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**DELAY NO LONGER:  
FAMILY JUSTICE NOW**

A CALL TO IMPLEMENT  
THE UNIFIED FAMILY COURT  
ACROSS CANADA

2024

# DELAY NO LONGER: FAMILY JUSTICE NOW

The Advocates' Society calls on the federal government and provincial governments of Canada to work together with the courts, on a priority basis, to fully implement and resource Unified Family Courts throughout the areas of the country that lack this essential service, to help Canadian families access the justice they need.

## Introduction

Canada's family court system is in crisis. It is failing to meet the basic needs of Canadian families and children.

One key problem contributing to this crisis is that in many areas of the country, two different courts can deal with family law issues, resulting in inefficiencies, costs, and delays that hurt families already in the midst of breakdown.<sup>1</sup> Fortunately, a solution to this problem has existed in Canada since the 1970s: the Unified Family Court (otherwise known as "UFC").

Unified Family Courts are specialized courts that deal with all of a family's legal issues in one place. UFCs can also provide families with unified access to a host of support services. The Unified Family Court model is more efficient, more accessible, and more equipped to respond to the unique needs of Canadian families and children than Canada's traditional two-tiered family court system. That's why The Advocates' Society believes it is time to expand the Unified Family Court across Canada. As of 2024, there are no UFCs anywhere in British Columbia, Alberta, or Quebec, and entire regions of Saskatchewan, Manitoba, Ontario, and Newfoundland are not yet served by UFCs.

The lack of Unified Family Courts across large swaths of the country creates very real consequences for Canadian families. Family law cases strike at the heart of our society, dealing with critical matters like family members' safety, children's health and well-being, parenting arrangements, housing, and money for basic necessities like food. Families often need the courts' help to resolve these time-sensitive issues.

Increasingly, timely access to the courts is simply not possible. As a result, families and children are left in crisis, exposed to ongoing family violence, extreme financial stress, or other untenable situations that can have lifelong consequences.

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Many Canadians are being left with the belief that "family justice" is merely aspirational, or worse, that the family justice system is exacerbating the conflicts it should be resolving, and harming the families it aims to help. Implementing the Unified Family Court model across Canada is a fundamental first step towards improving families' access to justice and restoring public confidence in our family court system.

## Current State of UFC Expansion across Canada

As of 2024, there are 57 UFCs across Canada. Three provinces – namely New Brunswick, Nova Scotia, and Prince Edward Island – have fully unified their family courts. In contrast, three provinces – namely British Columbia, Alberta, and Quebec – have no UFCs.

The other four provinces – i.e. Saskatchewan, Manitoba, Ontario, and Newfoundland – have partially implemented UFCs in certain geographic areas. In these provinces, rural and remote regions are often not unified, adding another layer of complexity to accessing justice. For example, in Ontario and Manitoba, the northern regions do not have any UFCs. Also, some major population centres in these provinces still lack UFCs – for example, in Ontario, the cities of Toronto, Brampton, and Mississauga are not served by any UFCs.

Province	# of UFCs	Locations
<b>British Columbia</b>	0	None
<b>Alberta</b>	0	None
<b>Saskatchewan</b>	3	Saskatoon, Regina, Prince Albert
<b>Manitoba</b>	4	Winnipeg, Brandon, Dauphin, Portage La Prairie
<b>Ontario</b>	25	Barrie, Belleville, Bracebridge, Brockville, Cayuga, Cobourg, Cornwall, Hamilton, Kingston, Kitchener, L'Original, Lindsay, London, Napanee, Newmarket, Oshawa, Ottawa, Peterborough, Pembroke, Perth, Picton, St. Catharines, St. Thomas, Simcoe, Welland
<b>Quebec</b>	0	None
<b>New Brunswick</b>	8	Bathurst/Tracadie, Campbellton, Edmuston, Fredericton, Miramichi, Moncton, Saint John, Woodstock
<b>Nova Scotia</b>	12	Amherst, Annapolis Royal, Antigonish, Bridgewater, Digby, Halifax, Kentville, Sydney, Pictou, Port Hawkesbury, Truro, Yarmouth
<b>Newfoundland</b>	2	Corner Brook, St. John's
<b>Prince Edward Island</b>	3	Charlottetown, Georgetown, Summerside

## Family Law Matters Strike at the Heart of Our Society, and the Justice System Must Treat Them That Way

Family law matters strike at the heart of our society, impacting fundamental, day-to-day aspects of families' and children's lives. For example, legal issues that arise upon family breakdown routinely impact:

- the physical, psychological, and emotional safety and well-being of children and spouses;
- the ability of family members to meet their basic needs, such as housing or buying groceries;
- the amount of time children spend with each of their parents; and
- who makes decisions with respect to children's health or education.

