

BC Public Legal Education and Information Working Group

Review of BC Family Public Legal Education and Information Resources

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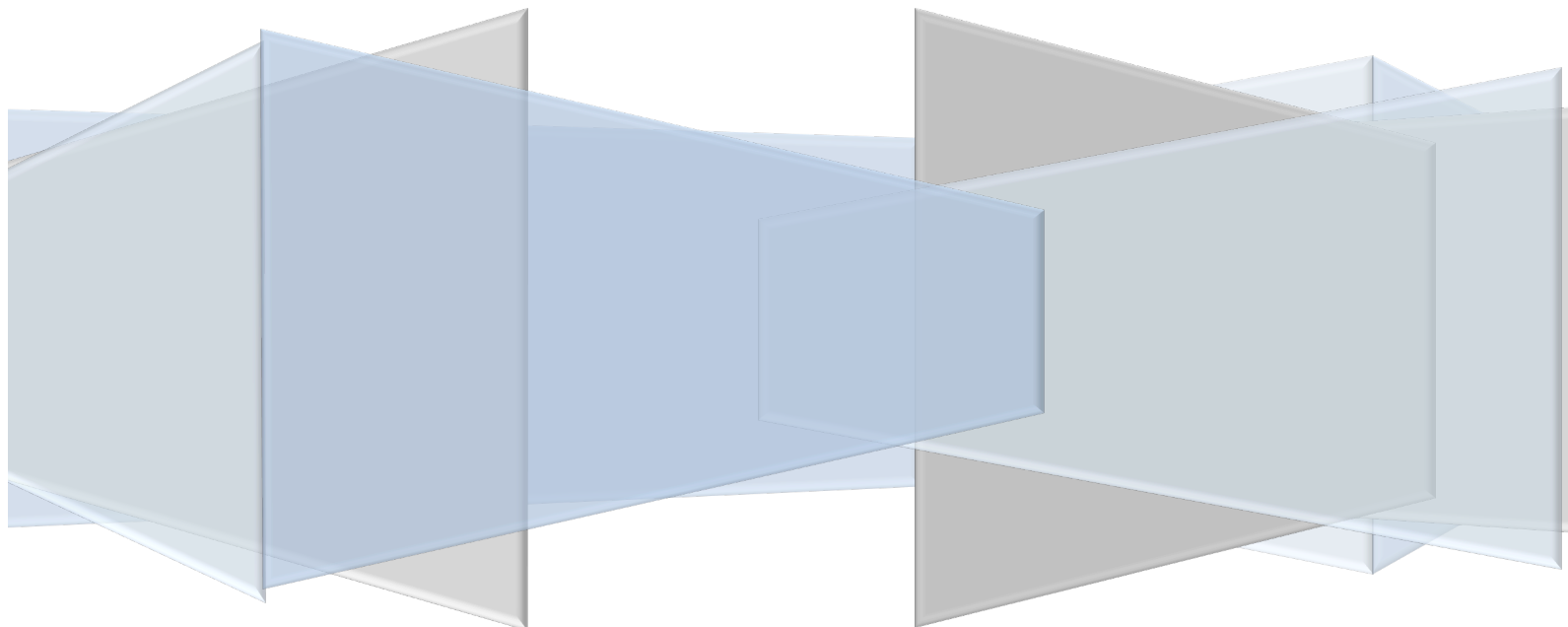


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The writers of this report would like to acknowledge a potential conflict of interest arising from some of its recommendations. The report includes recommendations that LSS produce certain new materials. Erin Shaw is on contract with the Legal Services Society as the legal reviewer for their Family Law Website and so could benefit from any addition of new resources to the website.

Part 1 – Purpose and Structure

A. Introduction

This report for the Public Legal Education Working Group (PLEIWG) reviews the family law PLEI resources in British Columbia for the purpose of identifying gaps in resources and areas of duplication, and takes into account the effect of the pending Family Law Act (FLA) to make recommendations about rationalization of PLEI resources with the introduction of the new Act.

As identified in *Clicklaw and Beyond*, differing audience needs for publications (basic, medium, advanced and points of view) were considered in determining areas of duplication.

B. Approach

The report takes as its starting point the body of knowledge that already exists about people who use PLEI. For example, it acknowledges the following:

- People rely on their known networks to take the first step. Often these are non-legal networks.
- Dealing with family law problems is stressful. The decisions people make at this time have profound personal consequences.
- Many people find the legal system complicated and intimidating. Most are trying to use the system for the first time.

PLEI developers seek to build the legal capacity of users to resolve their legal problems and get on with their life. Developers consider the user's needs, knowledge and skills to ensure that users can find the information they need and take action to fulfil their goals. Developers seek to integrate what they know about PLEI users: their levels of literacy in all languages, their approach to learning in different media, and the channels by which various populations seek family PLEI.

PLEI is ineffective when it sits unused on a website or on a shelf. PLEI involves not only developing and producing the resources but also making sure they reach their users. Some users can find help themselves, while others need the assistance of intermediaries.

The report presents a picture of family law PLEI needs at this point – the Family Law Act has been passed but is not yet in effect. It is anticipated that the Act will come into force in the spring of 2013.

C. Methodology

The report is based on two strategies:

1. A review of existing materials provided by Clicklaw and the developers.
2. Consultation with:
 - a) all of the developers who participate in Clicklaw as stakeholders/contributors and who have family-related information on the Clicklaw site; and
 - b) intermediaries whose role it is to link clients to family PLEI resources. Note that this report uses the term “intermediary” in a broad sense, to identify the role of any service provider who links a client to family law resources. This broad usage of “intermediary” includes, for example, family justice counsellors, librarians, outreach workers, and advocates who do family work.

There is of course significant overlap between two groups. For example, the report writers contacted both developers of the Legal Services Society (LSS) family law website and LSS intermediaries such as the Legal Information Outreach Workers and Aboriginal Community Legal Workers.

A total of 35 interviews were conducted. Appendix A provides a list of organizations consulted, together with common acronyms. Note that this report frequently uses the acronyms because they will be familiar to the audience for this report.

Consultations were conducted in person and by phone. In some instances key service providers surveyed the frontline workers within their organizations. The information gathered includes perspectives from communities with specific needs: Aboriginal, new immigrant, rural and remote, and victims of family violence.

D. Definitions

Family PLEI encompasses different types of resources for different audiences. A substantial amount of existing material is information about the law and the legal process intended for people going through separation and divorce. This includes:

- basic legal information (e.g. what is guardianship; what is the law about how unmarried couples divide property);
- basic legal process information (e.g. how to reach and enforce an agreement; what court should I go to);

- step-by-step guides to help users through a legal process (e.g. how to get an uncontested divorce, how to apply for child support); and
- frequently asked questions about law and process (e.g. can I serve legal documents on someone outside BC).

This type of information makes up the majority of the resources reviewed for this report. We will refer to it as **core family law information for the general public** and their intermediaries. Resources within this area cater to diverse needs and different abilities.

Family PLEI also encompasses education/awareness/skill-building materials, developed from a range of perspectives and for a variety of audiences. Examples of this type of family PLEI reviewed for the report include:

- the suite of resources prepared for Parenting After Separation courses;
- family law information for schools and teachers;
- information resources about family law for particular groups such as immigrants and children and youth; and
- materials aimed at enhancing women's knowledge of their rights in family law.

