



Funding Out-of-Court Resolution Processes

ISSUE: Increase funding to BC's Family Justice Centres to allow them to increase the number of trained staff available to produce interview and assessment reports within six weeks of initial request, and/or to make funding available to qualified outside organizations to produce the reports.

Increase funding to BC's Family Justice Centres to allow them to increase the number of trained mediators and family justice counsellors in order to reduce wait times for mediation, as well as to provide greater access to distance mediation for those who are not in communities serviced by Family Justice Centres.

BACKGROUND: Supporting out-of-court resolution of family disputes helps families achieve a less-stressful and less-costly resolution of their problems while also reducing costs to the justice system.

Views of the Child

The new Family Law Act requires that the views of the child be considered in determining what is in the best interest of the child when making decisions related to parenting, including guardianship, parental responsibilities, parenting time, and contact. The views of the child are traditionally collected in two ways. One is via a "Views of the Child Report," which is prepared by a trained and independent interviewer who focuses on reporting what the child says without assessment or opinion. The second is an assessment of the views and needs of the child, which is done by a trained person who may do multiple interviews, view the child's interactions, and conduct a full investigation before expressing an opinion in a report. These reports, performed by BC's Family Justice Centres, play important roles in helping to stabilize families going through disruptive changes, often assist in defusing high conflict situations, and encourage settlement of disputes. Unfortunately, they are often available too late in the process to serve a purpose beyond evidence at trial.

Reports are available privately, for a fee, but are beyond the means of many litigants. The Family Justice Centres do them for free, but are significantly underfunded. There is typically a wait of about six months for the interview report and about 18 months for the assessment reports.

Mediation

Mediation is an effective means of settling family law matters and is encouraged by the Family Law Act. Such resolutions save considerable court time and expense. However, those wishing to use government-funded services available through Family Justice Centres must wait weeks or months. This means that the window of opportunity in the course of a dispute in which mediation may succeed is often missed. The problem of long waits is compounded by the fact that there are only 24 Family Justice Centres (including the three Justice Access Centres) in British Columbia; only two of which are north of Kamloops. While opening additional centres would be an expensive solution, access to mediation in non-serviced communities could be dramatically improved by using video-conferencing for “distance mediation.” The cost of private mediation is prohibitive for many British Columbians.