If Canadian families cannot get the courts' timely assistance to resolve disagreements about these critical issues, family members – including children – can be left in dangerous or precarious situations. This is particularly so in cases of family violence, or financial or other power imbalances between the parties. Members of the family, including children, may face violence, go without basic necessities like food or shelter, or miss work or school. In addition to these immediate harms, barriers to family justice can cause lasting personal and intergenerational harm, creating ripple effects throughout society.<sup>2</sup> For example, it is well-documented that the cycle of family violence can perpetuate in future generations.<sup>3</sup>

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Beyond the fundamental nature and importance of the issues at stake, family law cases are different from other types of civil law cases because:

- the majority of disputes involve children, who are vulnerable and generally unrepresented in the proceeding;
- the parties can be particularly vulnerable;
- the parties are frequently unsophisticated, one-time, unrepresented litigants;
- there can be more emotional and values-driven factors underlying the dispute, making resolution more difficult;
- the parties' relationships are often ongoing and must often be sustained after the legal dispute has ended (e.g., in the case of children); and
- the nature of the issues is often prospective and future-oriented.<sup>4</sup>

Family courts must be designed differently to address these unique features of family disputes. This includes re-envisioning the role of courts and judges. For example, judges who hear family law matters need expertise in areas that fall outside the scope of traditional legal training, including in child development, family dynamics, gender bias, family violence, substance abuse, child abuse, sexual violence, coercive control, and the psychological consequences of family breakdown.<sup>5</sup>

Nevertheless, to date, Canada's family justice system has not adapted to adequately address the unique nature of family disputes. Reports published over the last four decades consistently demonstrate that the family justice system has failed to meet the needs of families and children.<sup>6</sup> Implementing the Unified Family Court model is a key first step to creating a family justice system that recognizes and responds to the unique nature of family law and family disputes.

## What Is a Unified Family Court, and Why Is It Necessary?

The Unified Family Court is a court that takes a comprehensive approach to triaging and resolving family disputes by bringing all family law issues under one roof with specialized expertise and support services. UFCs are necessary in Canada because of the division of powers between the federal and provincial governments.

Both Canada's federal government and provincial governments make laws regulating family breakdowns. Canada's *Divorce Act* is a federal statute that regulates divorce, parenting, and financial support claims;<sup>7</sup> and each province has additional legislation that regulates property division, parenting, and support claims for married and unmarried couples, as well as adoption and child protection.<sup>8</sup>

Federal and provincial laws allocate jurisdiction over specific family law matters to different courts. Divorce claims and property division must be heard by superior courts; claims such as spousal support, child support, and parenting, among others, may be dealt with by either and/or both superior courts and provincial courts; and child protection matters must be heard in provincial courts. In other words, some families must navigate multiple courts to resolve their legal issues, leading to confusion, duplication, inefficiency, delays, and greater costs.

UFCs were created and piloted in the 1970s to reconcile this fragmentation by consolidating jurisdiction over family law matters into one single court. However, UFCs are not simply a "one-stop shop" for family cases. UFCs also improve families' access to justice in other ways by:

- providing litigants with specialized judges who have training and expertise in family law;
- adapting court procedures to fit the unique needs of families;
- ensuring early triage to prevent litigation when appropriate;
- encouraging early intervention and non-adversarial dispute resolution when appropriate;
- providing case management when appropriate;
- providing access to educational resources and supportive family justice services; and
- integrating interdisciplinary social services with the court system.

Overall, UFCs are designed to resolve family disputes in a timelier and more cost-effective way that is tailored to each family's needs. We explore some of the benefits of the UFC model in more detail below.

