spousal support issues since they were already familiar with the case and had rapport with the clients.³⁸
- Key informants noted that the **administrative staff are critical for efficiently handling the ER Process** as they assist with the scheduling of needs assessments, pre-mediations, and mediations and booking interpreters when needed. Administrative staff provide clients with basic information on the ER Process but will refer them to JIs when clients want more information. Key informants reported sufficient capacity among administrative staff to handle the services for ER Process clients.
- **Surrey has fewer JIs** in relation to the number of FJCs than Victoria, so JIs in Surrey have a more limited role in the ER Process. Unlike Victoria, initial needs determinations only occur with JIs if requested by the client. Another difference from Victoria is that Surrey FJCs provide assistance to clients with court forms resulting from needs assessments and CDRs, rather than JIs. Having more JI capacity to conduct initial needs determinations could better prepare clients for needs assessments and provide FJCs with more information before they meet with clients for the first time. It could also reduce FJC workload related to assisting clients with court forms.

³⁸ FJCs can refer clients whose only issues involve child and/or spousal support to the CSO for facilitated negotiation.

While the capacity to handle the volume of cases is not an issue, **FJCs reported increased stress and some reported experiencing vicarious trauma.** With the ER Process, FJCs reported that they are working with more clients who have had experiences of violence or other trauma and that this has taken emotional tolls on them. FJCs commented that the JAC team is very supportive, and they can always talk to someone immediately, if they need to. In addition, the bi-weekly case management meetings are extremely helpful for sharing difficult situations and getting support from their peers and management. While there are some supports provided by FJSD, some FJCs who raised this issue considered the amount available for counselling to be insufficient.

4.1.4 Flow of families and cases through ER Process

To understand how the ER Process is working, the evaluation monitored the flow through the Process of a sub-set of cases.³⁹ This subset included 673 families (at the JAC) who had 685 cases (at the court).⁴⁰ Because the activities at the JAC cannot be allocated between the court files, the analysis of the flow through the JAC is based on families, while the flow through the court is based on cases.

The ER Process is expected to have attrition points at certain steps in the process where parties may decide to explore options outside of the ER Process, resolve their issues, or where one party does not engage with the Process. **The 15- to 26-month observation provides confidence in the findings that indicate that the ER Process is diverting cases from the court process.**

Key findings from this analysis include the following for activities at the JAC (based on the 673 families who filed an N2R). See also Table 7.

- **The ER Process has been able to engage most parties** as 88% of families had at least one needs assessment, with 70% having all parties complete the needs assessment.
- **Approximately one-third (34%) of families had CDR** at the JAC and most of these families participated in pre-mediation.
- **The most common reason that families do not engage in CDR is that it is determined not to be appropriate.**

³⁹ As described in Section 3.2, this analysis uses a sub-set of cases where an N2R was filed between January 1, 2021 and November 30, 2021. Tracking the activities of those cases at the JAC and Surrey Provincial Court until February 28, 2023 shows the progress of these cases over a 15- to 26-month observation period after their N2Rs were filed.

⁴⁰ Twelve families had two court files each.

- 65% of families requested a Confirmation of ER Requirements⁴¹ be submitted to the court, which means that 15 to 26 months after the N2R was filed, **just over one-third of families (35%) that filed an N2R have not requested a Confirmation of ER Requirements, which is required to proceed to court.**
- **When considering only those families that had participated in CDR, 30% have not requested a Confirmation of ER Requirements** in the 15 to 26 months after the N2R was filed.

Key findings from this analysis include the following for activities at the Provincial Court (based on 685 unique court files as 12 families had two court files).

- 43% of cases had an Application About a Family Law Matter filed, which means that 15 to 26 months after the N2R was filed, **57% of cases (or 389 of 685 cases) with an N2R filed have not proceeded further to court on their family law matter by filing an Application About a Family Law Matter.** This includes the 36% of cases where no party requested a Confirmation of ER Requirements from the JAC and an additional 21% of cases where at least one party requested a Confirmation of ER Requirements but an Application About a Family Law Matter was not subsequently filed.
- **In terms of court appearances, 31% of cases had an FMC and 11% had a hearing or trial held.**

⁴¹ This includes families where at least one party requested a Confirmation of ER Requirements **and** the family attended CDR (private or at the JAC) but still had an unresolved family law matter, CDR was not appropriate, CDR was not available (e.g., out of scope for FJSD), they were exempt from CDR, or one party did not engage.

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Table 7: Progress of family law cases with an N2R filed between January 1, 2021 and November 30, 2021 (activities tracked to February 28, 2023) (FJSD data linked to CSB data)

JAC process	Number of families	% of families that filed an N2R in time period
Families that filed N2R between January 1, 2021 and November 30, 2021	673	100%
IND (not required)	299 families had at least one party have an IND	44% of families had at least one party have an IND
Needs Assessment	593 families had at least one needs assessment 474 families had two or more parties with a needs assessment	88% of families had at least one needs assessment 70% of families had two or more parties with a needs assessment
Pre-mediation (not required)	230 families had at least one party participate in pre-mediation 205 families had two or more parties participate in pre-mediation	34% of families had at least one party participate in pre-mediation 30% of families had two or more parties participate in pre-mediation
CDR	232 families participated in CDR	34% of families participated in CDR
Confirmation of ER Requirements	438 families requested Confirmation of ER Requirements	65% of families requested Confirmation of ER Requirements
Court process	Number of cases (unique court files)	% of cases with N2R filed in time period
Unique court files with N2R filed between January 1, 2021 and November 30, 2021	685 (of the 673 families who filed N2Rs, 12 families had two court files for a total of 685 court files)	100%
Confirmation of ER Requirements filed	440 (of the 438 families who requested Confirmation of ER Requirements, two did so in two court files)	64%
Cases that proceeded to court		
Application for a Family Law Matter filed	296	43%
FMCs held	209	31%
Hearings or trials scheduled	81	12%
Hearings or trials held	73	11%

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Note: FJSD data on JAC activities is kept by unique families. For court activities, CSB data is kept by court files. Twelve families in the sample had two court files, which is why the number of unique families for the JAC activities does not match the number of unique court files for the court activities.

Of the families that filed an N2R between January 1, 2021 and June 30, 2021 and had not proceeded to CDR at the JAC by February 28, 2023, the most common reason for not proceeding to CDR is that CDR was not appropriate (31%), followed by mediation/shuttle mediation was not appropriate due to violence/safety concerns (16%), the JAC being unable to assess at least one of the parties (16%), one party did not engage (13%), and the matters were out of scope for FJSD services (13%). In some situations, it was also noted that mediation, including shuttle mediation, was not appropriate for other reasons (7%). See Table 8.

Table 8: Reasons for not having CDR at the JAC, N2R filed between January and June 2021 (FJSD data)

Reasons	Families filing an N2R and no CDR (n=441)
None ⁴²	31%
CDR Not Required: Not appropriate	31%
DR Options Assessed: Mediation/shuttle mediation is not appropriate due to violence/safety concerns	16%
CDR Not Completed: Unable to assess party	16%
CDR Not Completed: Lack of engagement by one party	13%
CDR Not Required: Matters out of scope for FJSD services	13%
DR Options Assessed: Mediation/shuttle mediation is not appropriate due to other reasons	7%
CDR Exempt: Recently completed CDR with FJSD staff	2%
CDR Exempt: Recently completed CDR with private CDR professional, with confirmation	<1%
CDR did not occur (reason unknown)	<1%

Note: One family could have multiple reasons for not proceeding to CDR, so the total could sum to more than 100%.

⁴² Given the length of the observation period, these families likely accessed private mediation and did not inform the JAC, or they decided not to engage in CDR for another reason (e.g., they resolved their matter outside of court by themselves or with the assistance of counsel).

4.1.5 Volume and workload at Provincial Court

The above discussion of the flow of cases through the ER Process is based on a sub-set of cases. To provide more context on overall court activity since the launch of the ER Process, the evaluation also considered volume data, unlinked to FJSD data, for court activities between January 1, 2021 and February 28, 2023. Table 9 provides volume data and includes activities specific to the ER Process such as the N2R filed, the number of Applications About a Family Law Matter and Replies filed, as well as the number of FMCs scheduled and that occurred.⁴³ Without the ER Process, instead of filing an N2R, families would have filed an Application About a Family Law Matter, triggering a process that allows the other party to file a reply. The introduction of the ER Process in Surrey has reduced the registry work that would otherwise have been required related to these court filings.

Table 9: Family law case activity in Surrey Provincial Court Registry from January 1, 2021 to February 28, 2023 (CSB data)⁴⁴

Types of activity specific to the ER Process	Number
N2R filed	1,550
Applications About a Family Law Matter filed	586
Replies filed with a counter-application	142
Replies filed without a counter-application	255
FMCs that were scheduled	831
FMCs that occurred	789

In terms of handling the workload at the Surrey Provincial Court, **Registry staff do not believe that the ER Process has added to their workload.** When Surrey was a Family Justice Registry, Registry staff also explained the process and referred individuals to the JAC, so while the steps in the ER Process might be different for parties, it does not add to the workload of Registry staff. In terms of court forms, Registry staff find the N2R used for the ER Process easy to review and send to the JAC. What has taken substantially more time for Registry staff is explaining to parties the other new PCFR court forms that are not specific to the ER Process and reviewing them for filing due to their length, particularly the Application About a Family Law Matter. Registry staff noted that if the ER Process was not available to help parties resolve their matters

⁴³ The number of requests for exemptions from CDR are not readily available from the CSB data without looking at individual orders. It would be helpful for future study of the ER Process in Surrey and other locations if the requests and resulting orders were tracked.

⁴⁴ There are some cautions in interpreting this data as it is provided only to show the volume of workload at Surrey Provincial Court for the specific activities listed. Types of activity should not be compared because items in this table are not always directly related. For example, the number of Applications About a Family Law Matter filed is not a sub-set of the N2R filed in this table. In addition, some of the FMCs in this table were related to cases that were not necessarily part of the ER Process as they were appearances arising from pre-existing proceedings occurring post-ER Process implementation.

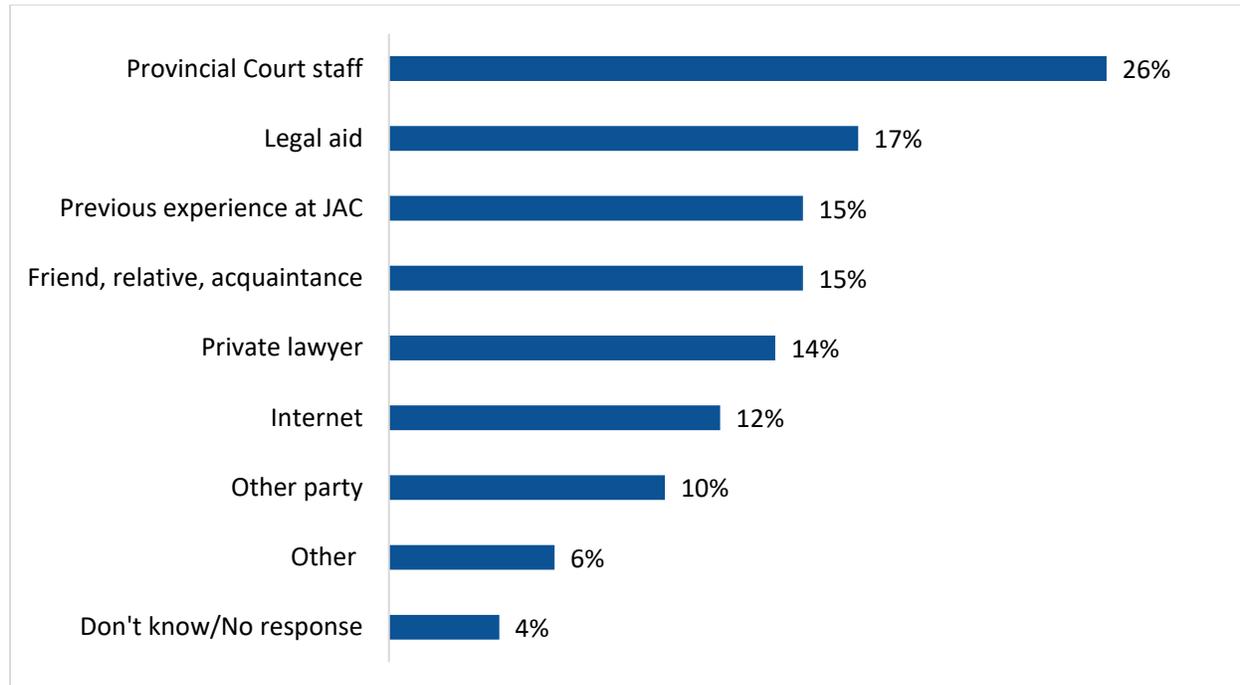
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and instead the current volume of N2Rs were all Applications About a Family Law Matter, they would have difficulty managing the workload.

4.1.6 Accessibility of services

The evaluation found that parties are being made aware of the ER Process promptly. When parties come to the Surrey Registry to file a Notice to Resolve, staff are providing them with information about the ER Process, brochures, and referrals to the JAC. Survey results also indicate that clients are being connected to the JAC most often by others in the family justice system: Provincial Court staff (26%),⁴⁵ followed by legal aid/legal aid intake (17%), and previous experience with the JAC (15%).

Figure 5: First referral source for clients accessing Surrey JAC (n=339) (client survey)
How did you first hear about the Justice Access Centre or Family Justice Centre?



Once connected to the JAC, no accessibility issues were identified for most clients. The virtual services worked so well for clients in the early days of the COVID-19 pandemic that the JAC now uses a hybrid delivery model of virtual and in-person service options. While in-person services are offered to clients, **many prefer virtual services.** As noted earlier, virtual services can benefit parties by providing greater convenience and may alleviate power imbalance, intimidation, or safety concerns. In terms of the court process, clients surveyed were asked if attending FMCs

⁴⁵ The client survey listed Provincial Court staff as a response category since survey respondents would likely not be able to distinguish between staff employed by the Provincial Court and staff employed by Court Services Branch. Therefore, both types of staff are covered by using "Provincial Court staff."

by videoconference or teleconference worked well for them and 39 of the 45 who responded agreed or strongly agreed that it had.

In addition to general accessibility of services, **most clients with special needs (language, physical or mental illnesses, or disabilities) who mentioned these needs to JAC staff reported that the services addressed their unique needs.** As noted in Section 3.4, 11% (n=37) of clients surveyed reported having a physical illness or disability. Seven of those clients mentioned having specific needs related to their physical disability or illness to the JAC staff and most (n=5) believed that the JAC addressed their needs related to their physical disability or illness “very well” or “okay.” Of the 43 clients (13%) who reported having a mental illness or disability, 15 mentioned this to the JAC staff. Most of these clients (n=12 of 15) believed that the JAC addressed their needs related to their mental illness or disability “very well” or “okay.”

In terms of language needs, the JAC and court staff arrange for interpretation services at no cost to the client when a request is made. One sixth (16%, n=54) of survey respondents spoke a language other than English at home. Of these clients, just over one-quarter (26%, n=14) received interpretation services from a professional or family member or friend. Most of these clients (76%, n=41) reported their language needs were met so that they could understand the process and fully participate.

4.2 Outcomes

4.2.1 Improving understanding of family justice process, options, needs

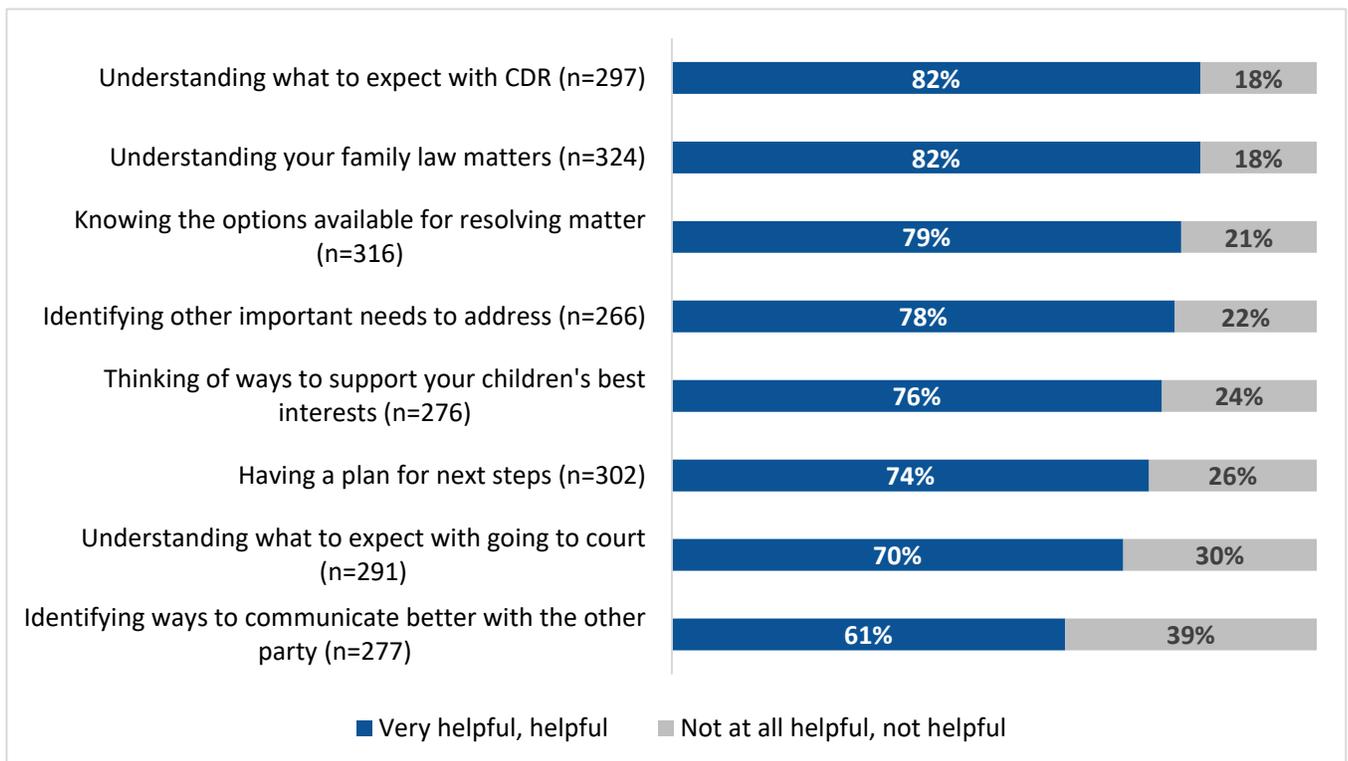
The needs assessments conducted by FJCs are intended to improve clients’ understanding of the family justice process, their legal issues and options for resolving them, and their other important needs. For families that proceed to pre-mediation and/or CDR, FJCs continue to support them by providing information as needed. Based on interviews and survey results, this is **another area where the ER Process is showing success.** Key informants (internal and external) report that the assistance at the JAC is providing families with information about the process, exposing them to common legal terminology for family law matters, discussing options for how to resolve that clients may not have considered (such as CDR), and providing referrals or information to assist with their legal and non-legal needs as appropriate. While the JAC was already providing assistance and information sharing, **a key difference with the ER Process is that more often, both parties are receiving these services** (see Section 2.2, Highlights of key changes to the Surrey Registry).