Another category of PLEI focuses on information about particular resources and referrals. In this context, Clicklaw's family content is the prime example.

Yet another area of family PLEI focuses on law reform, which by its nature falls outside the purview of this report.

Materials related to family violence go beyond family PLEI and may have criminal law, safety planning, cultural and social, educational and other components. In this report when we talk about family violence PLEI we are referring to a narrower range of resources that address family violence issues under the Family Law Act (e.g. how to get a protection order and related parenting issues).

E. Limitations

The report provides a snapshot taken over four weeks, March 19 to April 13, 2012. It provides information about the inventory of family PLEI and presents perspectives of those consulted about needs, gaps and overlaps.

Inferences cannot be drawn from this information about how PLEI materials are being used by the target populations.

At some point the PLEI community will need to undertake longitudinal qualitative studies about individual client experiences in using PLEI resources.

Statistics contributed by developers employed a range of terms to describe site traffic: hits, views, visits, and sessions, all of which mean different things. It is impossible to draw comparisons between or among sites on the basis of the data.

F. Structure

This report:

- (a) provides a review of resources organized by the primary developers and other developers;
- (b) presents the results of the consultations with intermediaries;
- (c) includes brief information about preparing for the Family Law Act; and
- (d) makes recommendations for the future of family PLEI in BC.

Part 2 – Review of Resources

A. Clicklaw

The purpose of Clicklaw is to provide access to quality legal information, education and help for British Columbians. The development of Clicklaw, which operates as a program of the BC Courthouse Libraries, was sponsored by the Public Legal Education Working Group (PLEIWG). All the main developers of family PLEI in BC are both Clicklaw stakeholders and contributors. Numerous smaller groups participate as contributors.

A keyword search¹ for “family” within Clicklaw’s four major sections yielded the following number of entries: Solve Problems: 352 entries; Learn and Teach: 17 entries; Reform and Research: 49 entries; and Help Map: 50 entries. Within the Solve Problems section, family-related materials are found under three topics: family law; children and teens; and abuse and family violence. Of these, “family law” houses the majority of entries.

The following four figures profile Clicklaw data for the period **April 1, 2011 to March 31, 2012**. They reveal the central importance of family law information to Clicklaw visitors.

Figure 1: Clicklaw traffic overview

Visitors	83,031 visitors made 107,670 visits to Clicklaw, with new visitors representing 75% of visits.
Views	Visitors viewed 334,415 pages, with top topics including family law , wills & estates, and debt resources.
Topics	Visitors viewed 86,840 topic pages that show resource listings with one or more topic selected, which was 26% of all traffic. Family law was the most visited topic (24.4% of traffic to topics pages), followed by Wills, estates & life planning (14.2%) and Debt (5.8%). Note that the numbers here do not include traffic to HelpMap and Common Questions.
Top content	The homepage was the most heavily used (16.86% of all page views), with most traffic to this page coming as direct traffic and Google searches. Three family law content pages were among the top ten content pages viewed by visitors. They were HelpMap: Family Justice Centres (1.91% of page views), global listing of Family law resources/services/common questions (1.81%), and the Solve Problems listing of family law resources

¹ Conducted April 23, 2012.

	(1.17%).
Landing pages	The homepage was the page where visitors arrived first when they visited Clicklaw. Two family law pages were among the top ten landing pages. They were HelpMap's Family Justice Centres (5.14% of all visits) and the Solve Problems listing of family law resources (1.38%).

The top ten site search terms are presented in Figure 2. Five search terms in the top ten were about family law, together with Ministry of Justice.

Figure 2: Clicklaw site searches

Search Term	Total Unique Searches
family law	941
Ministry of Justice	613
probate	196
civil	190
divorce	182
separation agreement	174
separation	168
separation and divorce	118
power of attorney	103
forms	98

Figure 3 shows the family law referrals to PLEI sites from the Clicklaw page views. The highest amount of Clicklaw's outbound traffic on family law issues was to the Legal Services Society, for the LSS Family Law website and for LSS family law publications. The next destination of choice was the Dial-A-Law family law scripts of the Canadian Bar Association, BC Branch.

Figure 3: Clicklaw family law outbound traffic: organization

Page path	Page views
Legal Services Society – family law resources including publications	8173 (5319 referrals to the LSS family law website)
CBABC Dial-A-Law scripts on family law	4172
Ministry of Justice	2968
People's Law School	699

Justice Education Society	696
The Law Centre	685 (538 referrals to Pathways)

Figure 4 shows the most popular pages that users went off to in their search for family law information, and the number of times they went there.

Figure 4: Clicklaw family law outbound traffic: individual links

<i>Page</i>	<i>Page views</i>
The Canadian Bar Association BC Branch, Separation and Separation Agreements, Dial-A-Law Script - English	1,852
BC Ministry of Justice/Family Court Forms - English	1,659
Legal Services Society/Living Together or Living Apart: Common-Law Relationships, Marriage, Separation, and Divorce - English	1,545
Legal Services Society/Family Law in British Columbia website – English – general listing	1,241
Legal Services Society/How to do your own uncontested divorce in the Supreme Court of British Columbia - English	1,022
The Canadian Bar Association BC Branch (CBABC)/Children's Rights - English	561
The Law Centre/PATHWAYS: The Family Law Diagnostic Tool - English	538

B. Primary Developers of Family PLEI

This section reviews the resources offered by the primary family PLEI developers and reports on consultations with them.

In our view, the six primary developers are:

- Legal Services Society (LSS)
- Canadian Bar Association (CBA)
- Ministry of Justice (the ministry)
- JP Boyd
- University of Victoria Law Centre (UVic)
- Justice Education Society (JES)

In this part, we describe the resources provided by each of these developers, along with some basic statistical information about their use, where they overlap with other resources, and what makes them unique. We also set out what each developer plans to do to prepare for the implementation of the Family Law Act.

It should be noted at the outset that LSS is really in a separate category as the core provider of family PLEI based on the range and depth of its resources, the accessibility and usage of its resources, and the capacity of LSS to support ongoing monitoring and improvement of their materials.

Legal Services Society

The LSS Family Law Website is Grand Central Station for BC family PLEI and is recognized by other PLEI developers as such. The overall purpose of the website is to assist British Columbians with family law issues by providing them with information to help them understand their legal issue, navigate the court system, and be able to apply the law in order to obtain fair results for their cases.

With over 800 pages, the site provides a wealth of tailored information for specific family law needs. Information ranges from basic to advanced and addresses a broad range of substantive law areas as well as offering twenty detailed self-help guides. The LSS has produced a number of videos, posted on its site and on its YouTube channel. The content of some of these overlaps with videos produced by JES.

In 2011-12 the site had an average of 31,355 visits per month, lasting just over four minutes. This is a 24% jump since last year (24,692). The site also had 238,000 unique visitors last year. The sole and joint divorce guides are the most visited pages on the site.

Figure 5 shows where referrals to the site come from. The highest number of referrals is from the Ministry of Justice, while Clicklaw comes in at third place. The CBA also acts as a significant conduit into the LSS family law website.