# The Benefits of Unified Family Courts

## 1. Clarity and Efficiency

As outlined above, the areas in Canada that still lack UFCs have parallel court systems with overlapping – but not identical – jurisdiction over family law matters. This fragmentation leads to uncertainty for litigants, and undesirable consequences such as ‘forum-shopping’, simultaneous proceedings in multiple courts, conflicting court orders, higher costs, more delay, and greater opportunity for party misconduct, tactical delay, harassment, and litigation abuse.<sup>9</sup> UFCs minimize the risk of these issues arising in a family proceeding.

In jurisdictions that lack UFCs, even legal professionals struggle at times to determine in which court to properly file a family proceeding. While challenging for lawyers, this lack of clarity is even more problematic for the rising number of self-represented litigants in family matters. If matters are filed in the wrong court, they must be re-filed in the right one, leading to frustrating delay and expense.

Beyond filing errors, in the absence of a UFC, one family’s legal issues can be properly before both the superior court and the provincial court simultaneously. This can lead to strategic ‘forum-shopping’ (i.e. filing in one court to advantage the filing party or disadvantage the responding party) or parallel proceedings that delay matters and waste the litigants’ and courts’ resources. Claimants who start or have to respond to claims in both courts must juggle two separate proceedings, two sets of court forms, two sets of court rules, and duplicative obligations, such as providing financial disclosure to both courts.<sup>10</sup> They also deal with ongoing procedural complications caused by having the same dispute before two different courts (such as motions to stay one proceeding or the other). Judges in one court do not always know what is happening in the other court, which can create confusion and result in conflicting orders and judgments.

For example, in *T.M. v. Children’s Aid Society Toronto*, the parties had a family law proceeding and a related child protection proceeding that were before the Ontario Superior Court and the Ontario Court of Justice respectively, resulting in the Courts making inconsistent interim orders regarding a mother’s parenting time with her



child and multiple, ultimately moot, appeals. This convoluted situation led a judge handling the matter in the Superior Court to observe that:

This case is another example of how the general public would be better served if there was a Unified Family Court ("UFC") in Toronto, instead of a dual/parallel court system. The shenanigans that went on in this case would not have occurred had there been a UFC in Toronto. Confusion of and stress on the parties could have been avoided. Instead, there were multiple attendances and several orders made in both the Ontario Court of Justice ("OCJ") and the Superior Court of Justice ("SCJ"), sometimes not in line with one another. There were materials filed in the SCJ not before the court in the OCJ, and vice versa. [...] Proceedings taking place in two family courts, for the same parties, is a waste of time and money for the court system, and, more importantly, caused the parties and the courts to incur additional and unnecessary costs.<sup>11</sup>

Family law counsel report frequent instances of having a client's family law matter proceed before both the provincial and superior courts. The delays and costs that result can cause significant prejudice to clients, affecting the most important aspects of their lives.

*"I have a family case that was proceeding in the Ontario Court of Justice, which had to be transferred to the Superior Court of Justice because the other party made a property claim against my client. The transfer resulted in greater costs to my client and a delay of almost one year, because of the need to prepare and issue new pleadings and to wait for a case conference date in Superior Court. The delay would have been longer had my client not consented to the transfer (which they did to avoid having to wait for a motion date to argue against the transfer and further legal fees). During this time, the case cannot meaningfully advance, and my client is subject to interim support that arguably favours their former spouse."*

- Member of The Advocates' Society

A 2009 study found evidence that UFCs can operate more efficiently to resolve family litigation in terms of time to resolution, less adversarial resolution of cases, and the use of judicial resources and court time.<sup>12</sup> It stands to reason that these efficiencies would also result in cost savings to the justice system, not to mention cost savings to families in litigation.

In sum, the dual court system creates costs and inefficiencies for families, for the courts, and for the governments funding the courts. A central benefit of the Unified Family Court is that it reduces these wasted resources.<sup>13</sup>

## 2. Specialized Judges

A specialized bench of judges who are experienced in, committed to, and knowledgeable about family law and related areas of expertise is a key benefit of Unified Family Courts.<sup>14</sup> In most non-unified family courts, members of the judiciary are generalists and hear all types of cases, which is less conducive to the development of specific expertise in family law. Specialized family court judges either come to the bench with well-honed expertise in family law, related areas of knowledge (including experience dealing with family violence and coercive control), and skills (including how to handle the many self-represented litigants in family legal matters), or develop this knowledge and these skills on the bench.<sup>15</sup>

Specialized family court judges are better able to triage family cases before families are caught up in unnecessary legal processes. Specialized judges can also resolve cases in an efficient manner sensitive to the need to minimize the damage caused by family breakdown,<sup>16</sup> and more tailored to the needs and circumstances of families and children. Further, they are able to rigorously case-manage proceedings and ensure that each appearance in family court is moving the matter forward to ultimate resolution, which is particularly important in the context of current court delays. In addition, specialized judges may be more inclined to weigh in substantively at each step of a case, which may assist in encouraging the parties to settle.