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However, **the JAC staff cannot provide legal advice and while they refer individuals to legal services, individuals may not use that referral.** There was concern that individuals who do not speak to counsel may not understand the legal consequences of their decisions. For example, some individuals may not fully understand the provisions in the agreements that they sign. Others may not understand that, by going to court, the outcome may not be what they desire and is legally enforceable by the other party. A suggestion was the inclusion of an educational component on family law to address some of these issues in at least a general way.

Client survey responses confirm interview findings, with **the majority of survey respondents, ranging from 61% to 82%, reporting that the needs assessments are helpful or very helpful** in improving understanding of CDR and their family law matters, knowing options for resolving their matter, identifying other important needs, thinking of ways to support their children's best interests, having a plan for next steps, understanding what to expect with going to court, and identifying ways to communicate better with the other party.

Figure 6: Helpfulness of needs assessment (client survey)⁴⁶
How helpful was this first meeting with the Family Justice Counsellor in assisting you with the following?



⁴⁶ Respondents who indicated not applicable, don't know, or no response are not included.

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Reasons why some clients found the needs assessment to be not helpful or not at all helpful primarily involved the information being too generic or not relevant for addressing their needs, followed by the other party not being willing to engage with the process, the process was not fair or impartial, and the feeling that the process did not resolve their matter. See Table 10 for details.

Table 10: Reasons needs assessments were not considered to be helpful in areas indicated (n=159) (Client survey)

Why did you find the needs assessment not helpful or not at all helpful in the areas you indicated?

Reasons	Percentage of respondents who considered needs assessment not helpful/not at all helpful
Did not address needs/information needed not provided/too generic	23%
Other party would not participate/agree to anything	20%
Not fair/impartial	14%
Support in terms of resources or follow up not provided	13%
Nothing happened/did not resolve anything/waste of time	12%
Slowed process down (repeated information or steps already taken)	10%
Staff were uncaring/didn't listen	10%
Matter was out of scope of ER Process	8%
Felt forced to participate	8%
Does not take into consideration emotional difficulty of process	7%
Did not understand or prioritize safety issues	4%
Other	16%
Don't know/no response	19%

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

4.2.2 Providing appropriate and early responses to family needs

Responsiveness in meeting safety needs

The ER Process takes steps to identify safety needs early and screening is continued throughout the engagement with the client. Starting with initial contact at the JAC, clients are asked about any safety concerns that they might have for themselves or for their children. Safety is then reassessed throughout the process at the JAC (IND, needs assessment, pre-mediation, CDR). If safety concerns are identified, JAC staff take appropriate steps, such as supporting clients to develop an immediate safety plan, liaising with the police and/or the Ministry of Children and Family Development (MCFD), and reviewing with clients the processes for protection orders, priority parenting matters, or time-sensitive interim orders.

Internal key informants noted that **many Surrey clients have safety concerns** and survey results reflect that, as 38% of clients surveyed indicated that they have family violence or safety concerns. In order for the ER Process to respond to safety concerns, clients need to be comfortable and willing to share information with the FJCs. **The survey results show that most clients inform the FJCs of their concerns and believe they were understood.**

- Of the 129 clients with family violence and safety concerns, 89% (n=115) reported feeling comfortable sharing their concerns with the FJC.
- A slightly higher percentage (91%, n=117) took the step of identifying their family violence or safety concerns during their needs assessment.
- Of the 117 clients who mentioned their concerns, 79% (n=93) thought their concerns were understood by the FJC.

The 22 clients with family violence or safety concerns who did not think the FJC understood their concerns thought that their concerns were not taken seriously (n=9), were not taken into consideration (n=8), or that the FJC was manipulated by the other party (n=7).

Clients with safety concerns are offered safety planning, although some may decline as they are already in a transition house, working with an anti-violence worker, and/or have a safety plan in place. About half (51%, n=60) of clients who informed the FJCs about their safety concerns recalled discussing safety planning; in other words, discussing steps to take to be safe, or referrals to transition houses or other community support services. Most of these clients (83%, n=50) found the safety planning to be helpful or very helpful.

Appropriateness of CDR

Safety considerations are taken into account in determining whether CDR is appropriate for a family. According to the operational procedures for the ER Process, CDR is not offered in a situation where there is a power imbalance, family violence, or substance abuse or mental health concerns and the FJC believes that there is a reasonable likelihood that the CDR process cannot be adapted to address safety needs, and/or that these factors will adversely affect the clients' ability to negotiate a fair agreement. While FJCs may consult with the senior FJCs or JAC managers at any time regarding the appropriateness of CDR, any determination that CDR is not appropriate is made in consultation with a senior FJC or the JAC manager. Reflecting the importance given to safety considerations, the most common reason for parties not having CDR is that the FJC did not consider it to be appropriate.

The FJSD administrative data shows that the ER Process uses CDR methods intended to address safety needs as 36% of mediation sessions that did occur relied on the shuttle mediation process so that parties do not have direct contact with each other.⁴⁷ In addition, situations of intimidation are lessened by the use of teleconference or videoconference which occurs in 14% and 48% of CDR sessions, respectively, with 1% of CDR sessions occurring in person.⁴⁸

Of the 136 surveyed clients who have completed CDR, 58 had concerns related to safety, family violence, intimidation, or power imbalance. **Of the clients with these safety-related concerns, 72% (n=42) believe their concerns were addressed "very well" or "okay" during CDR.** Almost one-fifth (19%, n=11) considered their concerns to be addressed "not well enough" or "poorly." There were 26 respondents whose answers indicated some areas of potential improvement (i.e., respondents who did not respond "very well"). The comments tended to focus on how to ensure a fair process, such as better training for FJCs, taking safety concerns more seriously, and preventing bullying behaviour from the other party.

Staff generally reported that they believe they are well-trained and supported in making decisions related to safety and appropriateness of CDR. However, internal interviews reflected some dissatisfaction that JAC staff, who are trained to identify when CDR is appropriate, have to get approval for their decisions that CDR is not appropriate. This concern was not raised about safety issues but about situations where parties are so entrenched and opposed to CDR that the FJC believes that CDR will not result in any form of resolution.

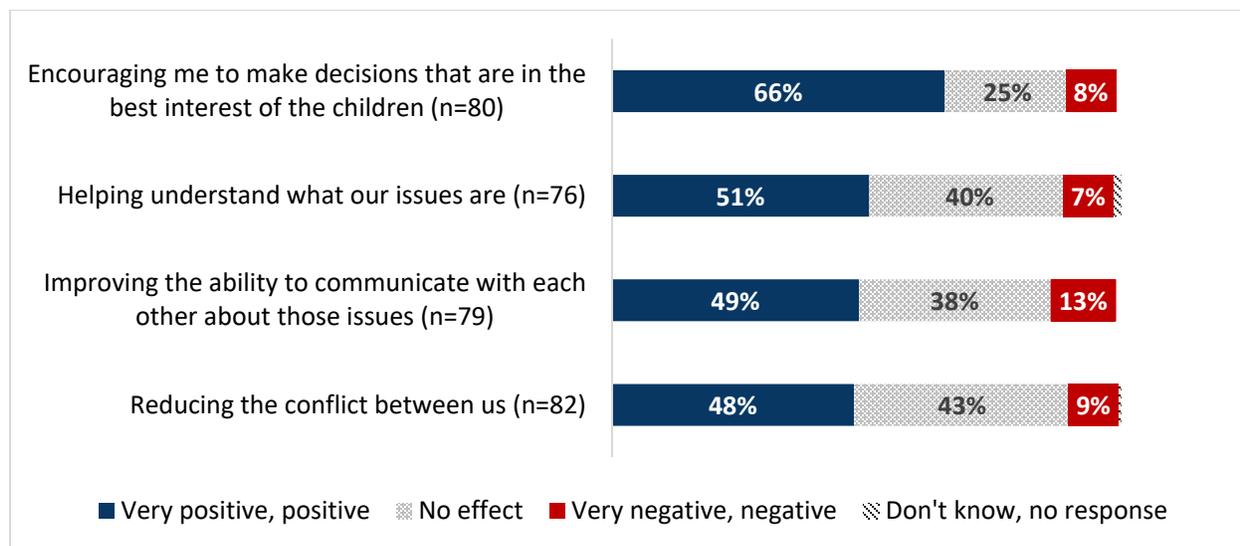
⁴⁷ See footnote 15 for a description of shuttle mediation.

⁴⁸ In addition, 0.3% of CDR sessions were facilitated negotiation. The percentages in this paragraph do not total 100% due to rounding.

Impact of CDR on parties' decision-making

CDR services are intended to provide clients with additional assistance in understanding their issues and needs and put them in the best position for resolving their family matters in a way that focuses on the best interest of the children. Of the clients who had completed their CDR services, **CDR has the most positive impact on encouraging parties to make decisions in their children's best interest with two-thirds of respondents attributing a positive impact.** In the other areas of improving communication between the parties, helping them understand their issues, and reducing conflict between them, approximately half of respondents considered CDR to have a positive or very positive effect. See Figure 7 for details.

Figure 7: Effect of CDR for clients who have completed CDR (n=85) (Client survey)⁴⁹
What effect did the consensual dispute resolution process have in the following areas?



Referrals to resources

Providing clients with appropriate referrals is an important component of providing appropriate and early responses to meet family needs. Referrals are intended to assist families with their legal needs related to their family law matter as well as other legal and non-legal needs that can impact the family. **While JAC services have always been intended to provide referrals for clients, the number of referrals has increased by 26% in the post-ER Process period (2,874 referrals to 3,629 referrals), as shown in Table 11.** Referrals for ER Process clients constituted 37% of the referrals in the January 2021 to February 2022 period. Since clients can begin to

⁴⁹ Clients indicating the statement was not applicable to their situation are not included, which is why the number of clients responding to each statement varies.

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receive services before the N2R is filed, the 1,328 referrals made to ER Process clients likely does not reflect all the referrals made to clients who ultimately went through the ER Process.

The FJSD administrative data shows that in both time periods, **the most common referrals made are for legal advice services**. When considering referrals for ER Process clients separately, the most common referrals made were for legal advice, followed by referrals to the courts, community organizations to assist with non-legal needs (e.g., health, financial, counselling services), and government agencies (e.g., BC Family Maintenance Agency, MCFD). It should be noted that the clients who had received FJSD services previously might not need additional referrals as they may already be connected with appropriate supports or services (e.g., already working with a lawyer). Table 11 provides details.

Table 11: Number of referrals made at Surrey JAC, pre-post ER Process (FJSD data)

Type of referrals	Jan 2018-Feb 2020 Pre-ER Process (Referrals made to all clients)	Jan 2021-Feb 2023 Post-ER Process (Referrals made to all clients)	Jan 2021-Feb 2023 Post-ER Process (Referrals made to ER Process clients)
Legal advice - Family	1,091	1,555	643
Courts (Provincial, Supreme)	478	456	186
Government agencies and supports	391	456	129
Legal information - resources and advocacy	352	441	93
Non-legal referrals (health, financial, counselling)	392	507	187
Law enforcement (police, probation)	71	71	38
Family violence services and supports	73	85	39
Indigenous legal and court support	6	11	7
Indigenous agencies or organizations	3	4	0
Legal advice - Civil (non-family)	0	12	2
Other referrals	17	31	4
Total	2,874	3,629	1,328

Note: Excludes referrals to JAC staff (i.e., FJCs, CSOs, interviewers) and to PAS.

The FJSD administrative data indicate one or more referrals to an external source (i.e., not JAC staff or PAS) were recorded for 44% of ER Process families. Based on interviews where JAC staff indicated that almost all clients receive at least one referral, this may be an underestimate. However, client survey results also indicated that just under half of survey respondents (49%) recalled receiving referrals from the FJC. The type of referrals reported by respondents aligned with the results of the FJSD data as the most common referrals were to legal services providers (40%), followed by online or print resources (15%) and community services to assist with non-legal needs (13%).⁵⁰ **Most respondents (71%) acted on the referrals and 85% of those respondents considered the referrals to be helpful or very helpful.** The few respondents (n=13) who found the referrals to be unhelpful noted that they did not meet their needs or further steps were still required, such as doing their own research or hiring a lawyer.

A few internal key informants noted that having a better understanding of the potential referral options, such as knowing the difference between the types of assistance provided by different legal advice service providers, would help them in deciding where to refer clients.

4.2.3 Preparation for next steps

Assistance at the JAC

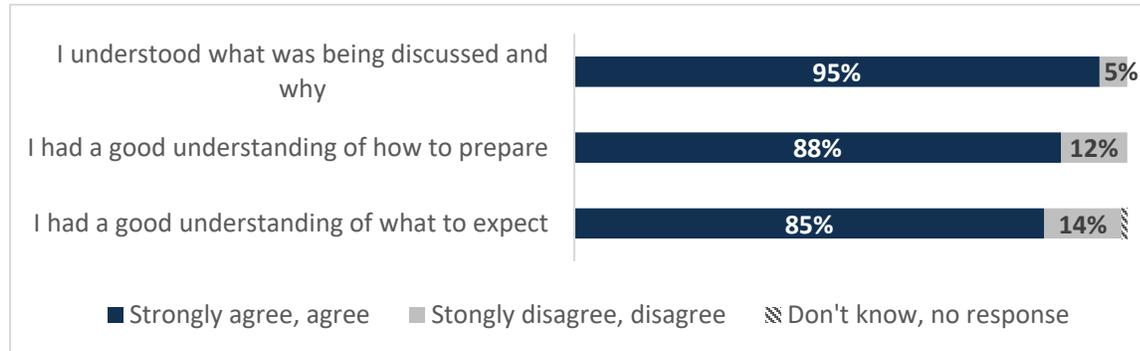
The ER Process at the JAC is intended to help prepare clients for their next steps in the process. As noted above in Section 4.2.1, **clients surveyed indicated that the needs assessment helped prepare them for CDR.** In addition to the needs assessment, the ER Process also offers clients pre-mediation to prepare them for CDR. Internal key informants consider pre-mediation a very useful session as it furthers clients' understanding of the purpose of mediation; helps them consider their positions, the other side's perspectives, and acceptable options; and reinforces the importance of focusing on the best interests of the children. The recent training that JAC staff received on pre-mediation received positive comments.

These early steps of the ER Process helped those who had completed CDR. **Between 85% and 95% of respondents indicated that they were prepared for their CDR sessions as they knew what to expect, how to prepare, and what was being discussed and why.** See Figure 8.

⁵⁰ Respondents could provide more than one answer so percentages sum to more than 100%. Ten percent of respondents either could not recall or did not respond to the question.

Figure 8: Preparedness for the CDR process (n=85)

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



The assistance at the JAC is also intended to prepare clients for next steps that might include court. As noted in Section 4.2.2, related to referrals to other resources, the most common referral made by the JAC is to legal services that can provide clients with legal advice on their potential next steps. For clients that opt to go to court, they will need to file court forms. Of the 142 clients surveyed that have filed an Application About a Family Law Matter, 24 clients (17%) received assistance from the JAC with their court forms. Of those 24 clients, 21 considered the JAC's assistance with preparing court documents to be very helpful or helpful.⁵¹ The assistance provided to these 24 clients included helping them identify the forms they needed to prepare (n=23), informing them of other information they will need to provide with the forms (n=17), helping identify on what issues they might want to proceed to court (n=16), and helping with their preparation of financial information (n=6).⁵²

⁵¹ Most clients reported receiving assistance with court forms from other service providers, such as private lawyers, duty counsel, or legal aid. Of the 142 clients who filed an Application About a Family Law Matter, 17% (n=24) did not receive any assistance.

⁵² Clients could indicate more than one type of assistance received.

Preparedness at court

The evaluation evidence is mixed on whether the ER Process is having effects on preparing parties for their court appearances. Based on survey results, the findings were positive. Most clients (70%) found the needs assessment with the FJC to be helpful or very helpful in helping them understand what to expect with going to court (see Figure 6 above) and most of the 60 clients surveyed who attended an FMC (71%) felt well-prepared. Clients who were surveyed were most likely to receive help from a private lawyer to prepare them for the FMC. As noted above, referrals for legal advice are the most common type of referral provided by the JAC. Of the 11 clients surveyed who received assistance in preparation for the FMC from the JAC, all found that assistance to be helpful or very helpful.

Few key informants could speak to whether ER Process clients are better prepared for the FMC than parties who had not gone through the ER Process. These key informants suggested that FJCs could do more to help individuals understand what to expect at FMCs, including that a judge can make an order that is not by the consent of the parties, and how FMCs differ from a hearing, with FMCs focusing on determining what the parties may be able to resolve. It was suggested that more opportunities for information sharing between family duty counsel and JAC staff could be beneficial. In terms of documents and forms, some key informants commented that parties are doing a good job of completing certain court forms, such as the Applications About a Family Law Matter, but parties still often come to the FMC without their financial documents.⁵³

For those parties who attend court, a potential measure of preparedness is whether a scheduled appearance is adjourned because one or both parties are not prepared. Under the PCFR, all court locations now have FMCs, which are intended to provide parties with dedicated time with the judge to focus on case management and next steps. The FMCs are scheduled for specific time slots (in consultation with the parties), hopefully reducing adjournments due to lack of preparedness or court time. With the longer allotted time for an FMC, judges work with parties to deal with what issues they can and use the time to prepare parties for next steps; as such, it is less likely that an FMC will be adjourned due to lack of preparation. This makes assessing the impact of the ER Process at the JAC more difficult as all FMCs likely experience fewer adjournments due to lack of preparation regardless of whether the case is in an ER Registry. What the evaluation can show is that adjournments due to lack of preparation are low in Surrey and have declined in all three court locations.