Figure 5: Inward bound referrals to LSS family site	
Source	Visits
ag.gov.bc.ca	19,477
lss.bc.ca	11,236
clicklaw.bc.ca	4,838
supremecourtselfhelp.bc.ca	2,017
cba.org	1,464
legalaids.bc.ca	1,420
google.ca	1,246
intranet	1,126
facebook.com	835
canlaw.com	795

Features of LSS's family PLEI resources include the following:

- A range of print material is available, including their popular booklet, *Living Together or Living Apart*. This comprehensive overview of family law is published in a number of languages and reaches a large number of users. LSS also produces the *Live Safe—End Abuse* series of fact sheets, addressing violence issues, which will soon be available in a number of languages.
- There is in-depth coverage of Aboriginal issues and LSS is developing a strategy to improve Aboriginal-focused resources.
- It offers a significant amount of multilingual materials on legal issues.
- The site has a much greater range and depth of family law process materials than any other site.
- LSS is well resourced and has the capacity to maintain, update, evaluate and enhance its site on a regular basis.
- The site has limited information on property matters.

LSS aims to make the site accessible through the use of plain language, easy to read formatting, visual displays of information, video, and voice over text. LSS has recently commissioned three reports with a view to improving the accessibility of the site. The reports contain a wealth of information, analysis and recommendations on which LSS will be basing future directions for their site. The literacy review concluded:

From our review of selected publications and website pages, we have discovered many instances and examples of good practice that can lead to high readability. LSS's commitment to creating accessible legal information materials so people can make more informed legal choices is apparent.²

However, the consultants do find many places in which readability could be improved and they make a number of recommendations for doing that.

Another report commented on use of the LSS family law website (FLWS) by intermediaries:

Research activities indicated that in general, they find the site extremely valuable due to its comprehensiveness and language they generally are able to

² Decoda Literacy Solutions, *Literacy Review for the Legal Services Society*, March 30, 2012.

*understand. They use it regularly on behalf of their clients and often refer their clients to specific parts of it.*³

The report also commented on the use of the site by LSS clients with low literacy:

*Research activities indicated that, in general, they were interested in using the FLWS but varied widely in their ability to do so.*⁴

The report concluded that many LSS clients and non-clients who are not familiar with the law —

*either need to be pointed to the right information or be guided through the site.*⁵

Implementing the recommendations of the accessibility reports should help address issues about the readability and navigability of the site and make it more usable for more people without the intervention of an intermediary.

LSS has focused considerable energy on the development of plain language resources. People who may face literacy challenges in trying to use the text-based materials on this site will most likely face similar, if not greater, challenges with other PLEI websites.

The LSS also has a blog (ELAN), popular with professionals and intermediaries. It is currently focusing on the postings related to the new Family Law Act.

LSS is undertaking extensive revisions of all material on its site affected by the Family Law Act. This includes both print and online material. New material will be added to the website where there are gaps created by the new Act. One exception is that LSS has no current plans to update its videos. See Appendix B for details

Canadian Bar Association

The CBA's Dial-A-Law program includes audio/written information on a wide range of civil, family and criminal issues available in Chinese and Punjabi as well as English. It has 29 family law "scripts" that users can read online or listen to by phoning a toll free number.

Most of the information in the scripts overlaps with content on the LSS, ministry, and/or JP Boyd websites.

³ Habañero Consulting Group, *Legal Services Society Family Law Website: Research Findings and Recommendations*, 2012, p. 6.

⁴ *ibid*, p.5

⁵ *ibid*, p.6

There are some scripts that are not covered by LSS or the ministry, including *Who Should Move Out*; *Dividing Family Assets*; *Marriage Agreements*; and *Reporting Suspected Child Abuse*.

The CBA scripts provide users with a quick general overview, always with direction to further service. The online versions are not formatted with any internal links or layering and are presented somewhat densely.

The CBAs family-related Dial-A-Law scripts get about 300,000 “hits” per year. For detailed figures, see Appendix C.

The top three scripts are *Separation Agreements*; *Requirements of Divorce*; and *Annulment and Marriage Agreements*. The CBA scripts are popular on Clicklaw, where they are often listed prominently when a substantive family law topic is searched.

The CBA has not done any evaluation of scripts with users. However, intermediaries identify the CBA as a credible and well-recognized source. The high number of Clicklaw users that link to the CBA scripts confirms this.

Unique features of the CBA’s Dial-A-Law include:

- audio scripts (also available in Chinese and Punjabi);
- information in small discrete chunks (which results in separate topic entries on Clicklaw); and
- an important conduit to Lawyer Referral.

The CBA intends to update its existing scripts to bring them in line with the Family Law Act, but will not be creating any new scripts.

BC Ministry of Justice

The Ministry of Justice Family Justice Website covers the basic topics related to separation and divorce. In doing so, it covers much of the same ground as the LSS website, the CBA scripts, and JP Boyd’s site. At the end of each topic other resources, such as LSS and the CBA scripts, are referred to and links are provided.

In a couple of places the ministry website offers very simplified self-help steps for Provincial Court applications. Currently, all references on the ministry website to Supreme Court process link directly to LSS pages. This is because these ministry pages were not updated when the new Supreme Court Family Rules came into force in July 2010.

Other sections, such as *Who Can Help*, and *Keeping Your Family Safe* provide information also available on the LSS website.

The writing is relatively simple (aimed at a grade 8 level) and presented in a question and answer format.

The overlap between the ministry and LSS websites is often cited as the primary example of duplication in family PLEI and some call for the ministry to abandon its website. However, the website has a number of unique features:

- a simple question and answer format with high level, basic information;
- a considerable amount of information about Family Maintenance Enforcement Program;
- guides for the enforcement of Interjurisdictional Support Orders;
- more detailed information on Family Justice Counsellors, Justice Access Centres and other ministry family justice services; and
- a page on justice reform (which is quite out of date).

The ministry's website has around 140,000 views per month. These are page views and the ministry notes that each page viewed in a PDF is considered a separate page view. So, for example, in January 2012, the PAS Handbook was the most popular document on the site with 46,000 hits, but since the document is 52 pages long, it was actually downloaded 889 times. The ministry has struggled to find the resources required to keep the site up to date. It has not been reviewed or expanded in any significant way since it was launched in 2002 and it has not been subject to evaluation.

Research on the LSS accessibility project shows that many people have an interest in reading official information produced or sanctioned by the government and users often visit the ministry website before visiting the LSS website. The ministry is a primary entry point for many people seeking legal information. Moreover, the ministry arguably has an obligation to provide at least minimal information about legislation and programs for which it is responsible.

The ministry is planning to move its family justice information to the JusticeBC website. Material will be updated as it is moved over.

The **Victim Services and Crime Prevention Division** of the Ministry of Justice creates a wide range of materials for victims, including information for victims of family violence, some of which focuses on family law aspects. They will be updating their material before the new Act comes into force.

JP Boyd

JP Boyd is a Vancouver family lawyer who maintains an extensive family law website. The site provides in-depth legal information covering most family law topics. It also provides commentary and analysis of interest to professionals and intermediaries and appears to be widely used by these groups. It is aimed at users with a high literacy level.

The site is popular, with about 900-1,000 sessions per day. People with government of BC and government of Canada addresses are among his top 20 users.

The site is very current. Boyd had extensive material related to the new Supreme Court Family Rules up well before their implementation and is proactive in developing material related to the Family Law Act. JP Boyd is also working with LSS on their ELAN blog entries on the new Family Law Act.

While we have included information about JP Boyd's site to fill out the family PLEI picture. However, as the website of a private lawyer it does not play a large part in the discussion that follows and we do not make any recommendations related to it.