### 3. Availability of Family Justice Services and Out-of-Court Dispute Resolution Options

A key benefit of Unified Family Courts is that they are more likely to offer a wider range of ancillary family justice services and out-of-court dispute resolution options, and a single access point to these services, compared to non-UFCs.<sup>17</sup> While non-UFC family courts can and do offer some of these services as well, there can be significant duplication in the use of resources, gaps in resource provision, and lack of coordination when two different courts endeavour to provide similar services to the same user base. Supportive family justice services can include:

Family Law Information Centres. Many UFCs offer a Family Law Information Centre (FLIC) on site that is staffed with trained professionals who can assist participants, or refer participants to additional services. FLICs can offer information about family law and court processes (both in written educational materials and in-person from staff); referrals to services, such as mediation or social services; duty counsel who can provide legal advice; and access to court forms and help filling them out.<sup>18</sup> As of 2009, staffed FLICs were available at 87.2% of UFC locations, compared to 16% of non-UFC locations.<sup>19</sup> Access to these services alleviates pressure on the court system, as judges can spend less time educating and guiding self-represented litigants, and more time focused on the complex legal issues requiring resolution.

Parenting Information Sessions. Parenting information sessions are offered at almost all UFC locations (95% as of 2009), compared to only 16% of non-UFC locations.<sup>20</sup> These programs present information about parenting through separation and divorce, educating litigants and empowering them to promote the well-being of their children in a time of parental conflict.<sup>21</sup>

Conflict Intervention Programs. These programs direct complex or high-conflict parenting disputes to a specialized mental health professional, who can educate parents and help them come to a resolution of the dispute in a manner that meets their children's needs.<sup>22</sup>

Dispute Resolution Officers. Dispute Resolution Officers (DROs) are senior family lawyers appointed to conduct family case conferences. DRO programs provide participants with an early evaluation of their case by a neutral third party. The service

often works to narrow issues and promote settlement. These programs can assist in conserving judicial resources, and help judges to focus on legal and complex family law issues that cannot be settled out of court.<sup>23</sup>

Mediation & Conciliation. Mediation and conciliation aim to help the parties resolve their disputes out of court with the assistance of a neutral third party. These services can prevent families from going down a path of protracted adversarial dispute and can preserve co-parenting relationships. Mediation and conciliation services are more likely to be available at UFCs than other types of court locations. As of 2009, 90% of UFCs had mediation services available (85% on-site), as compared to 41% of non-UFCs.<sup>24</sup>

Supervised Access Programs. Supervised Access Programs are available at UFC locations in Manitoba, Saskatchewan, Ontario, Nova Scotia, PEI, and Newfoundland. These programs facilitate parenting time in a manner that safeguards the well-being of children, without the significant expense of private supervision programs. In some areas that do not have UFCs, parents are facing months-long delays in accessing supervised parenting time, or they have no such service at all, resulting in concerning lapses of time during which children are not seeing one of their parents.

Some UFC courts also provide supervised parenting exchange programs, so that children may transition from one parent to another without the parents coming into contact with each other. This is a significant safety enhancement in family violence cases.

Child Support Calculation Services. Child support calculation services are available at some UFCs. These programs avoid parents having to return to court to vary the amount of a child support payment, by administratively recalculating the payment amount on the basis of updated income information. This service can work to alleviate the court's caseload. It is also a significant help to parents who are not represented by counsel.

In sum, UFCs can provide a coordinated, single access point to a host of supportive services that help families navigate their dissolution efficiently and fairly.

## 4. Court Staff Expertise and Ownership

In UFCs, administrative resources are streamlined because only one court registry is required for all cases and issues. Frontline staff are able to develop specialized knowledge and understanding of family law procedures and the issues experienced by families undergoing breakdown,<sup>25</sup> and can develop ownership over the process of shepherding families through the court system.