The evaluation included two data sources that attempted to measure adjournments due to a lack of preparation. First, data on adjournments were collected by court clerks of all FMCs

⁵³ The PCFR require that a party must file a financial statement if an application is about an order for child or spousal support with their application (Rule 25).

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conducted in Surrey between March 29, 2021 and February 28, 2023. The second data source is court data on total adjournments for all appearances that occur during a case.

Data on FMC adjournments (whether or not related to the ER Process) collected by court clerks in Surrey indicate that parties are prepared for their FMCs, with 90% of FMCs proceeding on the date scheduled. Of the 587 FMCs that occurred during this period, adjournments occurred due to lack of preparation in only 15 of the FMCs (3%), and 40 FMCs (7%) were adjourned due to non-appearance.⁵⁴

The comparison of court adjournment data between Surrey and the comparison court locations 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 to estimate where an adjournment may have occurred due to lack of preparation.⁵⁵ Another difficulty with the comparison of adjournment data between Surrey and comparison courts is that all sites had FMCs during the post period. This means that any differences in adjournment rates between the sites during the post period would arise only because Surrey had an ER Process and the other sites did not.⁵⁶ While the ER Process may be expected to prepare parties for an FMC, it is less likely that the impact of this preparation would continue through later appearances (such as trials) that occur after the FMC. For these reasons, court data on total adjournments provide a less valid measure of preparedness than had been originally envisioned. Results show that the total number of adjournments due to lack of preparation declined across all three locations from pre- to post-ER Process periods, likely due to the decline in the number of new cases, the additional time allocated to FMCs, and changes in how FMCs are scheduled in the post-ER period.

On a per case basis, adjournments only decreased in Robson Square (-37%) compared to an increase of per case adjournments in Surrey (+10%) and New Westminster (+50%). The analysis found no statistically significant differences between Surrey and comparison locations in the change of the number of adjournments per case from pre- to post-ER Process.

⁵⁴ Non-appearance is when at least one party or their counsel were not present and the FMC lasted less than 10 minutes.

⁵⁵ The note in Table 12 describes this in more detail.

⁵⁶ Note that this also an area where the evaluations of the ER Process in Surrey and Victoria differ. In Victoria, the comparison sites did not have FMCs in the post period.

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Table 12: Adjournments in new family law cases, pre- and post-ER Process Surrey and comparison locations (CSB data)

Location	Total new cases with at least one scheduled court appearance	Total adjournments in new cases	Adjournments per new case			% Change	
			Average	Minimum	Maximum	Total adjournments in new cases (descriptive, not tested) *	Adjournments per new case (tested for significance)
Pre-ER Process in Surrey (June 2018 – November 2018)							
Surrey	143	86	0.60	0	7	-	-
Robson Square	86	30	0.35	0	9	-	-
New Westminster	42	55	1.31	0	9	-	-
Post-ER Process in Surrey (June 2021 – November 2021)							
Surrey	77	51	0.66	0	6	-40.7%	+10.1%
Robson Square	50	11	0.22	0	6	-63.3%	-36.9%
New Westminster	25	49	1.96	0	7	-10.9%	+49.7%

Source: CSB data, not linked to FJSD data

For the pre-ER Process, new cases are cases opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020.

For the post-ER Process, new cases are cases opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023.

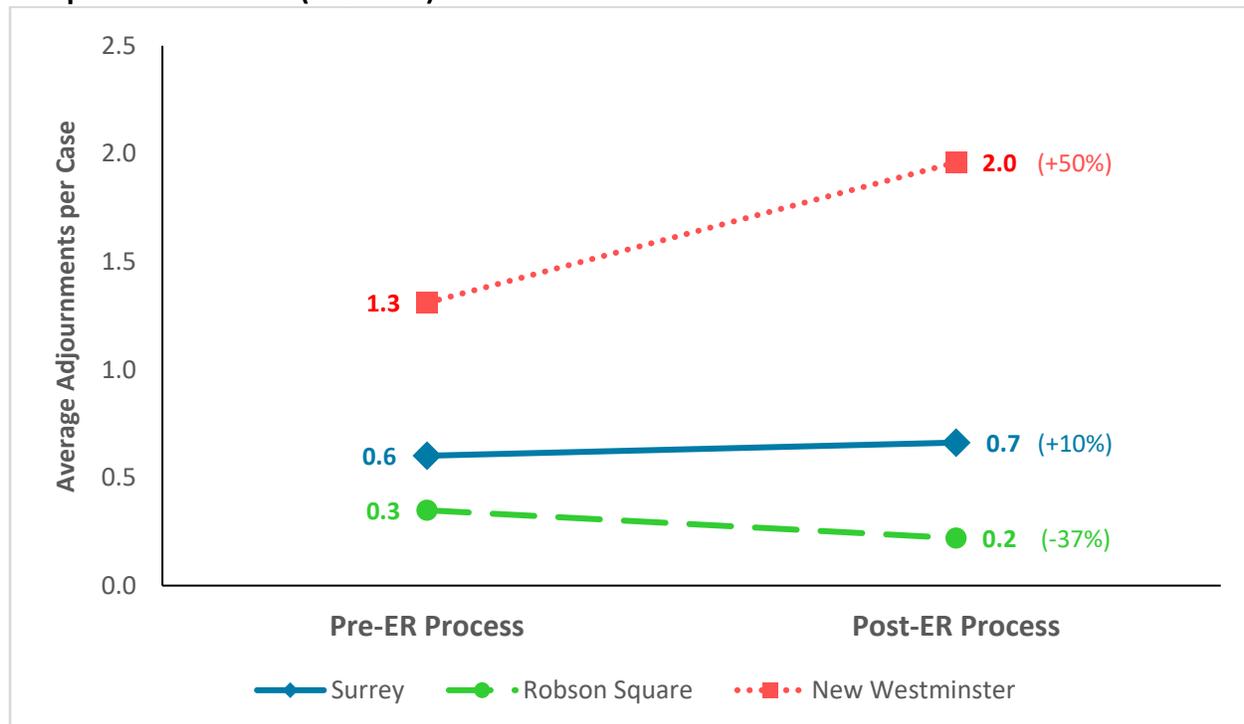
Protection orders are excluded.

Note: Adjournments are counted if: 1) a given appearance has the same appearance reason scheduled at a later date (excluding trials), and 2) the earlier appearance was either: a) cancelled or adjourned prior to appearance date, b) had a total duration of zero minutes, or c) had a combined appearance and issue result recorded in the CSB data that reflects an adjournment.

* As discussed in Section 3.2, the change in totals of court-related activity variables were not tested and are presented as descriptive statistics. Testing was conducted on per case rates to estimate the impact of the ER Process on court activities while accounting for the underlying change in the number of new cases.

See Appendix C for estimates of the tested variables (difference in average monthly change).

Figure 9: Number of adjournments per new case, pre- and post-ER Process Surrey and comparison locations (CSB data)



Based on client survey results, the FMC is preparing clients for further court appearances by helping them further understand their options to resolve their issues and next steps. Most clients understood what was being discussed during the FMC, thought that the FMC helped them understand their options to resolve their issues, and felt it better prepared them for next steps in the court process. The number of clients agreeing or strongly agreeing with the statements below are as follows:⁵⁷

- 52 of 59 clients understood what was being discussed during the FMC.
- 43 of 57 clients believe that the FMC helped them understand the options available to resolve their issues.
- 26 of 39 clients who did not resolve all issues at the FMC believe the FMC helped them feel better prepared for the next step of the court process.

⁵⁷

Clients indicating the statement was not applicable to their situation are not included, which is why the overall number of clients responding to each statement varies. Numbers rather than percentages are used due to the small number of respondents to this question.

4.2.4 Greater use of CDR and the ability to narrow or resolve issues

An expected outcome of the ER Process is to assist in narrowing or resolving a family's issues through the CDR process. Increasing the use of CDR is a first step to achieving this outcome.

Increased use of CDR

The ER Process has resulted in a 72% overall increase in the number of CDR sessions (mediations or facilitated negotiations) at the JAC, which rose from 672 CDR sessions in the pre-ER Process time period (January 1, 2018 to February 28, 2020) to 1,156 CDR sessions in the post-ER Process time period (January 1, 2021 to February 28, 2023). In addition, comparing the pre- and post-ER Process time periods, **the numbers of clients and families using CDR at the Surrey JAC have increased 52% and 53% respectively.**⁵⁸

Effectiveness of CDR

The evaluation found that clients are generally satisfied with the effectiveness of CDR. Almost three-quarters (72%) of clients who completed CDR (at the JAC or through private mediation) were satisfied or very satisfied with the experience. One-quarter (25%) were unsatisfied or very unsatisfied.⁵⁹

- The most common reasons for being satisfied were: having resolved their matter (n=19); that the FJC was helpful/did a good job (n=15); that the process was generally helpful (n=13); that they were treated with respect (n=12); and that it was a quick, easy, and smoothly run process (n=7).
- The most common reasons for being dissatisfied were: the other party used the process to create delays or be obstructionist (n=17); dissatisfaction with the mediator/FJC (n=14); and that the process did not improve the situation (n=12).

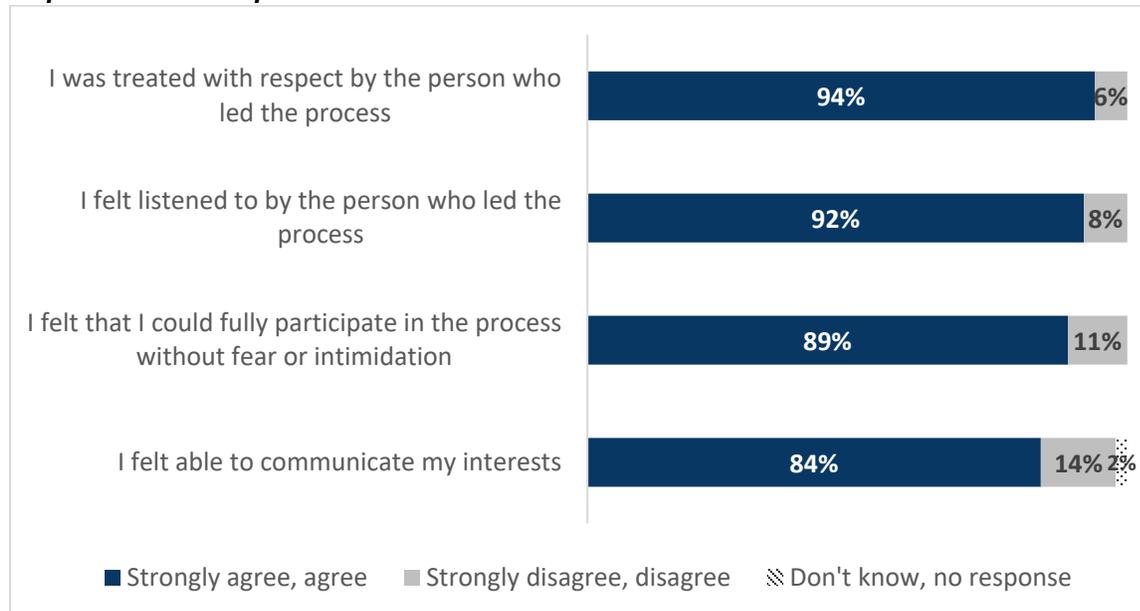
This satisfaction is also reflected in clients' perception of their participation in the CDR process — namely, they felt treated with respect, listened to, able to communicate their interests, and could fully participate in the process without fear or intimidation. See Figure 10.

⁵⁸ All results in this paragraph are based on FJSD data.

⁵⁹ The other respondents who completed CDR (4%, n=3) did not provide an opinion.

Figure 10: Participation in the CDR process (n=85)

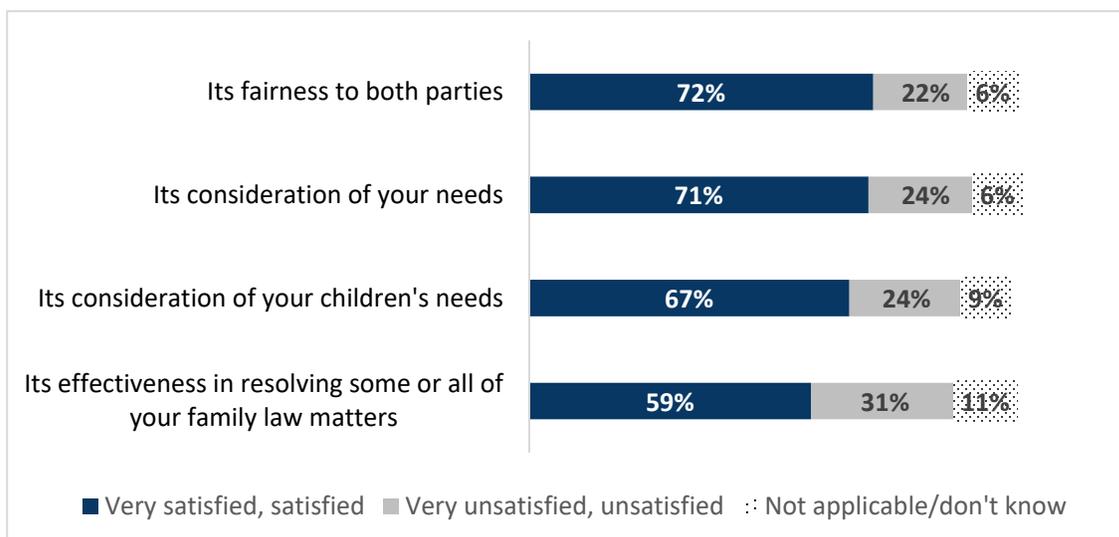
What is your level of agreement with each of the following statements about the consensual dispute resolution process?



A majority of clients who completed CDR were satisfied with its outcomes. Over two-thirds of clients were satisfied with the outcomes of their CDR process in terms of its fairness to both parties and its consideration of the parties’ and children’s needs, as shown in Figure 11. A majority of clients expressed satisfaction with its ability to resolve at least some issues.

Figure 11: Satisfaction of clients who have completed CDR with its outcome (n=85) (Client survey)

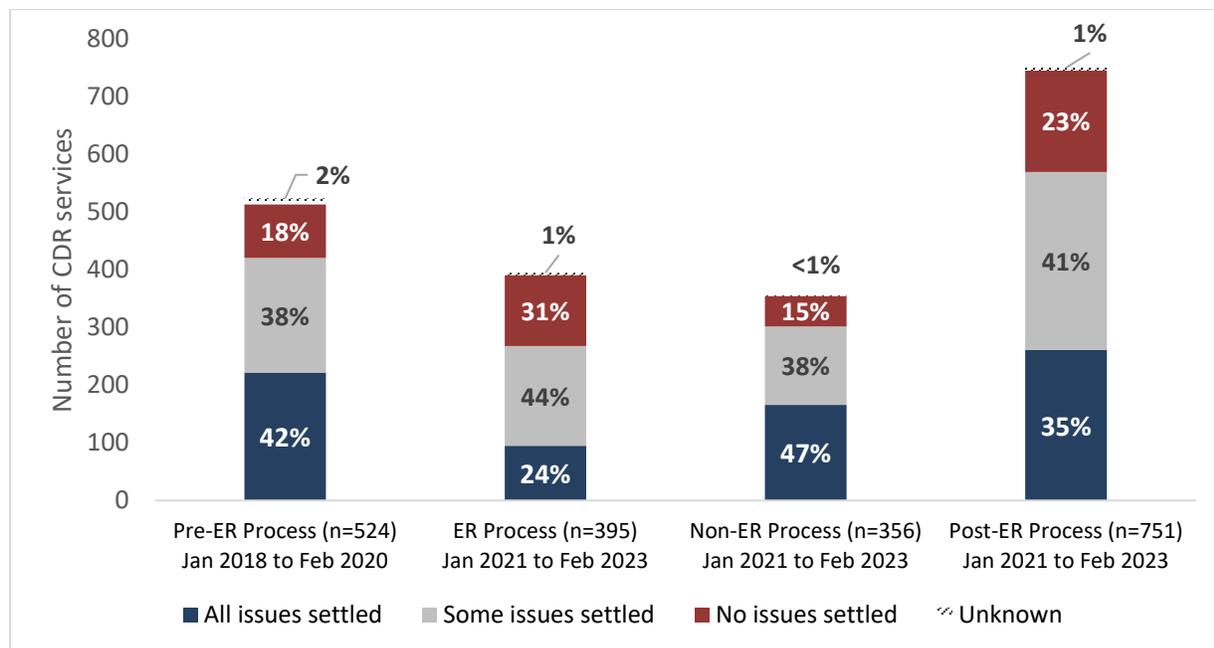
How satisfied are you with the outcome of the consensual dispute resolution process in terms of the following?



Reduction in the number of issues⁶⁰

Outcomes of CDRs at the JAC indicate that the proportion of CDRs that result in all or some issues being settled is lower under the ER Process than through the pre-ER Process. Overall, 80% of CDRs during the pre-ER Process period result in some or all of the issues being resolved compared to 76% of CDRs occurring during the post-ER Process period. When considering only those families that have filed an N2R and are part of the ER Process, 68% resolve some or all of their issues during CDR. For either comparison, this decline is not unexpected given that in the pre-ER Process period, parties had all initiated service with the JAC and chose to engage in CDR on their own. **However, because more CDR services are occurring in the post-ER Process period, the number of CDR services with at least some issues being resolved is higher in the post-ER Process period (570 compared to 421 in the pre-ER Process period, a 35% increase).** See Figure 12 for details.

Figure 12: Outcomes of CDR pre-post ER Process comparison (FJSD data)



Note: Outcomes presented are based on unique service identification numbers in the FJSD data.

While the above data on outcomes focuses on CDRs at the JAC, overall, the court data show that the total number of issues decreased across all three locations from pre- to post-ER Process periods. **Surrey saw the largest decline from the pre- to post-ER period.** See Table 13.

⁶⁰ The ER Process is intended to help parties narrow their issues, which could also include reducing the complexity of issues. FJSD and court data do not enable an analysis of whether there was a difference in the complexity of issues between the registries. As a result, the evaluation focused on whether the ER Process impacted the reduction in the number of issues.

Evaluation of the Early Resolution Process in the Surrey Registry

The evaluation found that the difference in the change of issues per new case in Surrey compared to Robson Square was statistically significant. The statistical analysis testing of the issues per new case data indicates the ER Process reduced the number of issues per new case by 13% in Surrey compared to Robson Square.⁶¹ This effect corresponds to a reduction of 0.53 issues per new case due to the ER Process in Surrey, accounting for just under one-quarter of its change. When comparing Surrey to New Westminister, no statistically significant differences between their changes were found.