University of Victoria Law Centre

The University of Victoria Law Centre Family Law Diagnostic Tool contains substantive law information and self-help guides organized around three "Pathways": the Family Law Diagnostic Tool, Quicklinks, and Other Resources.

The Family Law Diagnostic Tool asks users to select a family law topic and then answer a series of questions with a single click; this will lead them to the most relevant information.

The site is a blend of overlapping and unique resources. For example, for some self-help guides, the site links directly to the LSS self-help guide on the identified issue. In other places it links to a Law Centre guide that covers the same ground as another existing guide. It also has guides not found on other sites. (Note that some of its Supreme Court guides are out of date.)

In many places the basic family law topics cover the same ground as the LSS and CBA sites. In some places its substantive information is parallel to that on the LSS site but it also has some unique features, including:

- the diagnostic tool, with questions and answers leading to the most relevant information, including information on other websites;
- information on interjurisdictional orders;

- resources for improving job skills in a section entitled Surviving the End of a Relationship and Becoming Independent;
- a focus on some very specific situations, for example, Information about the Law that Applies to Changing Custody Arrangements when the Parents and Persons Not Related to the Child Cannot Agree; and
- more information on property than the LSS site.

As an indication of traffic volume, for the week April 16 to April 22, 2012, UVic's Pathways tools reported 502 page views.

Justice Education Society

JES stands out from the other primary providers in that it does not focus on core family law information for the general public (as defined on page 5). It has a unique collection of resources, including:

- resources that focus on the psychological-social aspects of dealing with legal issues, in particular the impact of separation and divorce;
- the most advanced use of multimedia materials;
- resources on separation and divorce for children and youth; and
- materials for teachers and schools.

JES delivers the Parenting After Separation Program for the Ministry of Justice. It has additional PAS resources, which include the Aboriginal PAS website, an online PAS course, and Finances After Separation.

JES is the lead agency in the Immigration PLEI Consortium. Family law material on the ImmigrantLegal.ca site is primarily an amalgamation of resources produced by JES and the other primary PLEI developers.

JES plans to update most of its material, including PAS-related and multimedia resources to conform to the Family Law Act. See Appendix B for details.

There is some overlap between JES and LSS video content that will need to be resolved as new materials for the Family Law Act are developed.

In terms of gaps it aims to address, JES identifies the following:

- resources for couples who are not parents (building on PAS expertise);
- dispute resolution resources for couples and parents, to align with the FLA approach of avoiding court;

- rights/interests of children in family cases, to be added to *Legal Rights 4U*, an existing website;
- information on family breakup in *Legal Rights for Youth* (resource in development); and
- new FLA resources for schools and teachers.

For the period **April 1, 2011 to March 31, 2012**, JES had 60,041 site visitors to their online family-related materials. Figure 6 provides details.

Figure 6: Online visitors to Justice Education Society family law resources

<i>Resource</i>	<i>Visitors</i>
Parents	
Parenting After Separation: Handbook	208
Online Parenting After Separation	2337
Aboriginal Parenting After Separation Program	538
Kids in the Middle: Videos, Handbook & Facilitator Guide	203
Children and Teens	
Families Change: Guide to Separation & Divorce – Kids/Teens/Parents	17962
KidsBC.ca: Explore Changeville	2445
New Immigrants	
ImmigrantLegal.ca/family-law	1307
Family law binder for settlement workers	143
CourtInformation.ca: Family Law section	297
Self-Help	
Court Tips for Parents: Representing Yourself in Chambers	8196
Family Law and You: Representing Yourself in BC Supreme Court	3021
Victims Info	20923
Teachers & Schools	
Being an Active Citizen (bccitizenship.ca)	1972
Law Connection: Same-Sex Marriage	165

C. Other Developers of Family PLEI

The section briefly covers organizations that create a relatively small amount of family PLEI. This includes the Peoples Law School, Grandparents Rights, LSLAP, MOSAIC and groups developing material primarily or solely for women leaving violent relationships.

The federal **Department of Justice** produces PLEI materials on separation and divorce. While Clicklaw does not place emphasis on linking into federal government publications under all topic headings, it does link to these family law-related resources.

The **People's Law School** produces few family law resources. Its three family-related booklets focus on child support, child protection, and grandparents' rights (*A Child's Right to Love* is a co-production with the Canadian Grandparents Rights Association). The booklets are used in workshops or handed out to individual clients. They will be updated to reflect the new Family Law Act. The People's Law School has also produced a number of videos on family violence. While these do not emphasize the family law aspects, they are used by intermediaries to understand the impact of abuse and how the law can be used to stop the violence.

UBC's **Law Students Legal Advice Program** produces the LSLAP Manual covering many different areas of law. The manual is primarily for law students giving advice in the program. Since LSLAP no longer accepts family law files, the chapter on family law, which they plan to update to reflect the new Family Law Act, is aimed at community organizations and those looking for self-help information. The Manual is written like a textbook and produced online as a PDF. The tone is more formal and legalistic than the other resources discussed in this report.

MOSAIC produces a family law booklet, but they do not intend to update it for the new Act.

Parent Support Services Society of BC produces three PLEI materials on grandparents supporting grandchildren, including a legal guide. They plan to update their materials when the Family Law Act is in place and it is clearer what its impact will be.

The **YWCA** produces booklets, guides and manuals, some of which relate to family law. They produce *Leaving an Abusive Relationship: Information on Custody and*

Access for Women with Children, which they aim to update. They also produce research papers for intermediaries, such as *Court-Related Abuse and Harassment*. They are currently working on legal information for pregnant women who know they are going to be single mothers.

West Coast LEAF has a publication, *Separation Agreements: Your Right to Fairness*, which gives women a general overview of the financial issues surrounding separation.

The **Battered Women's Support Services** publication, *Resource Manual for Frontline Workers* includes information about family law-related resources.

Part 3 – Intermediaries: Linking People to Resources

Intermediaries are the link between their client and the information resources. The intermediaries consulted for this report provide family law information; some also provide family law services. Those interviewed included librarians, family support workers, legal educators, information outreach workers, community advocates mandated to do family work, and family justice counsellors.

The report also consulted with Native Courtworkers, because although they do not currently provide family services, they are often asked about family issues by members of their communities. Similarly, the report interviewed an RCMP Victim Services Worker in a remote area to get a picture of what happens where no family services are available.

Intermediaries were asked to explore the following questions:

- A. What are their clients' new PLEI needs (if any) as a result of the upcoming Family Law Act?
- B. What family PLEI do their clients use and how do they access it?
- C. What do they see as challenges in meeting the family law needs of their clients?
- D. What gaps and overlaps do they identify in the current materials?

A. PLEI needs and the Family Law Act

There was a strong sense that the PLEI about the Family Law Act needs to be understood as “a living document” that can be revised easily.

Intermediary comments point to the need for “updating” to be approached as an ongoing process with several phases: information now; and information after the Act has gone into effect, focusing on how it is being interpreted and applied.

Figure 7: Ongoing nature of updating

Identifying a need and responding by giving out project funding does not work for resources. They have to be rewritten, revisited, and updated. Otherwise they go out of date in the first twelve months.

The legislation is great but we don't know yet how it's going to roll out. What's going to happen six months after the legislation comes into force?

We will need updated information based on judges' responses. We have to be able to put in inserts and made it a living document – that's a huge thing for all these types

of publications.
We need to see how police manage protection orders – even if it’s legislation we still need enforcement.
With new legislation it takes a while for it to filter out, and we see how it is going to be interpreted. For my group I’d want to wait.