In some UFCs, court staff are trained in a form of file triage. They review court filings as they come in and assist in getting time-sensitive matters before a judge more quickly. This is particularly important in family law, when there can be urgent matters affecting key issues like safety, parenting, and housing.

Ultimately, the various benefits of UFCs described above can be distilled into one overarching benefit: UFCs increase access to justice for Canadian families who need it and are an ideal environment in which to continuously improve families' experience of interacting with the justice system.

## Families Need Both In-Court and Out-of-Court Dispute Resolution Options

Over the course of their lifetimes, many Canadians will need assistance resolving the legal issues arising from a family breakdown.<sup>26</sup> The only way to resolve these issues is *by agreement, by private arbitration, or by court order*.

Governments' investment in expanding the reach of Unified Family Courts should not come at the expense of short-changing public funding for out-of-court dispute resolution processes, or vice versa. Both options must be readily available in order to create a family justice system that is responsive to the diverse needs of Canadian families.

Some families can and should resolve the issues arising from their family breakdown through negotiation or agreement via processes like mediation, conciliation, or collaborative family law. The benefits of these types of less adversarial processes in some cases are well-known and have resulted in a laudable upsurge in public funding

for subsidized or free mediation services for low-income families.<sup>27</sup> In addition, some families may be able to bypass the court system by agreeing to go to private arbitration for binding resolution of their differences.

The Advocates' Society recognizes that consensual dispute resolution is often the better way for Canadian families and children, and we welcome funding and reforms that aim to help families resolve their disputes more amicably and keep them out of court when appropriate. However, this does not eliminate the need for a functional family court. Alternative dispute resolution options are not suitable for every family. Key limitations of ADR include:

- Both spouses must consent to participating in an ADR process, which is often not possible in cases of acrimonious separation and divorce – this is a barrier that should not be underestimated, and that affects a significant subset of family cases;<sup>28</sup>
- Private mediation<sup>29</sup> and arbitration are expensive and must be paid for by the parties, limiting access to those with the financial means;
- In cases where there has been family violence, harassment, or other forms of abuse or power imbalances, ADR may not be possible or appropriate;<sup>30</sup>
- Other than in arbitration, these processes require the parties' agreement to resolve the issues – if the parties cannot reach agreement on any one of their issues, they will generally require a court's assistance.

The reality is that a portion of family disputes are “high conflict”<sup>31</sup> and are not amenable to ADR or settlement – litigation is the only way to achieve the relief the parents and children need. A functional family court, which can address conflicts quickly and sensitively, is an essential component of the family justice system. The Advocates' Society believes that implementing the UFC across Canada is the basic starting point towards ensuring a functional family court for Canadians.

## Call to Action

The Advocates' Society calls on the federal government and provincial governments of Canada to work together with the courts, on a priority basis, to fully implement and resource Unified Family Courts throughout the areas of the country that lack this essential service, to help Canadian families access the justice they need.

## Challenges to Overcome in the Implementation of UFC

The Advocates' Society acknowledges that there are challenges to overcome in order to fully implement UFCs across Canada. However, The Advocates' Society is of the view that these challenges are by no means insurmountable, and should not prevent the creation of a family justice system that best serves Canadian families. Issues include:

- Ensuring adequate geographical coverage by the family court system, and the in-person accessibility of courthouses to families located throughout a given province, including in rural, remote, and fly-in communities.
- Redeploying the resources in the provincial courts that are currently dedicated to family proceedings (including judges, staff, and physical spaces).
- Appropriately funding and resourcing the Unified Family Court system; to ensure the success of UFCs, it is absolutely critical for there to be sufficient judges, court staff, supportive resources, and all associated infrastructure.
- Managing the complex transition from the current parallel court system to a UFC system in areas that do not currently have UFCs.

For the Unified Family Court to succeed in increasing access to justice for Canadian families and children, **it is absolutely critical to fund and provide the court** with sufficient judges, court staff, resources, and infrastructure.

In The Advocates' Society's view, there are ways to address the above challenges if sufficient will exists among the relevant stakeholders.

For example, governments can reallocate the resources they currently devote to developing piecemeal solutions to the problems created by the two-tier family court system (e.g., harmonization efforts, legislated solutions, isolated programs to help families in litigation) to implementing UFCs, which are a springboard from which to reform the family justice system in a holistic manner.