Table 13: Number of issues in new family law cases, pre- and post-ER Process Surrey and comparison locations (CSB data)

Location	Total new cases with an issue*	Total number of issues in new cases	Average	Minimum	Maximum	% change in the total number of issues in new cases (descriptive, not tested) **	% change in the number of issues per new case (tested for significance)
Pre-ER Process in Surrey (June 2018 – November 2018)							
Surrey	222	915	4.12	0	22	-	-
Robson Square	120	479	3.99	0	13	-	-
New Westminister	47	208	4.43	0	10	-	-
Post-ER Process in Surrey (June 2021 – November 2021)							
Surrey	63	116	1.84	0	4	-87%	-55%
Robson Square	57	130	2.28	0	5	-73%	-43%
New Westminister	26	55	2.12	0	4	-74%	-52%

Source: CSB data, not linked to FJSD data

For the pre-ER Process, new cases are cases opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020.

For the post-ER Process, new cases are cases opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023.

Protection orders are excluded.

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

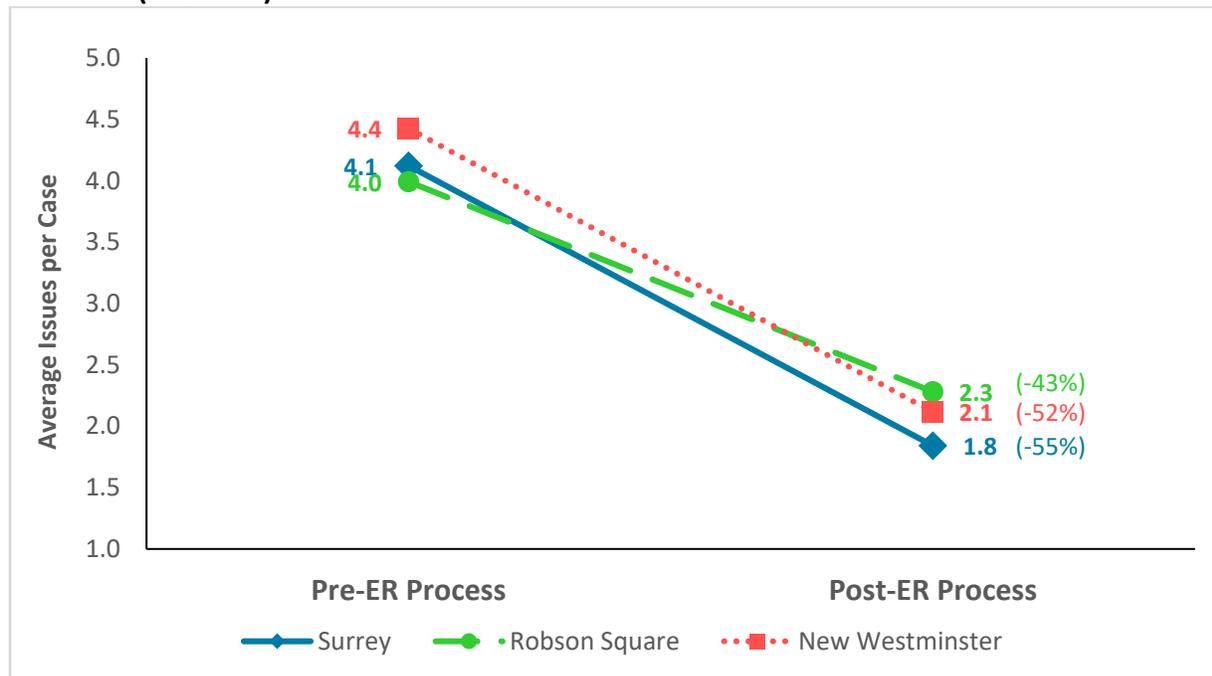
*New family law cases in this table are restricted to cases with issues associated with relevant documents. For the post-ER Process: In order for issues to be counted, they need to: (1) be on an Application About a Family Law Matter (FLC); (2) that is filed after the Notice to Resolve; and (3) is filed within the evaluation activity period. For the pre-ER Process: In order for issues to be counted, they need to: (1) be on an Application to Obtain an Order or an Application Respecting Existing Orders or Agreements; (2) that is filed within the evaluation activity period.

** As discussed in Section 3.2, the change in totals of court-related activity variables were not tested and are presented as descriptive statistics. Testing was conducted on per case rates to estimate the impact of the ER Process on court activities while accounting for the underlying change in the number of new cases.

See Appendix C for estimates of the tested variables (difference in average monthly change).

⁶¹ See Appendix C for estimates of the tested variables (difference in average monthly change).

Figure 13: Number of issues per new case, pre- and post-ER Process Surrey and comparison locations (CSB data)



Agreements and consent orders

As shown in the above section, issues are being settled at the JAC, and the number of issues per case is declining. In addition, FJSD data indicated that, of families that filed an N2R and had a CDR session, almost half (47%) had written agreements (draft but unsigned, or signed by all parties), informal agreements, memoranda of understanding, or consent orders.⁶² However, the frequency of these agreements is not as evident in court. Internal key informants directly involved with the court process noted that few cases are coming to court with consent orders or with written agreements, and the court data linked to the FJSD data for ER Process cases showed few consent orders (n=25, or 4% of cases with a N2R filed) or Applications for a Family Law Matter Consent Order (n=9, or 1% of cases with a N2R filed). Court data likely underestimate the number of agreements reached as informal agreements cannot be filed at court, and internal key informants believe that many written agreements and consent orders are not filed with the court unless parties need to enforce them.

⁶² As of March 2022, FJSD implemented improved tracking of agreement documents. The timeframe for the evaluation analysis includes periods that pre-date the improved tracking and therefore the analysis likely understates to some degree the actual number of agreement documents drafted.

4.2.5 Timeliness of the ER Process

At the JAC

The evaluation found that the JAC has been diligent in ensuring that the ER Process occurs in a timely manner. While JAC staff take steps to move the parties through the Process, it is important to note that the ER Process at the JAC is primarily party driven. The first needs assessment does not occur until one of the parties named in the N2R contacts the JAC. After that, time is required to connect with the other party(ies) and schedule the needs assessment and/or CDR session(s).

The 24 case studies demonstrated that the JAC is following its operating procedures, which outlines detailed timelines and steps to ensure that the process is not stalled by the inability to connect with or the lack of engagement by one of the parties.⁶³ The case studies and interviews with JAC staff provided information on some of the reasons that lead to longer time frames for parties to move through the ER Process in some cases, which reflect the party-driven nature of the Process. These findings show that the FJCs take steps to move the process forward and consult with the parties about any rescheduling or delays due to an accommodation requested or lack of engagement by one of the parties.⁶⁴ Some of the reasons that lead to longer time frames for parties to move through the ER Process identified in the case studies are as follows:

- There were delays in the parties named on the N2R (including the party who filed it) contacting the JAC.
- One or both parties requested rescheduling steps in the process to a later date due to various reasons. JAC staff noted that if the later date creates a lengthy delay or one party has made multiple rescheduling requests, the FJC contacts the other party to determine

⁶³ The JAC will initiate contact with the second party within one business day of either completing the needs assessment with the party who first contacted the JAC (hereinafter referred to as the first party) or having received confirmation that both parties have a copy of the N2R. The JAC sends a letter to the second party that provides information on the ER Process as well as a copy of the N2R. The letter provides the second party 14 days from the date of the letter to contact the JAC. If the JAC has not received a response within seven days of the letter being sent, two telephone attempts on different days and times will be made to the second party. If a telephone number is not available, attempts by email or letter are used, and if no contact information is available, JAC staff will use the Ministry's Locate Services to try to identify current contact information. If the second party does not respond within two calendar days, the JAC will discuss next steps with the first party and offer to provide them with Confirmation of ER Requirements. As to situations where a party responds but then there is lack of engagement, for example, if the second party does not attend a scheduled needs assessment, they are given one opportunity to reschedule before the JAC offers to provide the initiating party with Confirmation of ER Requirements.

⁶⁴ The case studies found some data entry issues. Of the 20 case studies with a Confirmation of ER Requirements, four had issues with the date of the Confirmation of ER Requirements due to a data entry error (most commonly entry was delayed and activity was not backdated). In a few cases, the reasons for longer time periods were not documented. Given the importance of timeliness of the ER Process, the JAC may want to do spot checks of records in order to identify these types of issues.

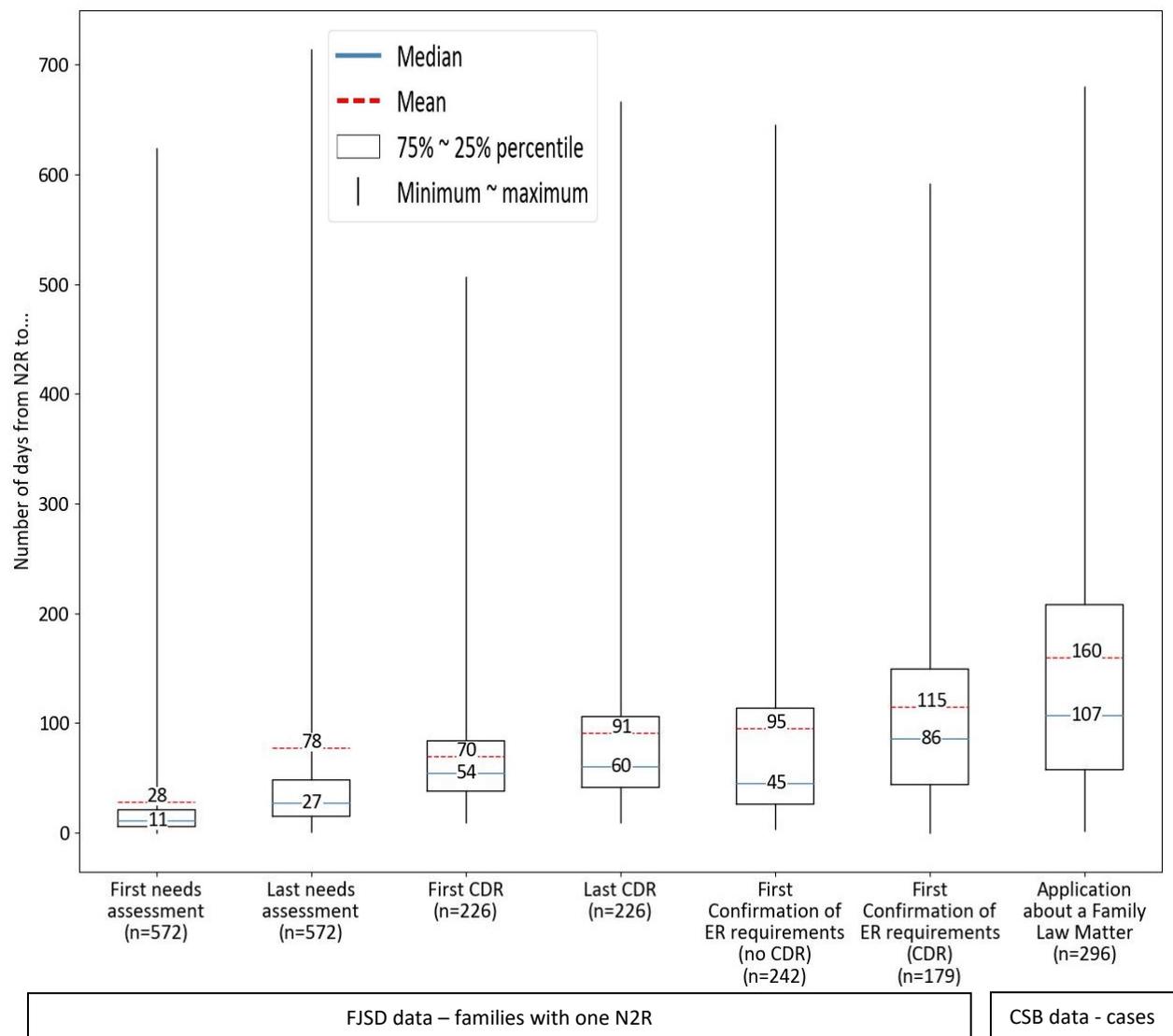
if they are willing to reschedule or would prefer to receive a Confirmation of ER Requirements so that they can proceed to court, if desired. This supports self-determination for the motivated party.

- Scheduling mediation was delayed due to the need for parties to share financial information ahead of mediation.
- Parties wanted to attend more than one CDR session.
- Parties who were engaged in CDR wanted to pause the process to speak to legal counsel and address non-ER Process urgent matters first.
- Parties reached a tentative agreement in CDR and then reconsidered it. A Confirmation of ER Requirements was not requested until months later.
- One party requested a Confirmation of ER Requirements due to lack of engagement of the other party. After that, the other party engaged in the process and both parties opted to proceed with the ER Process.
- In a few cases, there were delays due to the FJC being away for a week or two, but parties agreed to wait for the FJC to return rather than continue service with another FJC.

The FJSD administrative data coupled with the information from the case studies reflect that parties are moving through the ER Process in a timely manner. Three-quarters of families had their last recorded needs assessment 49 days after the filing of an N2R, with half of families' last recorded needs assessment occurring in 27 days or less. For families who attended CDR, three-quarters had their last recorded CDR session 106 days after the filing of an N2R, with half of the families completing CDR in 60 days or less. Three-quarters of families who had a party request a Confirmation of ER Requirements to enable them to file an Application About a Family Law Matter or a reply requested it within 114 days of filing the N2R if they did not have CDR and within 150 days if they had CDR. The FJSD administrative data linked to court data shows that **the time to proceed to court is impacted by the time taken by the parties to move from requesting a Confirmation of ER Requirements to filing their Application About a Family Law Matter.** This step is entirely party driven and reflects that parties are either not ready or have not necessarily determined that they want to proceed to court when they request a Confirmation of ER Requirements. See Figure 14.

Evaluation of the Early Resolution Process in the Surrey Registry

Figure 14: Timelines to key points in the ER Process at the JAC (FJSD data and FJSD data linked to CSB data for time between filing N2R and Application About a Family Law Matter)⁶⁵



Note: The analysis of FJSD data includes families that filed an N2R between January 1, 2021 and November 30, 2021 and tracked their activities at the JAC up to and including February 28, 2023. Only families with one N2R are included as activities cannot be easily allocated among multiple N2Rs in the FJSD data. The analysis of CSB data is based on unique court files for those families in the FJSD data.

⁶⁵ Figure 14 shows the distribution of the data on timeliness. The box represents the interquartile range (25% to 75% of activities occur within this range) while the vertical lines or “whiskers” reflect the minimum and maximum number of days for each activity. Given the skew of the data, the median is a better indication of a typical case than the mean.

In addition, survey results show that most clients are satisfied with the length of time required. Most clients surveyed who had completed their services at the JAC found the amount of time taken by the ER Process to be reasonable.

- Of those who used CDR, 81% consider the amount of time from their needs assessment to when they completed CDR to be reasonable; and
- of those who did not use CDR, 73% consider the amount of time from their needs assessment to when they completed their services at the JAC to be reasonable.⁶⁶

Those who considered the process to take too long stated that they generally thought the process was not handled in a timely manner (n=21), with some more specifically noting that the other party caused the delays (n=14) or that they also had difficulty fitting it into their schedules (n=5). Others expressed disappointment with how the staff handled the process (n=7).

4.2.6 *Efficient and effective use of court*

The ER Process is intended to contribute to more effective and efficient use of court time. The expectation is that with the ER Process, fewer cases will proceed to court and, of those that do, the issues will be narrowed to those that need to be resolved in court and the parties will be better prepared, which should result in fewer and more meaningful appearances.

As a reminder, all court locations operated under the new PCFR as of May 17, 2021. Therefore, Surrey and the comparison court locations all operated under the previous court rules in the pre-period, and under the new PCFR in the post-period. However, only Surrey was an ER Registry in the post period. The results below, therefore, isolate the impacts of the ER Process from the other impacts of the new PCFR.

⁶⁶ Clients who answered “don’t know” or did not respond are not included in these percentages (12% of those who used CDR and 23% of those who did not use CDR did not provide an opinion regarding timeliness of the process).

New cases proceeding to court

The evaluation evidence indicated that, while all court locations experienced a decrease in cases during the pandemic, the ER Process resulted in Surrey having a greater decrease in new cases proceeding to court than the comparison locations.

The number of new cases – Surrey compared to other court locations⁶⁷

The evaluation considered whether there are fewer cases proceeding to court based on the number of new cases in Surrey compared to two other court locations.⁶⁸ As noted in the methodology section, the new case definition is based on cases opened during the selected time periods (by any type of court document) and that also have a substantive document filed within the 6- to 21-month observation period. This observation period was used in order to give cases opened by an N2R time to proceed through the ER Process and potentially also file a substantive document (such an Application About a Family Law Matter).⁶⁹

The number of new cases decreased among all locations in the pre- to post-ER Process period. Surrey decreased by 344 new cases, Robson Square by 142 cases, and New Westminster by 70 cases. **Proportionally, Surrey saw the largest decline with 61% fewer new cases in the post-ER Process period.** This is followed by New Westminster with a 56% decrease, and Robson Square with a 49% decrease.

The evaluation found a statistically significant difference between Surrey and Robson Square in their percent change of new cases from the pre- to post-ER Process period. Statistical analysis testing of the new case data suggests that the ER Process decreased the number of new cases by 13% compared to Robson Square.⁷⁰ This decrease corresponds to approximately 73 fewer new cases from pre-ER Process numbers in Surrey, making up about 21% of its total net decrease of new cases (344). When comparing Surrey to New Westminster, no statistically significant differences between their changes were found.

⁶⁷ As noted in Section 3.2, the “new cases” data does not capture applications on existing files, nor does it capture all types of applications (even though those applications are part of the court’s caseload).

⁶⁸ This analysis uses data that is not linked to the FJSD database, see Section 3.2.

⁶⁹ There is a high level of confidence that the 6-to 21-month observation period provides valid results. When extending the observation period, only a few additional cases had substantive documents filed across all three locations combined.

⁷⁰ See Appendix C for estimates of the tested variables (difference in average monthly change).

Table 14: Number of new family law cases, pre- and post-ER Process Surrey and comparison locations (CSB data)

Location	Total number of new cases with substantive document* (excluding protection orders)**	Net change in total number of new cases (tested for significance)	% Change in total number of new cases (tested for significance)
Pre-ER Process in Surrey (June 2018 – August 2019)			
Surrey	563	-	-
Robson Square	292	-	-
New Westminster	125	-	-
Post-ER Process in Surrey (June 2021 – August 2022)			
Surrey	219	-344	-61%
Robson Square	150	-142	-49%
New Westminster	55	-70	-56%

Source: CSB data, not linked to FJSD data

For the pre-ER Process, new cases have a court file opened between June 1, 2018 and August 31, 2019 with a substantive document filed by and activities tracked to February 28, 2020.