Many of the informants stressed the need to have consistent, easy-to-use information about implementation. They also wanted clarity about dates for implementation. Their comments support the need for a highly visible and credible source of family PLEI.

Figure 8: Needs around implementation

We’re in the grey area now waiting for the Act to go into effect. It would be great if we had one place we could go to and be sure we had the right information. It doesn’t matter who does it. But put it on Clicklaw with a big sign.
I’d like to have LSS clearly identify what is rumour, what is in process, what is a done deal. I get lots of calls about rumours. We need someone to really be on top of that – and to make sure it gets it out to those of us who will be receiving questions.
When exactly is it going into force? Judges are already changing their language. We’ve had women go in for a custody order to find the judge talking about parenting arrangements.

While most intermediaries focused on problem-solving, some took a wider view and saw introduction of the new Act as providing an opportunity for outreach.

Figure 9: Opportunity for broader outreach

Now we have the new Act there is an opportunity to know a little bit more. The new Act is a catalyst for more effective PLEI for family matters.
Information needs to go to the extended family and the whole community as well as to the couple. In particular where there is high conflict, the extended family is likely to be involved . . . and that’s when you want the aunties and uncles to have accurate information.
You need a pretty broad education initiative to get the information out to different audiences. People are going to have a lot of questions – not immediately but over time. It’s a chance to provide information to the public, not just to people going through separation and divorce.

B. Family law PLEI delivery

Informants had comments about which resources they use and how their clients access PLEI information. They made the point that individuals have varying levels of access skills. Some are tech-savvy with strong self-efficacy while others face barriers. Informant responses underlined the fact that people use diverse pathways to access, and seek family law PLEI in multiple formats and languages.

In commenting on the resources they use themselves, informants highlighted core information materials. Intermediaries who also provide family law services often spoke of “walking through” the information with the client, especially when documents need to be prepared. Take-away print information was seen as being a useful way to reinforce the in-person assistance and was often identified as being more important for clients than viewing information online. Some clients cannot deal with print or online materials by themselves; they require in-person assistance at each step.

Figure 10: Resources most often used

My most frequently used resource is the family law website, www.familylaw.lss.bc.ca .
Most of the material is available on the Clicklaw website (except the federal publications).
We use a lot of information but mostly access the information via the LSS family law website or Clicklaw.
Booklets I use most often are <i>Living Together or Living Apart</i> and <i>Kids Rights, Parents Rights</i> . I also use the two People’s Law School booklets, <i>Child Support</i> and <i>Caring for Children</i> . Too bad the Guidelines are only online now. It means I don’t give them as a handout.
The materials most used are the <i>Living Together or Living Apart</i> booklet and the LSS website. The LSS bookmarks and the <i>Families Change</i> website are also popular. FJCs use the Department of Justice Canada booklets on Child Support Guidelines, divorce law, and <i>What Happens Next?</i> [for children]
With clients who can read them, we hand out <i>Living Together or Living Apart</i> and the YWCA family law booklet [<i>Leaving an Abusive Relationship</i>]. We work mainly with women so the Y booklet works better for us and reflects the reality of what our clients are dealing with. It goes into more detail about what your options are in an abusive situation. <i>Living Together or Living Apart</i> is more general and tries to be gender neutral. The Y booklet used to be available in Punjabi, which was very helpful.

Clicklaw is OK and easy to navigate – but only if you are comfortable doing that.
Grandparents need hard copy. Keep up the hard copy. Plain language written materials always have some assumption about prior knowledge, prior experience. Grandparents could use a road map: this is step one, step two, step three.
It was stressed by FJCs in the north that it is very important to keep print materials available for clients. There are a significant number of clients in the north who do not have high speed internet or access to the internet at all.
Clients won't use these materials. Staff use these materials.
Few clients go to the Clicklaw website – they tend to get the print materials from the FJC.
I don't often use the internet or publications with my clients. They need the in-person communication. When the literacy rate isn't great, you're back to the human being one-on-one, walking every step of the way with the client. But if a community worker calls from another town I will recommend a website.

When intermediaries commented on priority needs, they focused on substantive content and also on the ways that content would be best delivered to their audiences. They also pointed out that they are not yet receiving feedback from their communities about the new Act – “it’s not on the public radar yet.”

Figure 11: Priority content needs

The biggest needs will be in regard to court forms and definitions found on websites like Clicklaw and the family law website. We also often walk people through the self-help guides found on this site and some changes will need to be made.
It's not just about translation – it's about visual ways of sharing information.
Help us see where the changes are. We need a comparative table between the old and the new legislation.
A concordance would be useful.
The Divorce Act alongside the Family Law Act is going to be a bit of a nightmare. I'll be spending time explaining the different terms to our clients. As well as a chart about the old and new act, we'll need a chart about the Family Law Act and Divorce Act
Although the LSS website does have a link regarding upcoming changes, the information is directed towards “community workers.” It may be helpful to have a link for the lay person that explains upcoming changes (similar to the prominent

link on the JP Boyd website).
I'd like to see discussion of parenting coordinators. How much is this going to cost? If it's court mandated, what happens? Parenting coordinators will be appointed in high conflict cases of violence and abuse. Who is doing the violence training for parenting coordinators? There is a very neutralizing perception that there will be cooperative parents. [It may obscure the power dynamic in the relationship.] The information developed needs to raise and address these "reality flags."
I can say that a big gap is a client friendly explanation of the new parenting terms and what their options are for defining their parenting plans. I think people will want that.
There is terminology that needs explaining: Who is a spouse? What is family violence?
With the push towards mediation and alternate dispute resolution, there might be a need to explain those a little bit more. That includes fleshing out how you use those processes and how you use the resources – what FJCs can and cannot do, where to go for property and so on
There is a need to let people know that family violence is specifically identified in the Act.
With limited resources, I don't see information for people dealing with reproductive technology as being a priority. People who can afford to use reproductive technology will have the financial means to access lawyers.
I can tell you that guardianship is going to be a tricky one to explain.

In terms of delivery, intermediaries stressed the need for training so that they can provide assistance appropriate to the needs of their clients. They also identified the need to provide information about the new Act in ways that are familiar and credible in their communities.

Figure 12: Priority delivery needs

The priority would be to provide the information to the frontline workers. Even with the web, we need training around issues and resources to develop the capacity to help our clients.
The way to provide information about the Act is to deliver materials in face-to-face information sessions on reserve. We have the networks to pull this together quite quickly.

C. Challenges to meeting client needs

Informants identified challenges in ways that are completely consistent with legal needs research. In the case of family problems, these challenges are compounded by stress, which may be further exacerbated by fears of losing children and fears about safety. Challenges are layered and complex; they range from literacy concerns to problems of self-representation and the lack of any local services.

Figure 13: Challenges to meeting client needs

You can have something online or in print but I still need to sit down and talk with them. Think about a Grade 2 or 3 functional literacy – even if they went to a higher grade in school. Probably what come closest to being useful in print are those LSS criminal materials about next steps. Even when you’ve done all the consulting and made it as plain and simple as you can, *it’s not simple enough*.

I say I’m an interpreter. Lawyers speak a different language that is intimidating for the average Joe. Even with a good lawyer who is understandable, there is a lot of fear and trauma. They are not really understanding even though they nod. They need a lot of interpretation. Directing them to different resources doesn’t work.