Moreover, UFCs are typically implemented in stages, in certain geographic areas of a province, rather than the whole province at once. Major city centres can begin the process of transitioning to a UFC, while consultations are undertaken with the communities outside city centres to understand how to best address their family justice needs. The use of technology can bridge temporary or transitional resource gaps, by bringing litigants to virtual court and judges to litigants in remote communities. Provincial court judges, staff, and infrastructure can move over or be redeployed to the new UFCs if desired, or be reassigned within the provincial court system.

## Conclusion

Every day, Canadian families turn to the justice system to help them resolve their disputes. The Advocates' Society believes that implementing the Unified Family Court across the country is key to meeting the Canadian public's needs, and to helping reduce the inefficiencies and delays currently plaguing our family justice system. This initiative will require a strong joint commitment and sustained effort by the federal government, provincial governments, superior courts, and provincial courts. However, this effort will benefit all stakeholders, including the public by increasing access to family justice, the government by encouraging efficiency and cost savings, and the courts by diminishing duplication and inconsistency in the administration of family proceedings.

The Advocates' Society calls on the federal government and provincial governments of Canada to work together with the courts, on a priority basis, to fully implement and resource Unified Family Courts throughout the areas of the country that lack this essential service, to help Canadian families access the justice they need.



## The Advocates' Society's Unified Family Court Task Force

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<sup>1</sup> The two different courts are superior courts and provincial courts.

<sup>2</sup> Medical and social science research on the negative impacts of conflict on children, and the inclusion of “separation and divorce” as one of ten “Adverse Childhood Experiences”, demonstrates that protracted court battles involving children put children at risk of lifelong negative outcomes: Vincent J. Felitti, Robert F. Anda, et al., “[Relationship of Child Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences \(ACE\) Study](#)” (1998) 14:4 American Journal of Preventative Medicine 245. The two key predictors of outcomes for children after separation and divorce are (1) the nature and quality of the relationships with each parent, and (2) the duration and intensity of the conflict between their parents.

<sup>3</sup> C. Nadine Wathen & Harriet L. MacMillan, “[Children’s exposure to intimate partner violence: Impacts and interventions](#)” (2013) 18:8 Paediatr Child Health 419, at p. 420; UN Committee on the Rights of the Child, [General Comment No. 13: The right of the child to freedom from all forms of violence](#), 18 April 2011, UN Doc. C/GC/13, at paras. 14, 15(a)-(b), 16; Linda C. Neilson, [Responding to Domestic Violence in Family Law, Civil Protection & Child Protection Cases, 2nd Ed.](#) (Ottawa: Canadian Legal Information Institute, 2020), at 6.2.5.1; Tara L. Black, et al., “[Exploring subtypes of children’s exposure to intimate partner violence](#)” (2020) 118:4 Children and Youth Services Review 105375; Sibylle Artz, et al., “[A Comprehensive Review of the Literature on the Impact of Exposure to Intimate Partner Violence for Children and Youth](#)” (2014) 5:4 International Journal of Child, Youth and Family Studies 493, at pp. 498, 511-512, 521, 525, 542-544; Saskatchewan Ministry of Justice, [Saskatchewan Domestic Violence Death Review Report](#) (2018), at p. 2.

<sup>4</sup> Family Justice Working Group of the Action Committee on Access to Justice in Civil and Family Matters, [Meaningful Change for Family Justice: Beyond Wise Words](#) (April 2013), at pp. 14-17.

<sup>5</sup> BC Justice Review Task Force, [A New Justice System for Families and Children](#) (May 2005), at pp. 102-104.

<sup>6</sup> These reports are consistent in concluding that the family justice system is perceived to be inaccessible to families in conflict; the traditional adversarial process polarizes spouses, exacerbates/prolongs conflict, and harms children; families and children need services that recognize the interplay between the legal and non-legal dimensions of these disputes; the complexity of family breakdown, including issues of family violence, cannot be adequately addressed by a one-size-fits-all justice system; and the increase in self-represented litigants in family matters requires more accessible infrastructure and a specialized bench. See e.g.:

- Julien D. Payne, “A Conceptual Analysis of Unified Family Courts: A Canadian Perspective” (1982) 20 Conciliation Courts Review 52;
- BC Justice Review Task Force, [A New Justice System for Families and Children](#) (May 2005);
- Erin Shaw, [Family Justice Reform: A Review of Reports and Initiatives](#) (Action Committee on Access to Justice in Civil and Family Matters, April 15, 2012);
- Family Justice Working Group of the Action Committee on Access to Justice in Civil and Family Matters, [Meaningful Change for Family Justice: Beyond Wise Words](#) (April 2013);
- Action Committee on Access to Justice in Civil and Family Matters, [Access to Civil & Family Justice: A Roadmap for Change](#) (October 2013);
- Canadian Bar Association, [Reaching Equal Justice Report: An Invitation to Envision and Act](#) (November 2013);
- Trevor C.W. Farrow, “[What is Access to Justice?](#)” (2014) 51:3 Osgoode Hall LJ 957;
- John-Paul Boyd, “[Unified Family Courts: An Established Mechanism for Improving Access to Justice](#)” *Ablawg* (November 2014);

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- Lorne D. Bertrand et al., [The Practice of Family Law in Canada: Results from a Survey of Participants at the 2016 National Family Law Program](#) (Canadian Research Institute for Law and the Family, October 2016);
  - Joanne J. Paetsch, Lorne D. Bertrand, & John-Paul E. Boyd, [An Evaluation of the Cost of Family Law Disputes: Measuring the Cost Implication of Various Dispute Resolution Methods](#) (Canadian Research Institute for Law and the Family, 2017);
  - Deanne M. Sowter, “Advocacy in Non-Adversarial Family Law: A Recommendation for Revision to the Model Code” (2018) 35 Windsor YB Access Just 401;
  - The Task Force on Justice, [Justice for All: The report of the Task Force on Justice](#) (April 2019);
  - John-Paul Boyd, KC, [“Family justice in Canada is at a breaking point”](#) *CBA National* (February 25, 2019);
  - Diana Lowe, “Re-Imagining the Family Justice System: an Introduction to Alberta’s Reforming the Family Justice System Initiative” (2021) 51 Family LJ 1156;
  - Kaitlin A. Jagersky, [Where are We Now? Accessing the Current Ontario Family Justice System](#), (2021) Master of Laws Research Papers Repository.

<sup>7</sup> *Divorce Act*, R.S.C. 1985, c. 3 (2nd Supp.).

<sup>8</sup> See e.g. Ontario’s *Family Law Act*, R.S.O. 1990, c. F.3; *Children’s Law Reform Act*, R.S.O. 1990, c. C.12; *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1.

<sup>9</sup> John-Paul Boyd, [“The Unified Family Court: A Road-Tested Justice Strategy for Alberta”](#) *LawNow* (November 5, 2014).

<sup>10</sup> John-Paul Boyd, [“What, Why and Where: Untangling Jurisdiction in Family Law”](#) *LawNow* (October 6, 2014).

<sup>11</sup> *T.M. v. CAS et al.*, [2023 ONSC 5048](#), at paras. 1 and 3; cited in *Buffett v. Lacuesta*, [2023 ONSC 5528](#), at para. 3 (a child support matter in the context of a divorce).

<sup>12</sup> Office of Strategic Planning and Performance Management (Evaluation Division), [The Unified Family Court Summative Evaluation: Final Report](#) (March 2009), at pp. 54-55.

<sup>13</sup> Some provinces that have yet to implement a UFC (for example, Alberta) have begun to invest significant resources in efforts to “harmonize” family court processes across superior courts and provincial courts. This begs the question, why not implement a UFC with all the associated advantages? (See e.g. Janet French, [“Federal government withdraws offer of 17 Alberta family court judges when province won’t meet terms”](#) *CBC News* (April 19, 2024)).

<sup>14</sup> Office of Strategic Planning and Performance Management (Evaluation Division), [The Unified Family Court Summative Evaluation: Final Report](#) (March 2009), at pp. 36-39.

<sup>15</sup> Office of Strategic Planning and Performance Management (Evaluation Division), [The Unified Family Court Summative Evaluation: Final Report](#) (March 2009), at pp. 36-39.

<sup>16</sup> [Response to Report and Recommendations of the Unified Family Court Task Force](#).

<sup>17</sup> Office of Strategic Planning and Performance Management (Evaluation Division), [The Unified Family Court Summative Evaluation: Final Report](#) (March 2009), at p. iii.

