



Changing BC's family justice system

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Canada's traditional family justice system - with its adversarial culture and its single-minded focus on legal solutions - has tended to escalate hostility and create harmful stress for family members. Issues dealt with in our courts include parental separation and divorce, child abuse and neglect, and intimate partner violence. These are among the childhood traumas known as "Adverse Childhood Experiences" (or "ACEs"). Studies link these traumas to harmful effects on children's brain development, and to long-term and intergenerational social and emotional problems, chronic disease, and shorter life expectancy.

But there's work being done in BC to change our family justice system to reduce the adverse childhood experiences related to family separation. For example, several years ago the Provincial Court began to use an "Early Resolution" approach to family court cases. Then in 2022 people from within and outside the justice system launched the Transform the Family Justice System Collaborative (TFJS) and doctors and lawyers in BC formed an alliance to reduce the health impacts of high conflict separation.

BC Provincial Court's Early Resolution approach to family disputes

In 2015, the Provincial Court began working with the BC government on changes to the Provincial Court Family Rules designed to reduce the stress of family separation on parents and children. These changes incorporated a new family-centred approach called "the Early Resolution and Case Management Model". It was implemented in Provincial Court in Victoria in 2019, in Surrey in 2020, and province-wide with regional variations in 2021.

The new approach uses [Justice Access Centres](#) to provide separating couples with information, a needs assessment, and referrals to meet their non-legal as well as legal needs, early in the dispute resolution process. It also includes at least one consensual dispute resolution session before parties file court applications, except when that is not appropriate due to a history of family violence or some other reason.

An [evaluation](#) of the new system in Victoria showed that 69% of families did not proceed to court with unresolved issues after participating in Early Resolution services. By helping families resolve issues sooner, the Early Resolution approach helps to reduce the high conflict between parents that is so damaging to children. And as Early Resolution lowers the number of cases needing hearings, the Court can shorten wait times for those that do, reducing stress for those families too.

The Transform the Family Justice System Collaborative

Launched in 2022, the “Transform the Family Justice System Collaborative” (TFJS) is another initiative designed to reduce the family justice system’s harmful stress. It is led by [Access to Justice BC](#) (A2JBC), a group of people and organizations collaborating to improve access to justice in our family and civil courts. BC’s Chief Justice chairs A2JBC (Chief Justice Leonard Marchand succeeded former Chief Justice Robert Bauman as chair in October 2023). Provincial Court Chief Judge Melissa Gillespie is a member of its Leadership Group.

As explained on its [website](#), A2JBC recognizes that “from the perspective of families, legal issues are secondary to their social, relationship, parental and financial issues”, and the justice system cannot address all these issues. Nevertheless, the justice system “has a part to play in promoting the well-being of the people it serves”.

The TFJS Collaborative aims to involve people and organizations working to redesign BC’s family justice system and help them share the lessons they learn. As its work proceeds, A2JBC hopes to see:

- people thinking differently about the family justice system and family well-being
- people working with families involved in the justice system being better informed about Adverse Childhood Experiences and resilience
- different people and different sectors involved in making changes to support families experiencing family justice issues
- a greater focus on strategy and measurable progress, and on the system as a system

If you want to get involved, [contact](#) the TFJS Collaborative. They’re particularly interested in hearing from:

- family members (children and youth as well as adults) with experience in the current family justice system
- interested family law lawyers, mediators, judges, and other justice sector service providers
- leaders of justice sector organizations working to improve the family justice system
- interested Indigenous justice and community leaders

- organization leaders and professionals from other sectors interested in working together to transform the family justice system

For more, see the TFJS Collaborative [website](#)

The Health and Justice Alliance

Doctors of BC and the Law Society of BC formed the “Health and Justice Alliance” in 2022 to reduce the health impacts of high conflict separation. Doctors and lawyers joined forces to share information and insights about families going through high-conflict separation and divorce in two “Working Together for Families” sessions.

More than 100 doctors and lawyers attended the first session to learn about Adverse Childhood Experiences and engage in dialogue. In the second session they discussed the impact on professionals who deal with toxic situations and explored how best to serve patients and clients involved in high-conflict separation. Then, in a day-long follow-up session, they generated practical ideas for collaborative action to improve those families’ experiences.

Summing up

The Court’s Early Resolution approach addresses some aspects of the family justice system that increase toxic stress and worsen ACEs – components like delays in resolving issues, lack of legal advice and information, and lack of counselling for non-legal issues.

By educating British Columbians, particularly justice system stakeholders, about the impact of Adverse Childhood Experiences TFJS is helping to sharpen the focus of family justice reform efforts on the well-being of children and families.

And by involving the medical profession in efforts to reform the justice system, the Health and Justice Alliance is breaking down the traditional “siloed” approach and providing a valuable new perspective.

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