We assume people know what family law means. I’ve had people who thought it covered sponsorship, because you’re bringing in a family member, and wills and estates, because it’s about leaving things to your family.

There is the fear of the court system and someone taking the kids away.

Victims are stressed and they can’t take the information in.

Women living in poverty may stay with their abusive partner for a long time because don’t have any resources to get out the situation; they often continue to face abuse through court-related harassment . . . their legal aid can get used up. When the time comes to go to court they have to self-represent, and often their former partner self-represents and takes the opportunity to continue the abuse.

In my work [with victims] family issues come up from time to time. I have used Clicklaw to try to help one woman about custody. If they have to go to court on a family matter, it’s 200 miles east and most don’t have a car. And most don’t have a phone. There is a public phone in the band office – not the best place for telling someone about family matters. We used to have a family services worker for the band but now we don’t. The public library is open two afternoons a week – she will help, but people can be frightened to speak up. Many here are not officially married and they have no property. Some might have a vehicle that’s an asset. With children, it’s pretty tough. Usually when they split they try to work it out and there are no protections for anybody. This is all very common, especially in the more remote reserve areas.

D. Gaps and overlaps in current materials

In this area informants often expressed positive views about the body of PLEI currently available, with remarks such as “LSS family law is amazing” and, “We are all in love with Clicklaw; we use it as our springboard.” In some cases specific advantages were identified. For example, library informants pointed to the importance of having the LSS family law self-help guides and forms, now that Self-Counsel materials feature a CD with a limited number of downloads.

Some informants focused on specific resources that need to become available again, or that need to be updated.

Figure 14: Gaps in current materials

I'd like to see short clear information just on divorce. Something nifty that can be downloaded. (We'd first have to see what federal resources are available.)
It would be helpful to have the Y booklet available again in Punjabi. It would also be helpful to have <i>Living Together or Living Apart</i> in Punjabi.
We need something about FMEP in areas where jobs are highly seasonal. You need to notify FMEP right away when your income changes. It's usually men - they get into arrears; they don't have their documentation, and we can't help them.
Some clients have a preference for print materials or may not have access to online info. There may be a gap in print information available on how to access legal services/information outside of major centres.
There are some gaps in the resources for <i>Living Together or Living Apart</i> , like Parents Support Services. In addition to adding new content about protection orders, new resources need to be added for family violence, sponsorship, and living on reserve
If there is something that needs to be changed, that's the forms. They are difficult for me to fill out, let alone the client.

The conversation about overlaps was basically a non-starter with intermediaries. They want more rather than less and appreciate whatever is provided. In general, the intermediaries did not express active concern about overlap, nor did they see it as causing confusion for their clients.

Figure 15: Overlaps in current materials

I don't see much in overlaps. People's Law School has the booklet on child support and there isn't much about it on the LSS family site. I find the JP Boyd site and the LSS site quite complementary. I like complementary rather than competing.

No major overlaps.

Conclusions to feedback from intermediaries

1. The new Act is an opportunity, a catalyst for more effective family PLEI.
2. PLEI around FLA is an ongoing process, not a one-time event
3. Accurate, up-to-date information about the Act should be available in a highly visible place.
4. Intermediary use of family PLEI is widespread; client use depends upon individual capacity and barriers to access.
5. Family PLEI exists on a continuum of client need, ranging from those who can be pointed to resources, and those who need to be guided through resources, to those who can deal with their legal issue only through one-on-one assistance.
6. In response to the continuum of client need, family PLEI must be provided in a range of languages, resource types, and formats; must accommodate a range of comprehension levels and learning styles; and must direct users to available sources of in-person support.
7. The primary PLEIWG producers play the major role in family PLEI. Smaller groups have a valuable role to play in producing specialized PLEI for their audiences.
8. Training the intermediaries is integral to the PLEI process. This could involve (a) orientation to resources they will use with their clients; and (b) provision of advanced information specifically targeted to intermediaries.
9. Family-related PLEI should take into account the content and delivery suggestions that emerged from this consultation process.

Part 4 – Preparing for the Family Law Act

In Part 1, we noted what each developer is doing to prepare for the Family Act. The following charts summarize the family PLEI being updated and in development.

Note that detailed lists of LSS's and JES's plans for updates are at Appendix B.

Figure 16: Summary of resources being updated

Existing Resources	
DEVELOPER	UPDATING
LSS	Fact sheets, FAQs, self-help guides, Living Together or Living Apart booklet, Live Safe—End Abuse brochures. (See detailed list at Appendix B.)
JES	Separated with Children resources, Families Change website, and Changeville website are top priorities. (See detailed list at Appendix B.)
CBA	All its existing scripts, but not creating new ones
MINISTRY	Material that is moved to JusticeBC, the extent of revisions is to be determined.
JP BOYD	Entire site
UVic	<i>Pathways: the Family Law Diagnostic Tool</i>
YWCA	<i>Leaving an Abusive Relationship: Information on Custody and Access for Women with Children</i>
VICTIM SERVICES	Violence related resources
PARENT SUPPORT SERVICES SOCIETY OF BC	Materials on grandparents supporting grandchildren (when the Act is in place and it is clearer what its impact will be).
PEOPLE'S LAW SCHOOL	<i>Child Support</i> , resources in <i>Caring for Children</i> , and <i>A Child's Right to Love</i> .

Figure 17: Summary of new resources being developed

New Resources in Development	
DEVELOPER	RESOURCE
MINISTRY AND CLE	Family Law Act Transition Guide - based on the extensive material prepared by the ministry as background to the development of the Act. This will include a description of each section, any corresponding FRA provision and how the FLA section is

	different, the policy underlying the change, and some information about similar provisions in other jurisdictions.
LSS	Transition information – how the new Act affects you.
LSS	Expenses, parenting coordination, applying for a protection order, relocation, disclosure, denial of and failure to exercise parenting time or contact

With the completion of this work, most of the core family law topics will be covered when the Act comes into force.

While topic areas may be adequately covered for the Family Law Act implementation, the introduction of the Family Law Act provides an opportunity to rationalize the delivery of PLEI materials by reducing some of the overlap, encouraging complementary materials, thinking about how information is delivered, and linking the existing materials to each other. The final section of the paper will consider some ideas for doing that.

In addition, our survey of existing materials and interviews with developers and intermediaries has exposed a number of key content areas and implementation approaches that will need attention.

Dispute Resolution and Agreements

A major goal of the new Act is to support and encourage the use of agreements. Other than commercial products like the Self-help Counsel Series booklet, there are few PLEI materials that provide guidance on how to create agreements. This has been avoided, in part, because of the complexity and risk involved in providing this kind of self-help material. However, given the emphasis on agreements in the new Act, the major developers should explore the viability of producing this type of resource.

Revised and new PLEI resources should also reflect this shift of focus by emphasizing collaborative decision making and providing users with information about where to find resources to help them resolve disputes. JES has identified dispute resolution resources for couples and parents as a gap.

Parentage Provisions

The parentage provisions may affect only a small number of people and are complex, but there should be some PLEI resources available for those who do need them. They also reflect an important social policy initiative that may be of interest to people who are not directly affected.

Ongoing Updating

Resource development should be viewed as a process that allows for ongoing updating. Materials need to be accurate when the Act comes into force. They will also need to reflect how the legislation unfolds in practice.