For the post-ER Process, new cases have a court file opened between June 1, 2021 and August 31, 2022 with a substantive document filed by and activities tracked to February 28, 2023.

Protection orders are excluded.

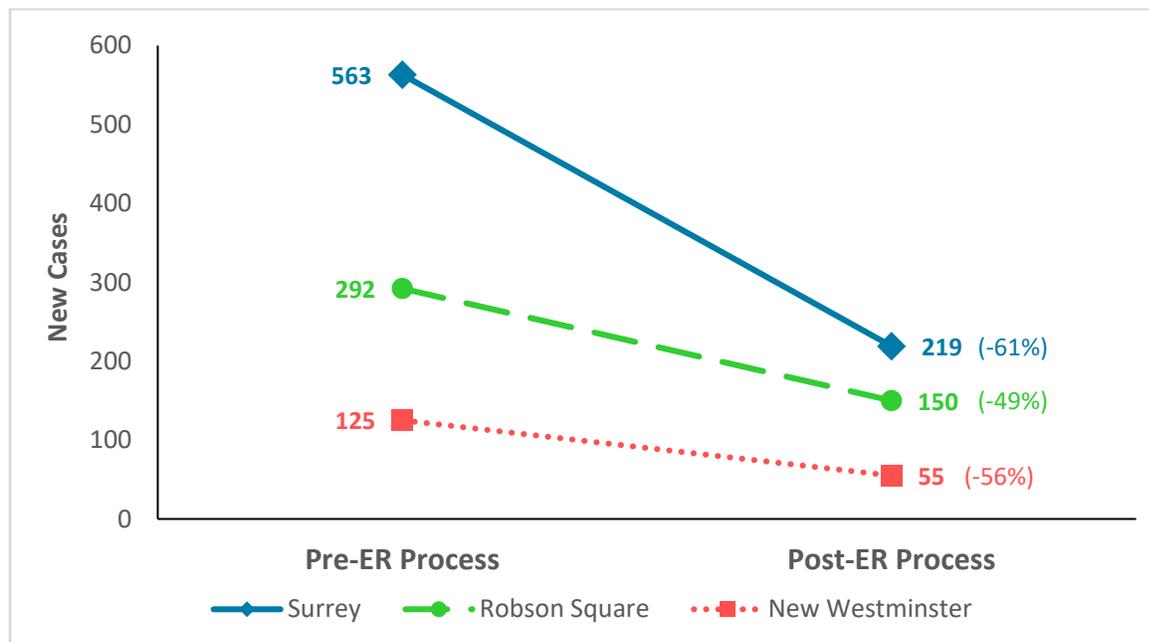
Note:

*A substantive document is defined in Section 3.2, footnote 25.

** Protection order cases are defined in the pre-ER Process period (2018-2020) as a case with a substantive document that has at least one of the following issues: Protection Order (PO), Protective intervention order S 28 (CFPI), Restraining Order (RES), or a Restraining Order S 98 (CFRO) filed at any time during the observation period, beginning on the case opening date and ending on February 28th, 2020 (inclusive). Protection order cases defined in the post-ER Process period (2021-2023) as a case with an Application About a Protection Order (AAP) filed at any time during the observation period, beginning on the case opening date and ending on February 28, 2023 (inclusive).

See Appendix C for estimates of the tested variables (difference in average monthly change).

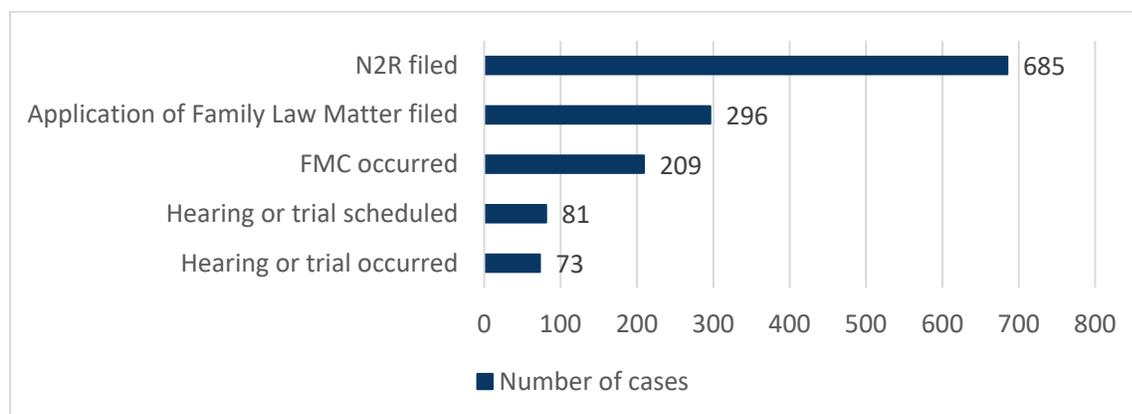
Figure 15: Number of new cases, pre-and post-ER Process



Cases going through the ER Process

Further evidence of the decrease in new cases is found in the FJSD data linked to CSB data, which shows that 57% of cases (or 389 of 685 cases) with an N2R do not proceed to filing an Application About a Family Law Matter (as also discussed in Section 4.1.4). See Figure 16.

Figure 16: Progression of cases through the ER Process (FJSD data linked to CSB data)



Some internal interviewees expressed concern about the difference between the number of N2Rs being filed compared to the number of Applications About a Family Law Matter and whether this was a sign of frustration and parties abandoning matters. **The evaluation did not find evidence of parties abandoning their family law matters** as most parties moved through the ER Process expeditiously as shown in Section 4.2.5 above, and of the clients surveyed who had completed the ER requirements at the JAC, some had resolved all of their issues (18%), and

about half were actively working on resolving their matters either in court (48%), outside of court (6%), or by taking other steps (5%). One-tenth were still determining their next steps (10%) or they or the other party had decided to drop the matter (10%).⁷¹ Other internal key informants noted that prior to the launch of the ER Process parties also “dropped” matters by not taking any further steps after filing an Application to Obtain an Order. In addition, before the ER Process launched, some parties would appear in court on an issue that was not a matter that should go to court and would be sent by the judge to talk to the family duty counsel. The difference now is that these individuals who do not have a family law matter are no longer attending court as they are being identified through the ER Process and referred to other more appropriate services.

New cases with at least one court appearance

The number of new cases⁷² with at least one court appearance decreased by approximately 40-45% for all three locations in the pre- to post-ER Process periods due largely to the overall decrease in new cases. Since the proportion of new cases with a court appearance increased in Surrey and Robson Square, and remained unchanged in New Westminister, the decrease in the number of new cases with a court appearance is largely driven by the overall decrease in new cases.

In Surrey, the proportion of new cases with at least one court appearance increased by 27% from pre- to post-ER Process, as compared to just 8.3% in Robson Square and a 0.1% decrease in New Westminister. These two results in Surrey — the decrease in the number of new cases and the simultaneous substantial increase in the proportion of new cases with a court appearance — support the conclusion that the ER Process diverts those cases that can be resolved out of court, such that those that remain need court involvement (e.g., are complex, parties cannot resolve and desire to go to court).

The evaluation found statistically significant differences between Surrey compared to both non-ER Process locations, pointing to the ER Process resulting in an 18.5% increase in the proportion of new cases with court appearances in Surrey compared to Robson Square, and a 28.5% increase in the proportion of new cases with court appearances compared to New Westminister.⁷³

⁷¹ Four percent did not provide a response.

⁷² The new cases used in this section and the remainder of the report are based on a sub-set of FLA cases that opened within a six-month period, which enabled activity in those cases to be tracked for 15 to 21 months.

⁷³ See Appendix C for estimates of the variables (difference in average monthly change).

Table 15: New family law cases with court appearances, pre- and post-ER Process Surrey and comparison locations (CSB data)

Location	Total number of new cases	New cases with at least one court appearance*	Proportion of new cases with at least one court appearance	% change in new cases with court appearance (tested for significance)	% change in the proportion of new cases with court appearance (tested for significance)
Pre-ER Process in Surrey (June 2018 – November 2018)					
Surrey	222	138	62.2%	-	-
Robson Square	121	83	68.6%	-	-
New Westminster	47	42	89.4%	-	-
Post-ER Process in Surrey (June 2021 – November 2021)					
Surrey	86	77	89.5%	-44.2%	+27.4%
Robson Square	65	50	76.9%	-39.8%	+8.3%
New Westminster	28	25	89.3%	-40.5%	-0.1%

Source: CSB data, not linked to FJSD data

For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020.

For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023.

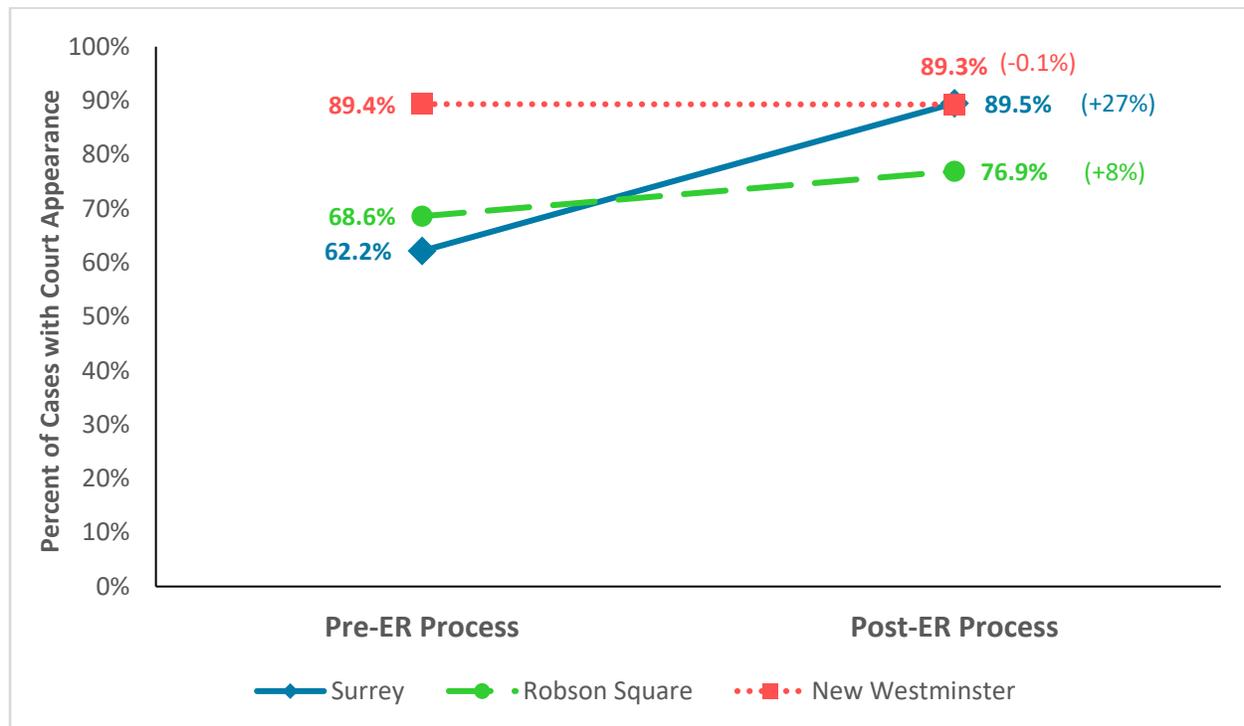
Protection orders are excluded.

Note:

*Counting held appearances only. An appearance is “held” if: a) there has been no indication it has been cancelled, b) there is no adjournment prior to the appearance, and c) the appearance duration is greater than 0 minutes.

See Appendix C for estimates of the tested variables (difference in average monthly change).

Figure 17: Percent of New Cases with Court Appearances, pre- and post-ER Process Surrey and comparison locations (CSB data)



Number of court appearances

As noted above, the ER Process prioritizes early interactions with the parties that may include CDR. These early interactions are expected to help parties identify their issues, engage in greater collaboration with the other party, resolve those issues that can be resolved outside of court, and prepare them for the court process. The anticipated result is a reduction in the number of court appearances that will occur through fewer issues per case coming to court, better preparation for appearances, and more durable agreements such that parties do not come back to court.

The total number of court appearances decreased across all three locations from pre- to post-ER Process periods. This was expected as all three locations were operating under the new PCFR, which schedule FMCs that try to resolve issues and make interim orders and case management orders to ensure trial readiness. Previously, there was a brief first appearance that did not address issues, usually followed by several court appearances before anything substantive occurred. On a per case basis, the average number of appearances among cases with at least one appearance decreased in Surrey and Robson but increased in New Westminster. **Surrey saw a decrease of 8.4% in appearances per case from the pre- to post-ER Process periods, as compared to a 3.5% decrease in Robson Square, and a 31% increase in New Westminster.**

Evaluation of the Early Resolution Process in the Surrey Registry

While the evaluation found no statistical significance within a 95% confidence interval between differences in the percent change of court appearances per case between Surrey and the non-ER Process locations, the difference between a decrease of 8.4% in appearances per case from the pre- to post-ER Process periods in Surrey to a 31% increase in New Westminster is noteworthy. This difference is statistically significant within the 90% confidence interval.

Table 16: Number of court appearances in new family law cases with at least one appearance, pre- and post-ER Process Surrey and comparison locations (CSB data)

Location	Total number of new cases with at least one appearance	Total number of court appearances in new cases*	Average	Minimum	Maximum	% change in total number of court appearances in new cases (descriptive, not tested) **	% change in court appearances per new case (tested for significance)
Pre-ER Process in Surrey (June 2018 – November 2018)							
Surrey	138	550	3.99	1	24	-	-
Robson Square	83	327	3.94	1	19	-	-
New Westminster	42	168	4.00	1	17	-	-
Post-ER Process in Surrey (June 2021 – November 2021)							
Surrey	77	281	3.65	1	18	-48.9%	-8.4%
Robson Square	50	190	3.80	1	19	-41.9%	-3.5%
New Westminster	25	131	5.24	1	18	-22.0%	+31.0%

Source: CSB data, not linked to FJSD data

For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020.

For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023.

Protection orders are excluded.

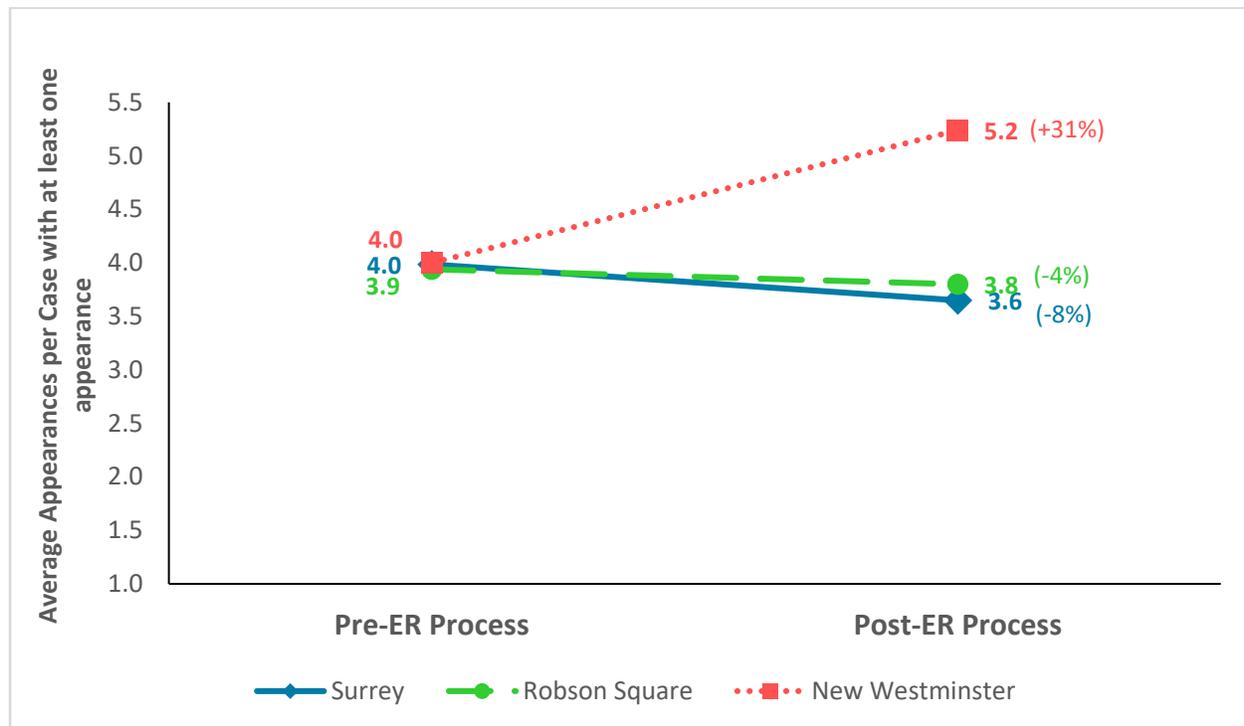
Note:

*Counting held appearances only. An appearance is “held” if: a) there has been no indication it has been cancelled, b) there is no adjournment prior to the appearances, and c) the appearance duration is greater than 0 minutes.

** As discussed in Section 3.2, the change in totals of court-related activity variables were not tested and are presented as descriptive statistics. Testing was conducted on per case rates to estimate the impact of the ER Process on court activities while accounting for the underlying change in the number of new cases.

See Appendix C for estimates of the tested variables (difference in average monthly change).

Figure 18: Court appearances per new case with at least one appearance, pre- and post-ER Process Surrey and comparison locations (CSB data)



More than one FMC may be scheduled per case depending on a number of factors, with the goal of assisting families in resolving their issues. Internal key informants noted that judges are holding multiple FMCs in some cases, in part because the scheduled length of FMCs is considered to be too short to make meaningful progress. Based on the FJSD administrative data linked to court data, of the 209 cases that had filed an Application About a Family Law Matter and had an FMC, 37% had more than one FMC with the number of FMCs per case averaging 1.5.⁷⁴

Duration of court appearances

Overall, the **total duration of all court appearances in Surrey decreased substantially (-45%) from pre- to post-ER Process periods** compared to relatively no change in Robson Square and a large increase seen in New Westminster. Considering the modest change of duration per case in Surrey, the decrease in total duration is likely a reflection of the decrease in new cases with at least one appearance.