<sup>18</sup> See e.g., Ontario, [Family Law Information Centres](#); Family Law Nova Scotia, [Family Law Information Program](#).

<sup>19</sup> Office of Strategic Planning and Performance Management (Evaluation Division), [The Unified Family Court Summative Evaluation: Final Report](#) (March 2009), at pp. iii, 33-34. There is limited research available to update these numbers.

<sup>20</sup> Office of Strategic Planning and Performance Management (Evaluation Division), [The Unified Family Court Summative Evaluation: Final Report](#) (March 2009), at pp. iii, 34.

<sup>21</sup> See e.g., Family Law Nova Scotia, [Parenting Information Program](#).

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<sup>22</sup> Joanne J. Paetsch & John-Paul E. Boyd, KC, "[A Review of Brief Services in Family Law](#)" (Canadian Research Institute for Law and the Family, January 2014), at pp. 31-32.

<sup>23</sup> In Ontario, DRO programs are available at 12 court locations (8 of which are UFCs, and 4 non-UFC Superior Courts): Ontario Superior Court of Justice, [Family Court Services](#).

<sup>24</sup> Office of Strategic Planning and Performance Management (Evaluation Division), [The Unified Family Court Summative Evaluation: Final Report](#) (March 2009), at p. iii.

<sup>25</sup> Office of Strategic Planning and Performance Management (Evaluation Division), [The Unified Family Court Summative Evaluation: Final Report](#) (March 2009), at p. 45.

<sup>26</sup> The demand for resolution of family disputes is high. In 2020, there were 98,355 marriages (Statistics Canada, [Table 39-10-0055-01 Number of marriages and nuptiality indicators](#) (release date: 2022-11-14)) and 42,933 divorces in Canada, and a rate of 5.6 divorces per 1,000 married people (Statistics Canada, [Table 39-10-0051-01 Number of divorces and divorce indicators](#) (release date: 2022-11-14)). However, these figures significantly underestimate the prevalence of family breakdown in Canada:

- Divorce statistics do not include married couples who have separated without yet obtaining a divorce. Some married couples separate for years before obtaining a divorce, and some separated couples never legally divorce.
- Divorce statistics do not include the breakdown of common law relationships, an increasingly common family structure in Canada, especially in Quebec. From 1981 to 2021, the number of common law couples across the country increased by 447%. As of 2021, 23% of Canadian couples were living in common law relationships and were not married (this figure is 17% outside of Quebec) (Statistics Canada, [State of the union: Canada leads the G7 with nearly one-quarter of couples living common law, driven by Quebec](#) (release date: 2022-07-13)). There are no official statistics available on the annual rate of breakdown of common law couples. Also as of 2021, over 800,000 Canadian children were living in common-law-couple families (Statistics Canada, [Table 98-10-0124-01 Census family structure including detailed information on stepfamilies, number of children, average number of children and age of youngest child: Canada, provinces and territories, census metropolitan areas and census agglomerations](#) (release date: 2022-07-13)).

<sup>27</sup> As well as the proliferation in some jurisdictions of mandatory mediation requirements. It should be noted, however, that when procedural rules require families to go to mediation before they can access a court for help with their family law issues, and the mediation fails, the resolution of those issues may be delayed, exacerbating family crises and perpetuating financial or power imbalances in the family, often to the detriment of the more vulnerable party.

<sup>28</sup> In cases where one party requires time-sensitive relief or has stronger claims, there can be a disincentive for the other party to agree to arbitration to facilitate a timely resolution. For example, if one parent needs urgent child or spousal support, needs exclusive possession of a family home, or is being denied parenting time, the other parent may be less likely to agree to private arbitration— which is generally much faster. This can leave vulnerable parties and children without timely recourse and exacerbate existing power imbalances. This type of situation disproportionately affects women and children.

<sup>29</sup> As distinguished from mediation either partially or wholly subsidized by the government.

<sup>30</sup> ADR Institute of Canada, "[Is ADR suitable in all cases?](#)". Ontario regulations, for example, require screening for power imbalances as a prerequisite for signing a binding arbitration agreement.

<sup>31</sup> See e.g. Bruce M. Smyth & Lawrence J. Moloney, "[Entrenched Postseparation Parenting Disputes: The Role of Interparental Hatred?](#)" (2017) 55:3 Family Court Review 404.