Training for Intermediaries

Intermediaries in the community will need to know what the changes are and what resources are available.

Part 5 – Recommendations for the Future of Family PLEI

A. Introduction

Recommendations for the future of family PLEI in BC are made within the context of PLEI WG's Shared Vision Leadership Agreement, whose objectives are as follows:

- Improve the delivery of PLEI to the public.
- Avoid unnecessary duplication.
- Use resources effectively.
- Identify how the work fits in the PLEI landscape.
- Identify opportunities for cooperation, collaboration or partnership.
- Advance the value of PLEI in BC.

The need for this report was driven by concerns that there is a considerable amount of overlap and duplication in family PLEI and that people find it difficult to find what they need. These concerns sometimes lead to the call for a single authoritative source for family PLEI.

While we do recommend that LSS be acknowledged and supported as the primary provider of core family law information for the general public (as defined on page 5), we do not recommend it be the only provider. We are not in favour of a single source of all family PLEI. Users seek different types of information in different ways and individual organizations have mandates and abilities that qualify them to provide unique resources. Further, given the complexities inherent in making any one provider responsible for meeting all of the diverse needs, we believe it would be untenable to call upon LSS to assume such a role.

At the same time, we believe there is room to reduce overlap and duplication, to recognize and promote the primacy of the LSS site for core family law information for the general public, and to more clearly define the roles and expertise of each developer.

It is our view that explicit navigation to family PLEI on Clicklaw, together with greater and more prominent linkages among sites is the way to go, rather than shutting down all family content on other sites and asking LSS to do everything.

B. Reducing Duplication and Overlap

Basic Information on Main Topics

The primary area of duplication is in basic information for the general public about the main family law topics, such as guardianship, custody, access, child support and spousal support. These topics are currently covered by LSS, CBA, the ministry,

UVic, JP Boyd, MOSAIC, and LSLAP. As noted in Part 2, the tone and style of each site is different and may be appropriate for different audiences.

JP Boyd's site is private, MOSAIC does not plan to update its booklet, and LSLAP's material is part of a learning resource for law students.

The CBA could liaise with LSS to ensure that their scripts complement the information offered on the LSS site, and provide direction to all relevant resources.

The addition of the ministry family justice information to the JusticeBC website provides an opportunity to refashion the ministry site as a major conduit to all other family PLEI while reducing overlap and decreasing the resources required to maintain the site. The ministry could reduce duplication and greatly enhance linkages by keeping substantive information on topics addressed on other sites to a minimum and then providing clear, front page links to more in-depth substantive information, self-help guides and multi-lingual and multimedia resources.

The UVic site has a unique format (the diagnostic tool described in Part 2) which aims to lead users to the most relevant sources of information, both produced by UVic and other developers. This format could be preserved but, instead of revising the substantive content of the site, UVic could link more frequently to existing material, particularly on the LSS site. The unique components of the site could be maintained.

Self-Help Guides for Family Law Act processes

The step-by-step guides we are referring to in this section are those that are used for making agreements and various types of court applications.⁶ LSS is the main provider of this type of self-help guide, but UVic, the ministry and the CBA also publish self-help guides on topics dealt with in the LSS guides. For example, LSS and the CBA both publish guides on applying for an interim order in Supreme Court; LSS and the ministry have guides for making applications in Provincial Court; and both LSS and UVic produce guides on applying changing orders in Provincial Court. (UVic also has guides not offered by LSS, such as on how to get a restraining order.)

In our view, there is no need for multiple self-help guides on the same core family law processes. Guides should be produced by a single developer, ideally LSS.

Family-law related Family Violence Materials

As noted in Part 2, there are a number of organizations producing PLEI materials related to family violence. This can give the impression of there being an

⁶ Note that this includes ADR processes.

abundance of overlapping family PLEI in this area. However, many organizations do not focus on the family law issues associated with family violence but instead deal with a range of criminal law, emotional, cultural, practical, and resource issues related to family violence.

Materials developed by LSS, the ministry, and the YWCA provide family PLEI information for the public on this issue. The LSS materials are the most extensive while the YWCA materials are tailored specifically for women leaving abusive relationships. The ministry's booklet on protection orders (co-produced with LSS) provides detailed information about the legal process.

It is our view that these three sources of information should be maintained and enhanced, with updating as needed.

The ministry may wish to review its summary online information, while the UVic information already focuses primarily on referrals. (The CBA's family violence information has a predominantly criminal focus.)

Recommendation 1: PLEIWG members should review their individual sites to reduce duplication and overlap and implement the changes outlined in this section.

C. Identifying Unique Roles for PLEI Developers

In our view, it would be useful for PLEIWG to identify the different areas of expertise among PLEI providers. We approach this in two ways: from the perspective of the organizations and then from a user's perspective.

If PLEIWG could agree about their respective unique roles, areas of expertise would guide decision-making about materials. New materials would be developed by the organization that has the expertise.

Areas of expertise from the developer's point of view

Legal Services Society

We propose that PLEIWG identify LSS as the primary provider of core family law information for the general public (as defined on page 5). This involves the following:

- Family PLEI resources should be developed with reference to LSS's role as primary provider of core family law information for the general public.

- If LSS takes on this role it will need to expand its focus to include areas it does not address in any depth at this point, including property and debt, pensions, parentage, how to deal with interjurisdictional orders, and making and enforcing agreements
- If LSS takes on this role, it should align its site more closely with the goals of the new Act by continuing its move to place greater emphasis on reaching agreement.
- LSS should explore publishing basic information about main family law topics as Creative Commons materials. The Legal Services Society sites already indicate⁷ that non-profits are encouraged to copy information as long as they give credit to LSS. A Creative Commons licence could take this process further. For example, LSS could create standard plain language descriptions of common FLA terms and processes for use across the BC family PLEI environment. While LSS would need to examine the implications of this for their organization, it is our view that Creative Commons publishing would be a goal worth exploring.
- LSS should be the sole producer of family law self-help guides on court processes.
- LSS should seek funding to increase its visibility beyond its traditional clientele and enhance its brand as the primary source of family PLEI.

Recommendation 2: PLEIWG members should identify LSS as the primary provider of core family law information for the general public (as defined on page 5).

Ministry of Justice

The ministry has a responsibility to provide those affected by its laws with some guidance about their use and application. Some people going through separation and divorce seek legal information from government because they see it as the authoritative source.

Based on our understanding that all family justice information will be moved to the JusticeBC website we recommend that the ministry site:

- provide a minimal amount of core legal information on the primary

⁷ Legal Services Society sites state: “British Columbia's Legal Services Society holds the copyright to all information on this site. None of this material may be commercially reproduced, but copying for other purposes, with credit, is encouraged.”

substantive law topics and then have prominent links to LSS and other resources;

- not include any self-help guides;
- continue to include its more detailed information on family maintenance enforcement, family justice services, and family justice reform; and
- provide highly visible links to the most relevant materials on other sites, clearly defining the type of resources be linked to.

Canadian Bar Association

The CBA is a recognizable source of expertise, with a direct link to the main lawyer referral network in the province. We recommend it use the strength of its brand to better help users find more information on the family law issues in each of its scripts. For example, there are no links in the CBA scripts to relevant JES resources and often there is no link to highly relevant LSS resources, such as self-help guides.

The CBA should also consider available research on accessible PLEI when updating its scripts and make them more user-friendly.