⁷⁴ The full frequency is 63% of cases had one FMC, 27% had two FMCs, 7% had three FMCs, and 4% had four FMCs.

Evaluation of the Early Resolution Process in the Surrey Registry

Surrey was the only location that saw a decrease in the average duration of appearances per case (i.e., the average total court time per case). Duration of appearances per case decreased in Surrey (-1.1%) pre- to post-ER Process and increased in Robson Square (+67%) and New Westminster (+461%). As new cases decreased in all three locations, and total duration and duration per case increased for the comparison sites, it follows that Surrey was able to reduce the duration of appearances comparatively in the post-ER Process period. The evaluation can state that **the difference in changes pre- to post-ER Process from Surrey as compared to New Westminster were statistically significant**. Testing indicates that the average duration of court appearances per case was 288 minutes shorter in Surrey as compared to New Westminster in the post-ER Process period. However, testing did not find a statistically significant difference in the change between Surrey and Robson Square.⁷⁵

Table 17: Duration of court appearances in new cases with at least one court appearance minutes, pre- and post-ER Process Surrey and comparison locations (CSB data)

Location	Total number of new cases with at least one appearance	Total duration of court appearances in new cases*	Average	Minimum	Maximum	% change in total duration of court appearances in new cases (descriptive, not tested) **	% change in duration of court appearances per new case (tested for significance)
Pre-ER Process in Surrey (June 2018 – November 2018)							
Surrey	138	12,871	93.27	1	2,850	-	-
Robson Square	83	7,070	85.18	1	756	-	-
New Westminster	42	2,624	62.48	1	353	-	-
Post-ER Process in Surrey (June 2021 – November 2021)							
Surrey	77	7,103	92.25	2	1,249	-44.8%	-1.1%
Robson Square	50	7,122	142.44	3	1,747	+0.7%	+67.2%
New Westminster	25	8,770	350.80	9	2,902	+234.2%	+461.5%

Source: CSB data, not linked to FJSD data

For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020.

For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023.

Protection orders are excluded.

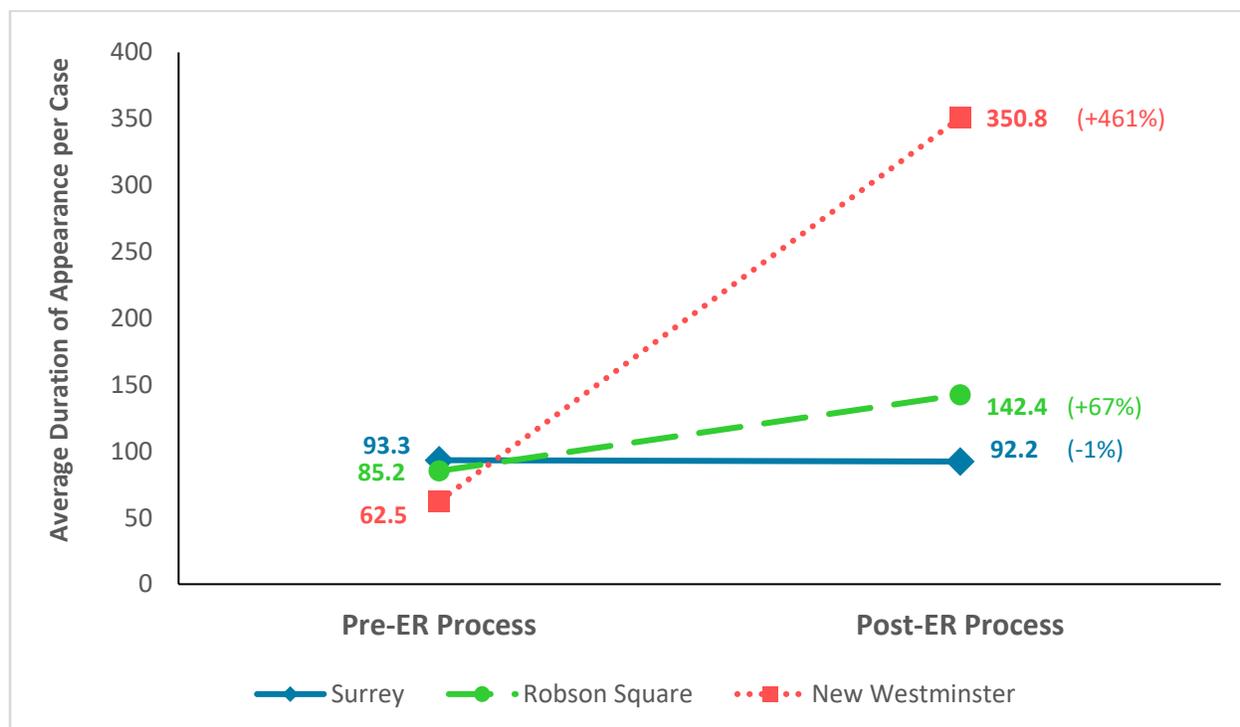
*Counting held appearances only. An appearance is “held” if: a) there has been no indication it has been cancelled, b) there is no adjournment prior to the appearances, and c) the appearance duration is greater than 0 minutes.

** As discussed in Section 3.2, the change in totals of court-related activity variables were not tested and are presented as descriptive statistics. Testing was conducted on per case rates to estimate the impact of the ER Process on court activities while accounting for the underlying change in the number of new cases.

See Appendix C for estimates of the tested variables (difference in average monthly change).

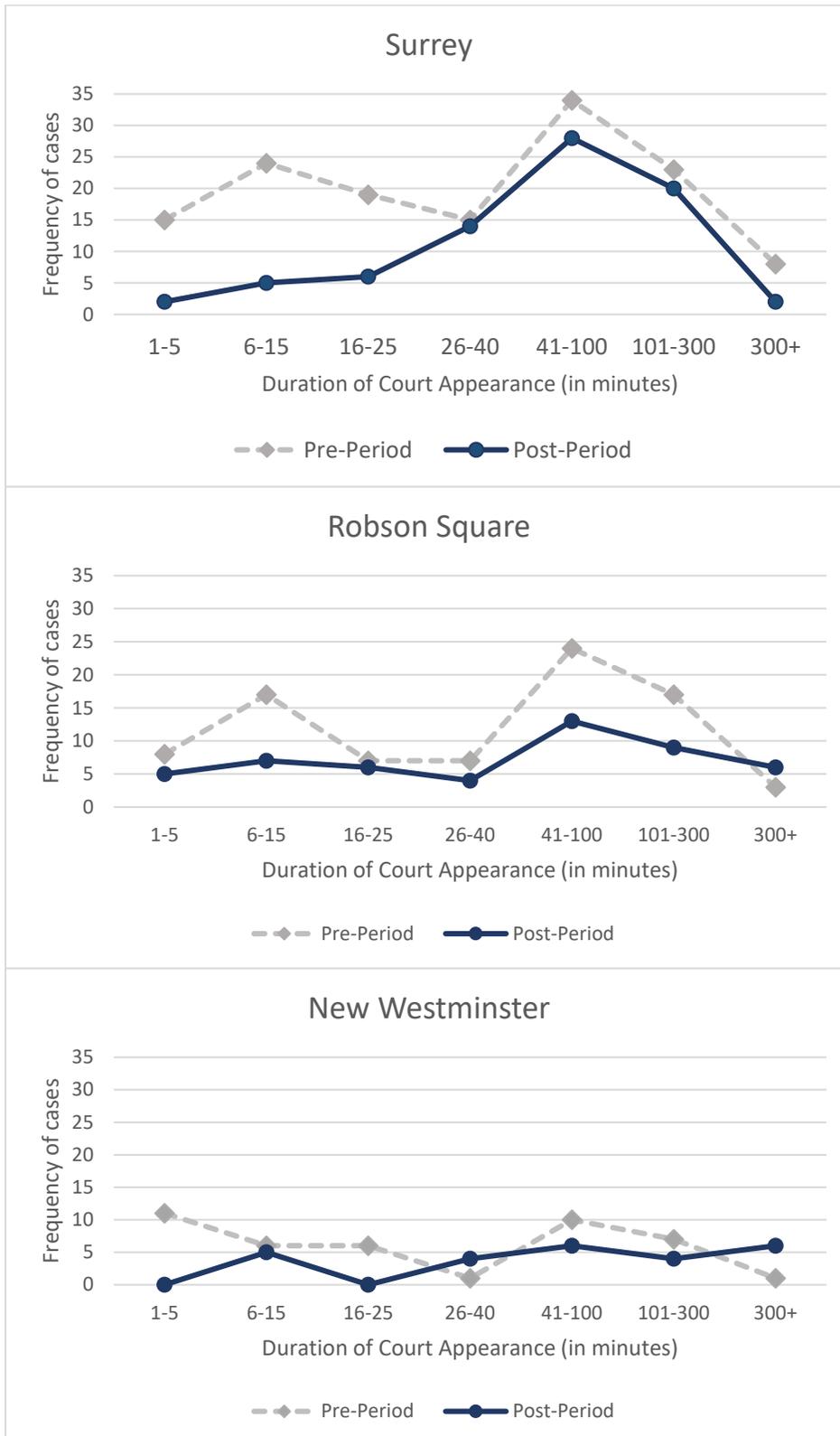
⁷⁵ Robson Square is a Family Justice Registry which generally requires completion of a needs assessment and a parenting education program, and in that respect has some of the front-end benefits of an ER Registry.

Figure 19: Duration of court appearances per new case, pre- and post-ER Process Surrey and comparison locations (CSB data)



Further analysis of court appearance time per case in Surrey using frequency level data for the pre-and post-ER Process periods aligns with expectations for the ER Process: that the new process will result in fewer very short court times because the parties will come to court with relevant family law matters and are 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. The trends in the comparison sites also reflect the use of FMCs province-wide, but the differences in their trends pre- and post-ER Process are less pronounced and both showed a higher frequency of cases with over 300 minutes in the post-ER period compared to fewer cases of that length in Surrey. See Figure 20.

Figure 20: Frequency of new cases by blocks of court appearance times, by location, pre- and post-ER Process (CSB data)



New cases with a trial appearance

The evaluation did not find an impact of the ER Process on the proportion of new cases with trial appearances. The expectation was that with the ER Process, issues would be narrowed or cases would be resolved earlier, either during the ER Process at the JAC (which is reflected in the declining number of new cases discussed earlier in Section 5.2.5) or at the FMC. As a result, those cases that proceed to court are those that need the court's involvement, which would be reflected in a higher proportion of new cases with at least one trial appearance.

The number of new cases with at least one trial appearance decreased for all three locations in the pre- to post-ER Process periods likely due to the decrease in the number of new cases. The proportion of new cases with a trial appearance increased by 1.8% in Surrey and by 10.2% in New Westminster. Robson saw a decrease of 5.6% in the proportion of new cases with a trial appearance. The evaluation found no statistically significant differences between Surrey and comparison locations in their percent change of new cases with trial appearances pre- to post-ER Process.

Table 18: New family law cases with a trial appearances, pre- and post-ER Process Surrey and comparison locations (CSB data)

Location	Total number of new cases	New cases with at least one trial appearance*	Proportion of new cases with at least one trial appearance	% change of new cases with trial appearance (tested for significance)	% change of the proportion of new cases with trial appearance (tested for significance)
Pre-ER Process in Surrey (June 2018 – November 2018)					
Surrey	222	45	20.3%	-	-
Robson Square	121	31	25.6%	-	-
New Westminster	47	12	25.5%	-	-
Post-ER Process in Surrey (June 2021 – November 2021)					
Surrey	86	19	22.1%	-57.8%	+1.8%
Robson Square	65	13	20.0%	-58.1%	-5.6%
New Westminster	28	10	35.7%	-16.7%	+10.2%

Source: CSB data, not linked to FJSD data

For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020.

For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023.

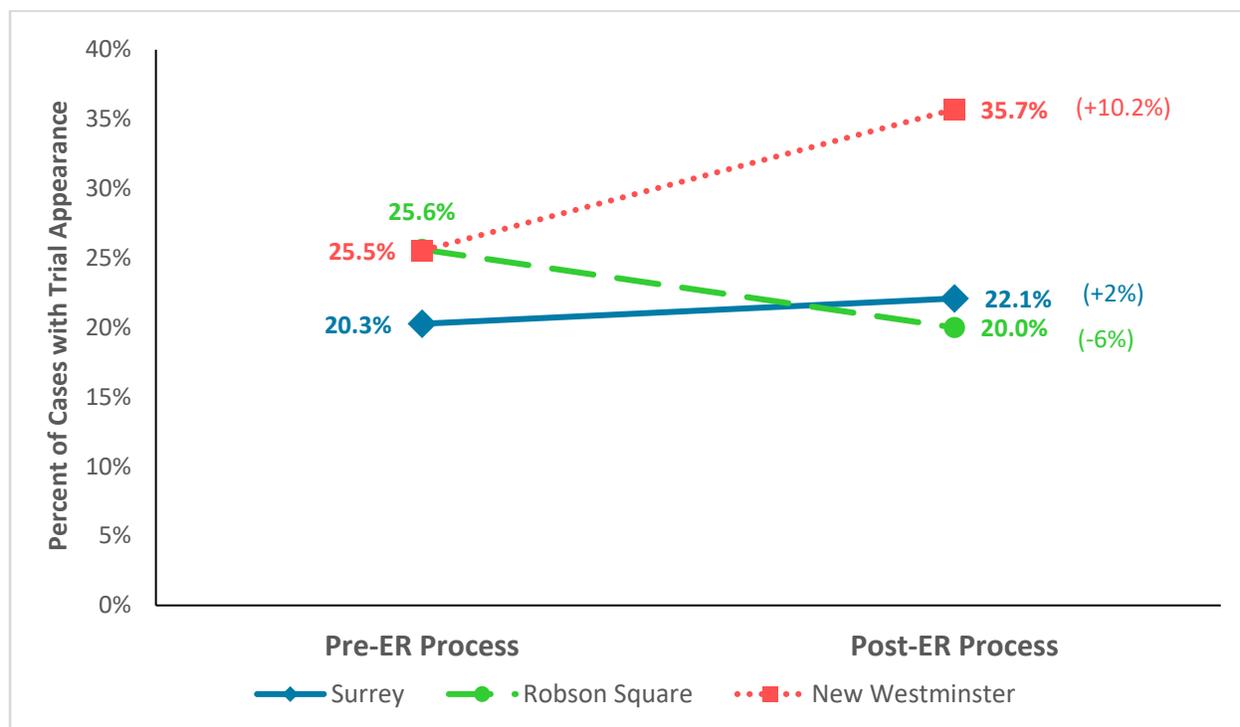
Protection orders are excluded.

Note:

*Counting held appearances only. An appearance is "held" if: a) there has been no indication it has been cancelled, b) there is no adjournment prior to the appearances, and c) the appearance duration is greater than 0 minutes.

See Appendix C for estimates of the tested variables (difference in average monthly change).

Figure 21: Percent of new cases with trial appearances, pre- and post-ER Process Surrey and comparison locations (CSB data)



4.2.7 Overall client satisfaction with the ER Process

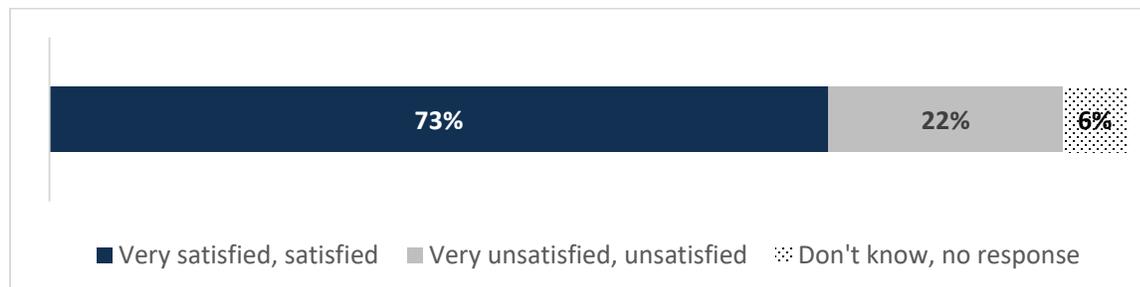
The evaluation found that most clients were satisfied with the services they received and were supportive of the ER Process’s key features.

JAC services

Survey findings indicate overall satisfaction with services at the JAC with 73% of clients surveyed satisfied or very satisfied with the services they received from the JAC.

Figure 22: Satisfaction with JAC (n=339) (Client survey)

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



Evaluation of the Early Resolution Process in the Surrey Registry

The most common reasons given by clients for their **satisfaction with JAC services** were:

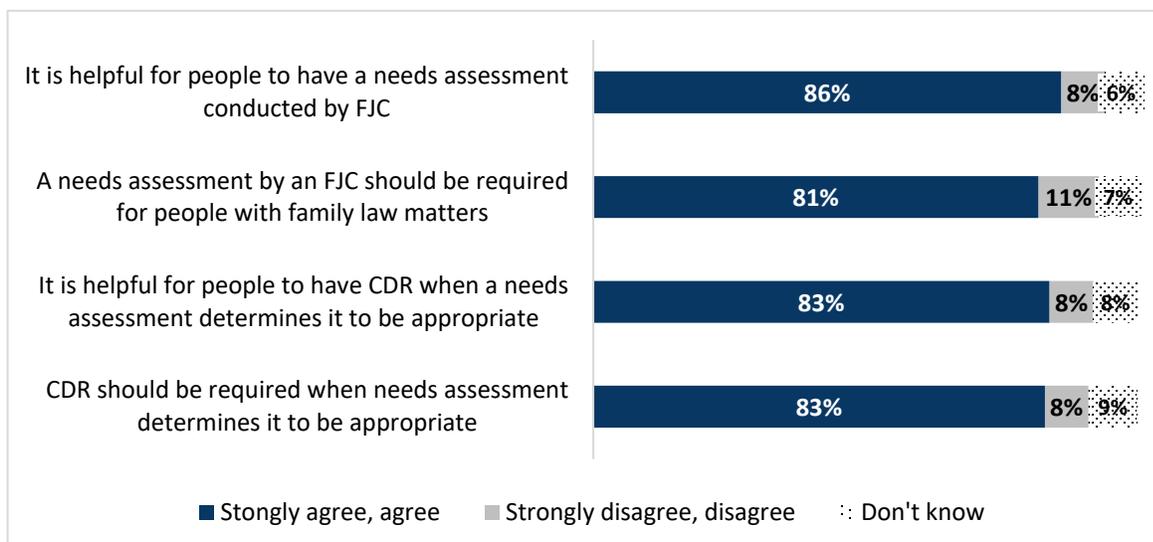
- Helpful/knowledgeable staff (n=72)
- Provided useful information and resources (n=63)
- Supportive, non-judgemental attitude of staff (n=47)
- Liked process in general (n=39)
- Good communication from staff/explained process (n=38)
- Listened, took concerns into account (n=37)
- Results were fair (n=29)

The most common reasons given by clients for their **dissatisfaction with JAC services** were:

- Dissatisfied with results (n=47)
- Judgemental, biased attitude of staff (n=20)
- Process issues (delays, wait times) (n=19)
- Other party remains uncooperative (n=18)

Client survey results indicate strong support for key features of the ER Process. Most clients believe the needs assessment and CDR (when appropriate) are helpful for people to have (86% and 84% respectively). Almost the same proportion think these two key features should be required: 81% of clients believe a needs assessment should be required and 83% believe CDR should be required when needs assessment determines it is appropriate.

Figure 23: Client reaction to key features of the ER Process (n=339) (Client survey)
To what extent do you agree that it is helpful for people with family law issues to have the following services?
To what extent do you agree with the following services being required for people with family law issues?



5.0 Conclusions

5.1 Delivery

5.1.1 Overall operations

The evaluation found that the ER Process has operated as expected, and virtual service delivery options, instituted to respond to the COVID-19 pandemic, work well as they are convenient for parties and can also serve to respond to concerns regarding intimidation and power imbalance. That being said, the return to in-person services at the JAC is also beneficial for making seamless referrals from the Registry to the JAC, as they are on the same floor.

5.1.2 Building awareness and understanding (training and outreach)

Staff at the JAC found the initial training in the ER Process prepared them well for its launch and the ongoing responsiveness of management and bi-weekly case conference meetings to be helpful in addressing new issues that arise. Staff acknowledged the usefulness of training received at the division-level but would like to receive additional training that is more specifically relevant to their experience with the ER Process, such as learning other mediation models or other approaches to use in situations they experience more often under the ER Process (e.g., high-conflict situations, people with mental health crises and/or experience with trauma).

Recommendation: Review training needs with JAC staff and consider offering additional training that is tailored to the needs of JAC staff working in the ER Process.

Staff at the Registry also found the ongoing responsiveness of their immediate supervisors to be extremely helpful as well as their regular weekly meetings.

Communication between the JAC and the Registry is clear and collaborative with most direct communications going through management. Internal key informants suggested that more direct contact between JAC and Registry staff could be helpful as Registry staff could learn more about what occurs at the JAC so they provide a more thorough description and answer questions of about the ER Process.

Recommendation: Consider the best method to have some direct contact between JAC and Registry staff, particularly for enhancing the Registry staff's understanding of the ER Process at the JAC.

Outreach to counsel and the community has occurred but there is the perceived need for more information and outreach.

Recommendation: Develop and implement an outreach plan that includes counsel, relevant community organizations, and the community in general. This outreach will educate stakeholders on the ER Process but also provide information that will increase understanding of the rationale of the Process and why it was developed.

5.1.3 Capacity for handling the ER Process

While the overall workload at the **JAC** has increased substantially, additional hiring for key positions occurred. Consequently, the JAC has been able to manage the increase in service provided.

Registry staff do not believe that the ER Process has added to their workload.

5.1.4 Flow of cases through the ER Process

Families are moving through the ER Process as expected and the results show a high level of engagement, careful use of CDR, and diversion of cases from court. Most families have both parties participate in a needs assessment. One-third of families had CDR; the most common reason for not engaging in CDR is that it is not considered appropriate by FJCs. Of cases that had an N2R filed, 57% (or 389 of 685 cases) did not proceed further in court by filing an Application About a Family Law Matter.

5.1.5 Accessibility of services

The evaluation did not find any accessibility issues with JAC services. Many clients prefer the virtual services and clients with special needs (language needs, or physical or mental illnesses or disabilities) reported that their needs were adequately addressed.

5.2 Outcomes

5.2.1 Improving understanding of family justice process, options, needs

The evaluation found that the needs assessment at the JAC is helping parties understand the family justice process, know their options for how to resolve matters, identify their legal and non-legal needs, and understand what to expect when going to court. The majority of respondents to the client survey (ranging from 70% to 82%) considered the needs assessment to be helpful or very helpful in these areas. Those who indicated that the needs assessments were not helpful in some areas most often reported that the information provided was too generic to meet their needs. This perception on the part of clients may be due to, in part, their desire for legal advice, which JAC staff cannot provide. One suggestion was to include a legal educational component as part of the ER Process; while JAC staff refer parties to the legal advice counsel, they do not always use the referral.

5.2.2 Providing appropriate and early responses to family needs

The ER Process identifies safety needs early and continues to screen for safety issues throughout engagement with the parties. Client survey results indicate that most parties are comfortable sharing their safety concerns with the FJCs, believe their concerns were understood by the FJCs, and that their concerns were addressed well or very well during CDR sessions. FJSD administrative data reflects the major consideration given to safety in terms of whether CDR occurs. The most common reason for not having CDR is that the FJC did not consider it to be appropriate; and shuttle mediation, where parties do not have direct contact with each other, was used in 36% of the mediation sessions that did occur.

Preparation for next steps

Based on client survey results, the assistance at the JAC is helping parties prepare for CDR and the FMC. However, based on internal key informant interviews, more information could be provided to clients on the court process, including possible outcomes at the FMC.

Recommendation: Review the information about FMCs that is provided to clients by the JAC and CSB for any potential improvements. These improvements could be to the content of the information, the timing of its provision, and what methods or media are used (e.g., in person, email, video, or other options).

5.2.3 Use of CDR and the ability to narrow or resolve issues

The introduction of the ER Process in Surrey has meant that more families are receiving interviews and assessments (+6%) and attending at least one CDR session, when appropriate (+53%).

CDR is generally considered to be effective as 72% of clients who completed CDR were satisfied or very satisfied with the experience, and over two-thirds were satisfied with the outcomes of CDR in terms of its fairness, and consideration of their and their children's needs.

The evaluation also found evidence that the ER Process is helping to narrow or resolve issues. Over two thirds of CDR services at the JAC for ER Process clients result in some or all issues being settled, and the number of CDR services with at least some issues being resolved has increased by 35%. Court data also show that Surrey has the largest decline between the pre- and post-ER Process time periods in the number of issues per case compared to the comparison court locations. This difference in changes was statistically significant for Robson Square, although it was not for New Westminster.

Additional evidence that parties are resolving at least some of their issues is found in FJSD data: of families that filed an N2R and had a CDR session, almost half (47%) had written agreements (draft but unsigned, or signed by all parties), informal agreements, memoranda of understanding, or consent orders. While court data reflect few cases with consent orders or Applications for a Family Law Matter Consent Order, these data likely underestimate the number of agreements reached as informal agreements cannot be filed at court, and internal key informants believe that many written agreements and consent orders are not filed with the court unless parties need to enforce them.

5.2.4 Timeliness of the ER Process

The evaluation results demonstrate that the JAC is taking active measures to promote timeliness while maintaining a party-driven process. Client survey results indicate that clients are satisfied with the timeliness of the ER Process. Based on the case studies, the measures taken by the JAC balance timeliness with the need to respect the desires or needs of the parties related to the timing of particular steps. FJSD administrative data shows a timely process and reflects that parties also determine the timing of next steps. For example, of the families who attended CDR, three-quarters had their last recorded CDR session 106 days after the filing of an N2R, with half of the families completing CDR in 60 days or less. These parties can request a Confirmation of ER Requirements immediately after their last CDR session, if desired, to enable them to file an Application About a Family Law Matter or a reply. However, the data show that parties take time to consider their next steps. Of parties who had CDR and requested a Confirmation of ER Requirements, three-quarters requested it within 150 days of filing an N2R

and half within 86 days or less. Of the parties who did not have CDR and requested a Confirmation of ER Requirements, three-quarters requested it within 114 days of filing an N2R.

5.2.5 Effective and efficient use of court

The ER process provides front-end support that is helping families resolve issues, reducing the number of families going to court, as well as decreasing the number of issues going to court.

The evaluation findings indicate that the ER Process is resulting in fewer new cases proceeding to court. Over half of ER cases at the JAC (57%, or 389 of 685) did not proceed further in court by filing an Application About a Family Law Matter. Based on court data comparing Surrey to the comparison court locations, Surrey had the greatest proportionate decline with 61% fewer new cases in the post-ER period. In addition, there is a statistically significant difference between Surrey and Robson Square in their percent change of new cases from the pre- to post-ER Process period.

Another sign of the effective and efficient use of court is that when cases that can be resolved outside of court are resolved, those that proceed to court do need the court's involvement. This would be reflected in a higher proportion of new cases with at least one court appearance. The evaluation found that Surrey had a larger proportionate increase in new cases with a court appearance pre- to post-ER Process period, which was statistically significant when compared to Robson Square and New Westminster (the latter had experienced a small decline). This result, combined with the decrease in the number of new cases, is evidence that the ER Process diverts those cases that can be resolved out of court, and those that remain need court involvement.

The evaluation found that Surrey experienced the largest decrease in the number of appearances per case (-8.4% per case), although the difference between Surrey and the comparison locations was not statistically significant. The ER Process is intended to help parties be better prepared for court and narrow their issues, which was expected to reduce the number of court appearances.

The total duration of all court appearances associated with new cases decreased substantially in Surrey (-45%) compared to relatively no change in Robson Square and a large increase seen in New Westminster. Considering the modest change of duration per case in Surrey (-1.1%), the decrease in total duration is likely a reflection of the decrease in new cases with at least one appearance. For the duration of court appearances per case, Surrey was the only one of the three locations to experience a decrease.

Given that new cases decreased for all three locations, but total duration and duration per case increased for the comparison sites, the evaluation findings indicate that Surrey was able to reduce the duration of appearances comparatively in the post-ER Process period. Testing showed a statistically significant difference between the change in duration of court

appearances per case (i.e., total court time per case) between Surrey and New Westminster pre- to post-ER Process. Estimates indicate the ER Process resulted in the average duration of court appearances per case being 288 minutes shorter in Surrey as compared to New Westminster in the post-ER Process period. However, testing did not find a statistically significant difference in the change between Surrey and Robson Square.

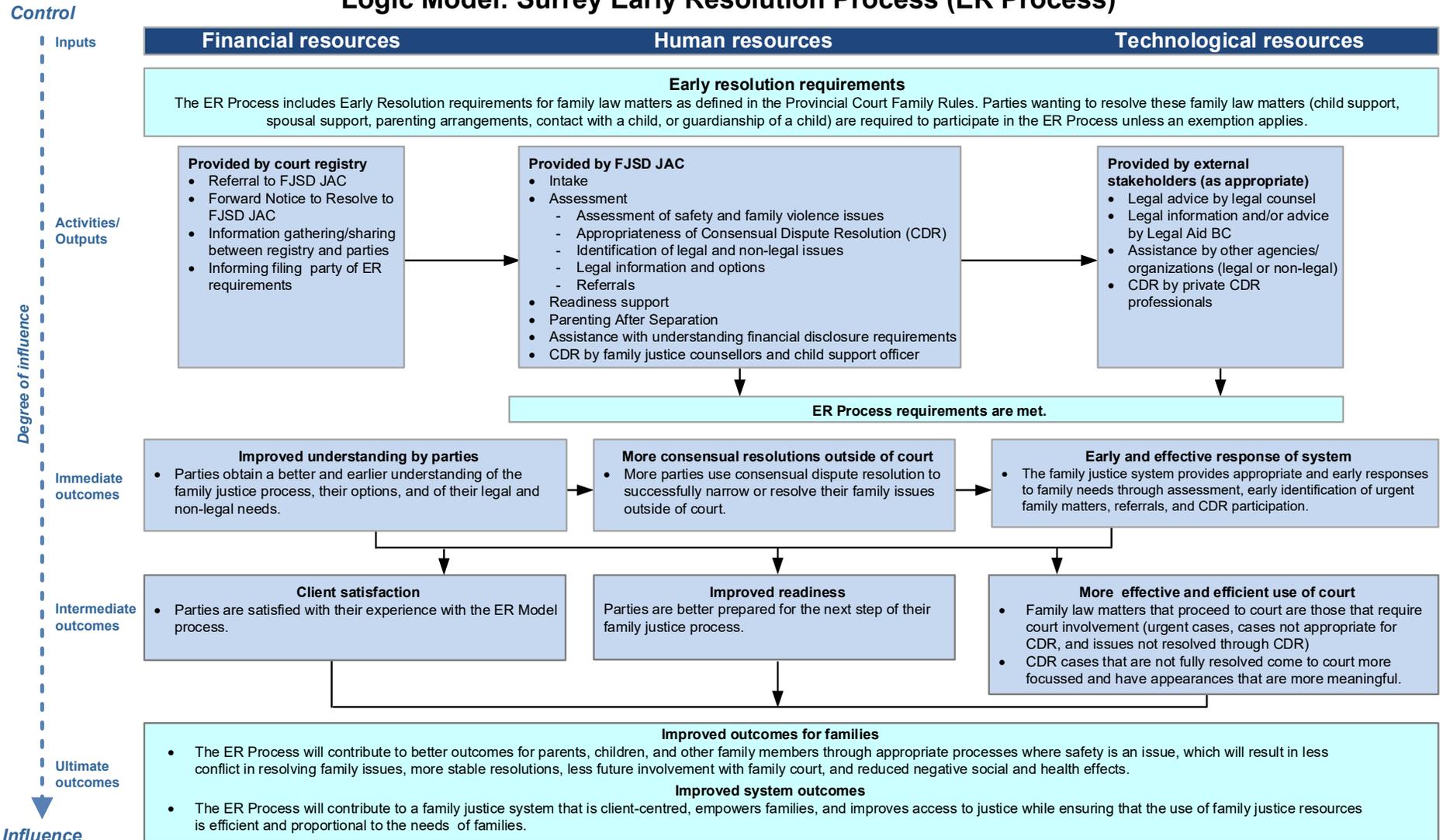
5.2.6 Overall client satisfaction with the ER Process

Client survey results showed overall satisfaction with the services they received at the JAC as well as strong support for the key features of the ER Process. A high proportion of clients believe that needs assessments (86%) and CDR, when appropriate (84%), are helpful for people with almost the same proportion believing that needs assessments (81%) and CDR, when appropriate (83%), should be required.

Appendix A – Logic model

Evaluation of the Early Resolution Process in the Surrey Registry

Logic Model: Surrey Early Resolution Process (ER Process)



Appendix B – Evaluation questions

Evaluation Matrix

Delivery

1. Has the ER Process operated as expected?
2. What are the volume and flow of cases through the ER Process?
3. Does the ER Process have appropriate tools, sufficient resources, and the capacity to meet demand and any intended targets?
4. To what extent do the current processes and structure of the ER Process and the process for obtaining urgent Family Law Matter (FLM) orders support efficient and effective delivery?
5. What are the lessons learned and best practices?

Outcomes

6. Has the ER Process improved parties understanding of the family justice process, their options, and their needs?
7. Has the ER Process contributed to more parties using consensual dispute resolution and to more parties successfully narrowing or resolving their family issues outside of court?
8. Has the ER Process contributed to the family justice system providing appropriate and early responses to family needs?
9. Are clients satisfied with their experience with the ER Process? What, if anything, can be done to improve clients' experiences?
10. Are parties better prepared for the next step of their family justice process?
11. Has the ER Process contributed to more effective and efficient use of court?
12. Were there any unintended positive or negative consequences or outcomes of the ER Process?

Appendix C – Data appendix

Data appendix

Methodology

Design

To assess the impact of the Early Resolution Process (ER Process) in Surrey, a causal inference approach called difference-in-differences (DiD) was used. This method is used in program analysis to compare changes in outcomes over time, when there are measures of outcomes before and after an intervention, within which there is at least one group that undertook the intervention, and one which did not.

For the case of the ER Process in Surrey, this method provides the ability to identify the effect of the ER Process by calculating the difference in the change in outcomes pre- and post-ER Process, between Surrey and a comparison location.

$$ERP\ effect = (Post\ ERP_{Surrey} - Pre\ ERP_{Surrey}) - (Post\ ERP_{Comparison} - Pre\ ERP_{Comparison})$$

This analysis was feasible due to the availability of data from before and after the ER Process was put into effect in Surrey, as well as in the locations where it was not implemented (New Westminster and Robson Square).

The change observed in Surrey before and after the ER Process represents a total effect, which can be attributed partly due to the ER Process and partly due to other factors. If New Westminster and Robson Square are assumed to be valid control groups,⁷⁶ then their change in outcomes can be used to account for these factors unrelated to the ER Process. By comparing the changes between locations in this way, it is possible to isolate the specific effect of the ER Process in Surrey.

⁷⁶ Due to the non-experimental nature of the design, to compute the effect of the ER Process, the assumption must be made that Surrey would have followed similar changes in outcomes to Robson Square and New Westminster, had Surrey not implemented the ER Process. Any unobserved factors that would uniquely impact outcomes in Surrey (but not New Westminster or Robson) that cannot be accounted for in the data provided can lead to biased estimates of the *ERP effect*.

Estimations and testing

The design was estimated using ordinary least squares (OLS) regressions to test the ER Process effect represented by the equation above. To account for underlying differences in likelihood and amount of new cases in Surrey compared to Robson Square and New Westminster, this analysis estimated the proportional changes in variables from pre- to post-ER Process, and tested the difference in changes using t-tests:

$$\% \Delta Y_{pre\ to\ post,i} = \beta_0 + \beta_1 Surrey_i + \mu_i$$

Where Y would take on a variable such as new cases or issues per case, and $Surrey$ is a binary indicator for whether the observations in Y are from Surrey, and subscript i is the monthly observation. Therefore, β_0 is the percent change in Y for either Robson Square or New Westminster, leaving β_1 as the difference in the percent change for Surrey by comparison. The coefficient β_1 is the variable of interest and estimates the *ERP effect* given by the design equation above. The last term, μ_i , is the error term (residual) which captures the remaining variation in Y not explained by $Surrey$, meaning it represents all other influencing factors not accounted for in the model.

T-tests were used with heteroskedasticity- and autocorrelation-consistent (HAC) standard errors to test if the estimated coefficient of β_1 was significantly different from zero. HAC standard errors are used to adjust for potential heteroscedasticity (defined as the non-constant variance of error terms, or heterogeneity of variance), and autocorrelation (defined as the correlation of error terms over time). HAC standard errors are efficient and consistent without the need for specific knowledge about the form of heteroskedasticity or autocorrelation in the data. Their use minimally impacts the efficiency and consistency of the estimates, serving as a useful precautionary measure even in scenarios where autocorrelation is not present.

The formula for the standard t-test is:

$$t = \frac{\hat{\beta}_1 - \beta_{1,0}}{\sqrt{Var(\hat{\beta}_1)}} = \frac{\hat{\beta}_1 - \beta_{1,0}}{SE(\hat{\beta}_1)},$$

Where $\hat{\beta}_{1,0}$ is the null hypothesis of 0. Under homoskedasticity and no autocorrelation, the standard method of estimating variance is:

$$Var(\hat{\beta}_1) = \frac{\hat{\sigma}^2}{\sum(X_i - \bar{X})^2},$$

Where $\hat{\sigma}$ is the estimated variance of the error term μ , and X_i are the covariates of β_1 , which in this instance is $Surrey_i$. In the presence of non-constant variance and correlation of the residuals, this estimate of variance is inefficient and inconsistent, meaning it does not have the

smallest sampling error (efficiency) and as sample size increases it would not converge to the true parameter (consistency).

The HAC correction is given by:

$$\text{Var}_{HAC}(\hat{\beta}_1) = \hat{\sigma}_{\hat{\beta}_1}^2 \hat{f}_t,$$

Where $\hat{\sigma}_{\hat{\beta}_1}^2$ is the robust heteroskedastic estimate of variance for β_1 , and \hat{f}_t is a correction factor that adjusts for autocorrelation:

$$\hat{\sigma}_{\hat{\beta}_1}^2 = \frac{1}{(\sum (X_i - \bar{X})^2)^2} \sum (X_i - \bar{X})^2 \hat{\mu}_i^2,$$

$$\hat{f}_t = 1 + 2 \sum_{j=1}^{m-1} \frac{m-j}{m} \hat{\rho}_j,$$

$$\hat{\rho}_j = \frac{\sum_{t=j+1}^T (X_t - \bar{X}) \hat{\mu}_t \cdot (X_{t-j} - \bar{X}) \hat{\mu}_{t-j}}{\sum_{t=1}^T (X_t - \bar{X})^2 \hat{\mu}_t^2}$$

Where $\hat{\mu}_i$ are the OLS residuals, and $\hat{\rho}_j$ are the estimated autocorrelation coefficients that measure the degree of correlation between residuals at different lags j to $m - 1$.

Using HAC standard errors, the t-tests are calculated to determine p-values which denote the likelihood of finding a mean difference by random chance. The analysis in this report uses a significance level of 5% (95% confidence interval). Any p-values that would fall outside of this range are noted as not statistically significant. That is, a statistically significant finding suggests that the estimated result is unlikely to be due to random chance.

Data structure

Observations in this dataset are organized by month, and include frequencies for per-case issues, adjournments, appearances, and duration. This confers a specific interpretation to the $\% \Delta Y_{pre\ to\ post,i}$ as the average monthly percent change in outcomes. The descriptive summary statistics in the report show the total changes and percent change calculations, but the average monthly percent changes are used for testing.

Analyzing the percent change for each site accounts for underlying differences in case totals. The advantages to this approach are simplicity and clarity of what is being tested. However, averaging over each monthly value to create a total average per period is not equivalent to taking the sum all values in a period. In almost all instances, this difference in calculation did not cause drastic discrepancies between the monthly averages and the totals. However, for duration of appearances per new case, the approach of estimating the difference in the percentage change of monthly averages resulted in arbitrarily higher variance and discrepancies among the underlying totals.

For example, the percent change in the duration of appearances per case from the pre- to post-ER Process period in Surrey was -1.1%, shifting from 93.27 minutes per case before the process to 92.25 minutes per case afterwards. Since this is a total calculation rather than a statistical measure, it cannot be directly tested. Testing the total duration per case would necessitate using the average monthly percent change from pre- to post-ER Process observations, which amounts to +39.25%. These two figures differ, and using the monthly average percent change does not accurately represent the data for total duration per case. In contrast, issues per case showed a -55.3% total and -56.0% monthly difference in calculations, highlighting that duration was a specific issue. To sidestep the issue, this report used a Poisson regression to estimate the effect of the ER Process on duration of appearances per new case:

$$\ln(E[Y_i|X_i]) = \delta_0 + \delta_1 Post_i + \delta_2 Surrey_i + \delta_3 Post_i \cdot Surrey_i$$

Where $E[Y_i|X_i]$ is the expected number of minutes per case conditional on the set of covariates X_i . The covariates in this instance are dummy variables $Post_i$ and $Surrey_i$ that take on a value of 1 if the case is in the post-ER Process period or occurred in Surrey, and 0 otherwise. The interaction between these variables identifies the *ERP effect*, and the coefficient δ_3 is the estimate of the effect.

Poisson regressions are adept at handling count variable distributions, which tend to be skewed right. Another method to handle non-normally distributed data is to convert the variables into percent changes and apply robust standard errors; this was the main approach utilized in this report. Note that Poisson regressions were tested on all variables as well. See the next section below.

Robustness checks

To provide support for the overall findings, additional specifications and methods were employed to estimate and test the *ERP effect*. Primarily, generalized linear models (GLM), specifically Poisson and Logistic regressions, were estimated via maximum-likelihood estimation (MLE) to examine the impact of the ER Process for all variables. The following count variables in the report were estimated using Poisson regressions, per the same specification detailed above for duration per case: total new cases, total new cases with a trial, total new cases with a court appearance, issues per case, appearances per case, adjournments per case, and duration of appearances per case. For the binary outcome variables that follow a binomial distribution (percentage of new cases with a trial or with at least one appearance), Logistic regressions were used:

$$\ln\left(\frac{p_i}{1-p_i}\right) = \theta_0 + \theta_1 Post_i + \theta_2 Surrey_i + \theta_3 Post_i \cdot Surrey_i$$

Where p_i is the probability that a new case had a court appearance or a trial. The per-case dependent variable is equal to 1 if the case had at least one appearance or a trial, and equal to 0 if otherwise. The covariates are the same as in the Poisson regression described above, with

the coefficient θ_3 on the interaction term identifying the estimate of the *ERP effect*. The t-tests for the GLM models were conducted using heteroskedastic robust standard errors. As the monthly time structure of the data was no longer present in this analysis, the autocorrelation adjustment factor \hat{f}_t was not needed.

Ultimately, two different approaches could be used to handle the underlying non-normal distributions of the data: converting variables into average percent changes or use GLM. The average percent change approach was used for showcasing most of the findings in the report. This was done to maximize ease of interpretability and optimal handling of the underlying differences in location sites using percentages (as opposed to logarithmic transformations of count data, which only approximate percent changes). The only exception to using this approach was duration per new case, which used the Poisson regression model for the reasons mentioned above.

Both methods converged on the same findings. Aside from duration per case, the only difference in results from using the two approaches, was for the percent of new cases with an appearance in Surrey compared to New Westminster. The *ERP effect* was statistically significant with the percent change approach, but not statistically significant with the GLM approach. However, the p-value for the GLM approach was 0.054, which falls just outside the threshold of statistical significance. Table 4 at the end of the Appendix shows all p-values for the two methods, and variables tested for comparison.

Statistical models of CSB unlinked data**Table 1: Regression models testing the difference in percent changes from pre-ER Process to post-ER Process between Surrey and comparison locations Robson Square and New Westminster – New Cases, New Cases with Court Appearances, New Cases with Trial Appearances****A. Surrey as compared to Robson Square**

Dependent variable	New Cases ¹	% of New Cases with Trial ²	Total New Cases with Trial ²	% of New Cases with Appearance ²	Total New Cases with Appearance ²
(Intercept)	-0.478*** (0.038)	-0.06 (0.059)	-0.585** (0.145)	0.079 (0.052)	-0.391*** (0.05)
Surrey	-0.129** (0.04)	0.072 (0.068)	0.062 (0.182)	0.185* (0.059)	-0.04 (0.076)
R ²	0.213	0.109	0.012	0.425	0.02
Num. obs.	30	12	12	12	12

*** p < 0.001; **p < 0.01; *p < 0.05; †p < 0.1

OLS regressions with t-tests using heteroskedasticity- and autocorrelation-consistent (HAC) standard errors.

Dependent variable is the average monthly percent changes from pre- to post-ER Process.

¹For the pre-ER Process, new cases have a court file opened between June 1, 2018 and August 31, 2019 and a substantive document filed by February 28, 2020. For the post-ER Process, new cases have a court file opened between June 1, 2021 and August 31, 2022 and a substantive document filed by February 28, 2023. Protection orders are excluded.

² For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020. For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023. Protection orders are excluded. Counting held appearances only.

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B. Surrey as compared to New Westminster

Dependent variable	New Cases ¹	% of New Cases with Trial ²	Total New Cases with Trial ²	% of New Cases with Appearance ²	Total New Cases with Appearance ²
(Intercept)	-0.448**	0.135	0.4	-0.021	-0.25
	(0.151)	(0.25)	(0.523)	(0.084)	(0.24)
Surrey	-0.159	-0.123	-0.922	0.285*	-0.181
	(0.153)	(0.253)	(0.534)	(0.09)	(0.248)
R ²	0.042	0.023	0.236	0.517	0.044
Num. obs.	30	12	11	12	12

***p < 0.001; **p < 0.01; *p < 0.05; †p < 0.1

OLS regressions with t-tests using heteroskedasticity- and autocorrelation-consistent (HAC) standard errors.

Dependent variable is the average monthly percent changes from pre- to post-ER Process.

¹For the pre-ER Process, new cases have a court file opened between June 1, 2018 and August 31, 2019 and a substantive document filed by February 28, 2020. For the post-ER Process, new cases have a court file opened between June 1, 2021 and August 31, 2022 and a substantive document filed by February 28, 2023. Protection orders are excluded.

² For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020. For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023. Protection orders are excluded. Counting held appearances only.

Table 2: Regression models testing the difference in percent changes from pre-ER Process to post-ER Process between Surrey and comparison locations Robson Square and New Westminster – Issues, Adjournments, and Court Appearances, per New Case

A. Surrey as compared to Robson Square

Dependent variable	Issues per New Case	Adjournments per New Case	Appearances per New Case
(Intercept)	-0.431***	-0.151	-0.090
	(0.022)	(0.735)	(0.179)
Surrey	-0.129*	0.588	0.061
	(0.051)	(0.87)	(0.223)
R ²	0.263	0.035	0.007
Num. obs.	12	12	12

***p < 0.001; **p < 0.01; *p < 0.05; ·p < 0.1

OLS regressions with t-tests using heteroskedasticity- and autocorrelation-consistent (HAC) standard errors

Dependent variable is the average monthly percent changes from pre- to post-ER Process

For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020.

For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023. Protection orders are excluded. Counting held appearances for number of appearances per new cases but not for number of adjournments per new case.

B. Surrey as compared to New Westminister

Dependent variable	Issues per New Case	Adjournments per New Case	Appearances per New Case
(Intercept)	-0.508***	1.901*	0.773
	(0.058)	(0.782)	(0.393)
Surrey	-0.052	-1.463	-0.802
	(0.063)	(0.919)	(0.414)
R ²	0.05	0.147	0.237
Num. obs.	12	12	12

***p < 0.001; **p < 0.01; *p < 0.05; ·p < 0.1

OLS regressions with t-tests using heteroskedasticity- and autocorrelation-consistent (HAC) standard errors

Dependent variable is the average monthly percent changes from pre- to post-ER Process

For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020.

For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023. Protection orders are excluded. Counting held appearances for number of appearances per new cases but not for number of adjournments per new case.

Table 3: Regression models testing the difference in the change from pre- to post-ER Process between Surrey and comparison locations Robson Square and New Westminster – Duration of Appearances per New Case (in minutes)

A. Surrey as compared to Robson Square

Dependent variable	Duration per New Case with Appearance
(Intercept)	4.445***
	(0.158)
Post	0.514
	(0.321)
Surrey	0.091
	(0.287)
Surrey: Post	-0.525
	(0.44)
Log Likelihood	-31314.921
Num. obs.	348

***p < 0.001; **p < 0.01; *p < 0.05; p < 0.1

GLM Poisson regressions with t-tests using heteroskedastic robust standard errors.

For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020.

For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023. Protection orders are excluded. Counting held appearances only.

B. Surrey as compared to New Westminster

Dependent variable	Duration per New Case with Appearance
(Intercept)	4.135***
	(0.213)
Post	1.725***
	(0.437)
Surrey	0.401
	(0.32)
Surrey: Post	-1.736**
	(0.531)
Log Likelihood	-31019.374
Num. obs.	282

***p < 0.001; **p < 0.01; *p < 0.05; p < 0.1

GLM Poisson regressions with t-tests using heteroskedastic robust standard errors.

For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020.

For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023. Protection orders are excluded. Counting held appearances only.

Table 4: Robustness-checks of tested variables on OLS percent change model and GLM Poisson and Logistic regression models**A. P-values of Difference-in-Difference Estimates using OLS (percent changes)**

Variable (tests used in report)	As compared to Robson Square	As compared to New Westminster
Total New Cases* (OLS)	0.0032	0.3062
Total New Cases with a Trial** (OLS)	0.7381	0.1181
Percent of New Cases with a Trial** (OLS)	0.3131	0.6371
Total New Cases with an Appearance** (OLS)	0.6131	0.4817
Percent of New Cases with an Appearance** (OLS)	0.0106	0.0103
Number of Issues per New Case** (OLS)	0.0307	0.4324
Number of Adjournments per New Case** (OLS)	0.5143	0.1424
Number of Appearances per New Case** (OLS)	0.7886	0.0816
Duration of Appearances per New Case** (GLM)	0.5745	0.0637

P-values are for the estimated coefficients of β_1 for the percent change OLS model, and the interaction terms δ_3 and θ_3 from the GLM models.

OLS regressions with t-tests using heteroskedasticity- and autocorrelation-consistent (HAC) standard errors.

GLM regressions with t-tests using heteroskedastic robust standard errors.

Both models had the same estimated sign (+/-) for each respective variable.

Percent of New Cases under GLM models were estimated with logistic regressions.

Shaded boxes are significant p-values. Turquoise-shaded boxes are the corresponding p-values for variables that fall outside the 5% significance threshold for one model but are statistically significant for the other model.

* For the pre-ER Process, new cases have a court file opened between June 1, 2018 and August 31, 2019 and a substantive document filed by February 28, 2020. For the post-ER Process, new cases have a court file opened between June 1, 2021 and August 31, 2022 and a substantive document filed by February 28, 2023. Protection orders are excluded.

** For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020. For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023. Protection orders are excluded. Counting held appearances only, except for analysis of adjournments.

B. P-values of Difference-in-Difference Estimates using GLM (Poisson and Logistic)

Variable (tests used in report)	As compared to Robson Square	As compared to New Westminster
Total New Cases* (OLS)	0.0301	0.4944
Total New Cases with a Trial** (OLS)	0.9853	0.1878
Percent of New Cases with a Trial** (OLS)	0.3753	0.5353
Total New Cases with an Appearance** (OLS)	0.5972	0.7794
Percent of New Cases with an Appearance** (OLS)	0.0178	0.0540
Number of Issues per New Case** (OLS)	0.0494	0.5536
Number of Adjournments per New Case** (OLS)	0.4474	0.4862
Number of Appearances per New Case** (OLS)	0.7993	0.1663
Duration of Appearances per New Case** (GLM)	0.2300	0.0010

P-values are for the estimated coefficients of β_1 for the percent change OLS model, and the interaction terms δ_3 and θ_3 from the GLM models.

OLS regressions with t-tests using heteroskedasticity- and autocorrelation-consistent (HAC) standard errors.

GLM regressions with t-tests using heteroskedastic robust standard errors.

Both models had the same estimated sign (+/-) for each respective variable.

Percent of New Cases under GLM models were estimated with logistic regressions.

Shaded boxes are significant p-values. Turquoise-shaded boxes are the corresponding p-values for variables that fall outside the 5% significance threshold for one model but are statistically significant for the other model.

* For the pre-ER Process, new cases have a court file opened between June 1, 2018 and August 31, 2019 and a substantive document filed by February 28, 2020. For the post-ER Process, new cases have a court file opened between June 1, 2021 and August 31, 2022 and a substantive document filed by February 28, 2023. Protection orders are excluded.

** For the pre-ER Process, new cases have a court file opened between June 1, 2018 and November 30, 2018 with a substantive document filed by and activities tracked to February 28, 2020. For the post-ER Process, new cases have a court file opened between June 1, 2021 and November 30, 2021 with a substantive document filed by and activities tracked to February 28, 2023. Protection orders are excluded. Counting held appearances only, except for analysis of adjournments.

Appendix D – Profile of survey respondents

Profile of respondents (client survey)

Age	Respondents (n=339)
18 to 29	9%
30 to 39	35%
40 to 49	30%
50 to 59	13%
60 and over	5%
Prefer not to answer	8%
Gender identity	
Woman	61%
Man	35%
An identify not listed	<1%
Prefer not to answer	3%
Immigration status	
Non-immigrant (Canadian by birth)	68%
Immigrant who arrived more than five years ago	23%
Newcomer who arrived five years ago or less	5%
Prefer not to answer	4%
Physical illness/disability	
Yes	11%
No	85%
Prefer not to answer	4%
Mental illness/disability	
Yes	13%
No	82%
Prefer not to answer	6%
Indigenous	
Indigenous	9%
Not Indigenous	88%
Prefer not to answer	3%
Language spoken most often at home	
English	82%
Punjabi	5%
Spanish	3%
Tagalog	2%
Mandarin	2%
African (Amharic, Tigrigna)	2%
Other Southeast Asian (Hindi, Gujarati, Urdu)	1%
Other Asian (Japanese, Korean, Vietnamese, Cantonese)	1%
Other	1%
Prefer not to answer	2%

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Education	Respondents (n=339)
Less than high school	<1%
Some high school	8%
Completed high school or GED equivalency	15%
Some university or college	14%
College, technical school, apprentice or vocational school	32%
University degree (including post-graduate or professional)	24%
Prefer not to answer	6%
Income	
Under \$20,000	15%
\$20,000 to \$39,999	22%
\$40,000 to \$59,999	19%
\$60,000 to \$79,999	12%
\$80,000 to \$99,999	7%
\$100,000 to \$149,999	7%
\$150,000 to \$199,999	5%
\$200,000 or more	2%
Prefer not to answer	12%

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