University of Victoria Law Centre

UVic's diagnostic tool is unique but could be designed to link to existing resources in order to reduce duplication. Or, if LSS accepts our recommendation about publishing basic information under Creative Commons, the site could reproduce information from LSS where appropriate.

As recommended above, LSS should expand its website to include resources on some of the topics addressed in more detail on the UVic website, including inter-jurisdictional orders and property.

Justice Education Society

We recommend that JES:

- support and enhance its resources aimed at children and youth;
- publish materials focusing on the psychological and social aspects of separation and divorce, which assist users to understand impacts on their lives;
- maintain its suite of Parenting After Separation resources; including the Aboriginal PAS; and
- continue to provide family law information for teachers and schools.

Other developers

The People's Law School's booklets, *Child Support* and *Caring for Children* should be maintained because they provide useful summaries in an accessible format.

We also support the maintenance of materials produced by the smaller developers for their specialized audiences. They include the YWCA's booklet, *Leaving an Abusive Relationship* (referred to above).

PLEIWG: coordination and sharing

Some positive changes that apply to family PLEI could also apply to other subject areas. The following two recommendations should be viewed in that light.

Recommendation 3: PLEIWG members should adopt the practice of routinely sharing research and evaluation reports with each other. This would give other developers the opportunity to apply appropriate information to their own materials.

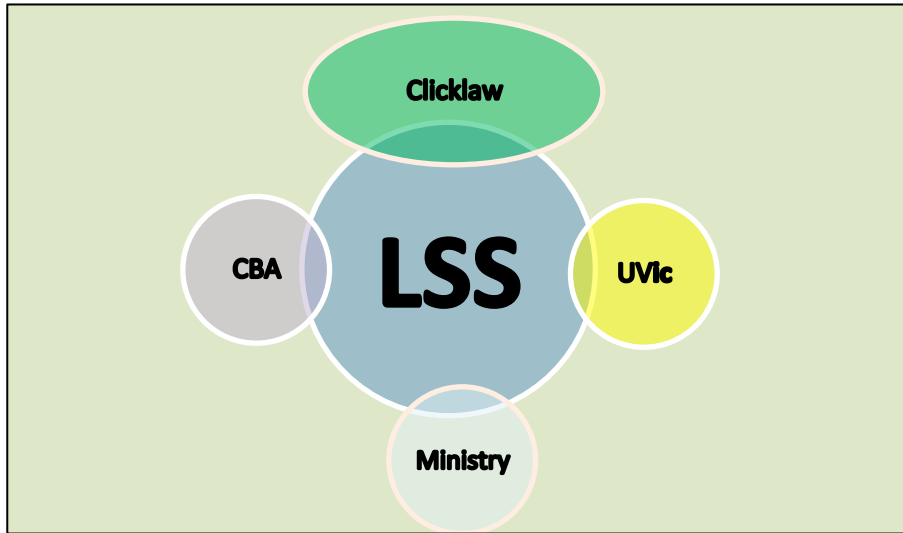
Recommendation 4: PLEIWG members should agree upon a common terminology for reporting website metrics.

Areas of expertise from the user's point of view

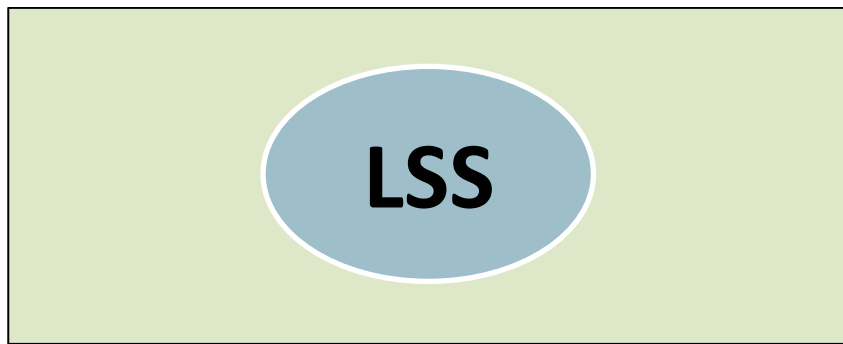
The proposed PLEWIG areas of expertise from a user's point of view can be illustrated by answering a few basic questions in a graphic way.

Note that as the PLEIWG portal, Clicklaw could be the starting point for finding answers to any of the following questions.

1. I need to understand the legal issues related to my family law problem. Where do I start?



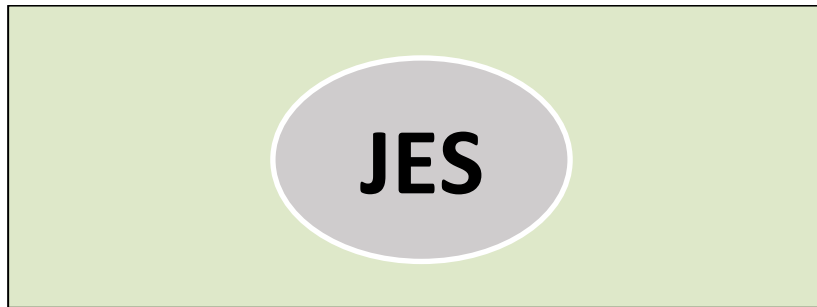
2. Where are the guides and forms I need for my court process?



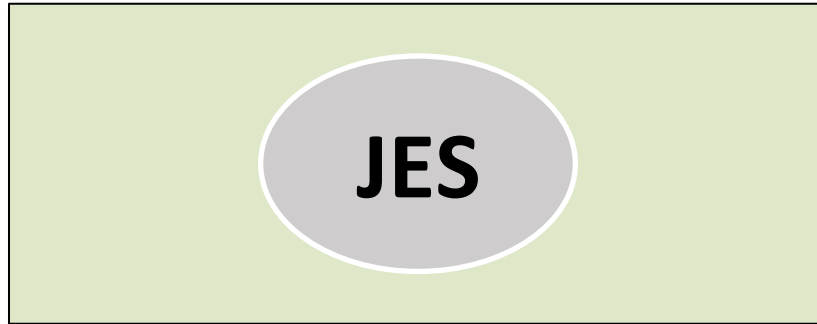
3. Where can I find someone to help me?



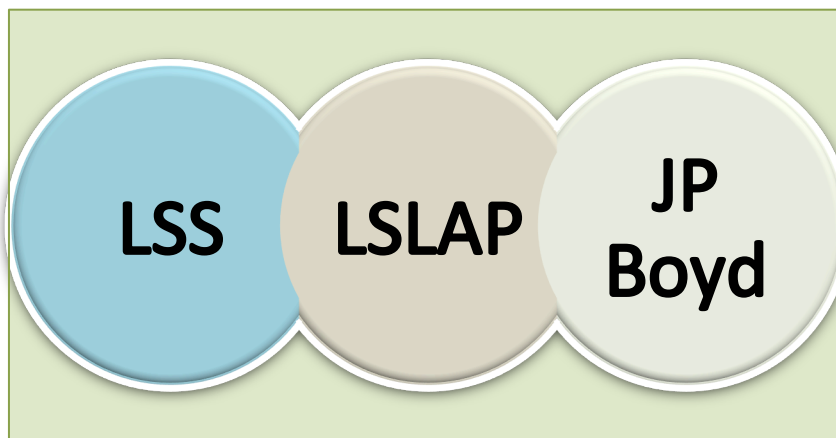
4. Where can I get information about family law for children and youth?



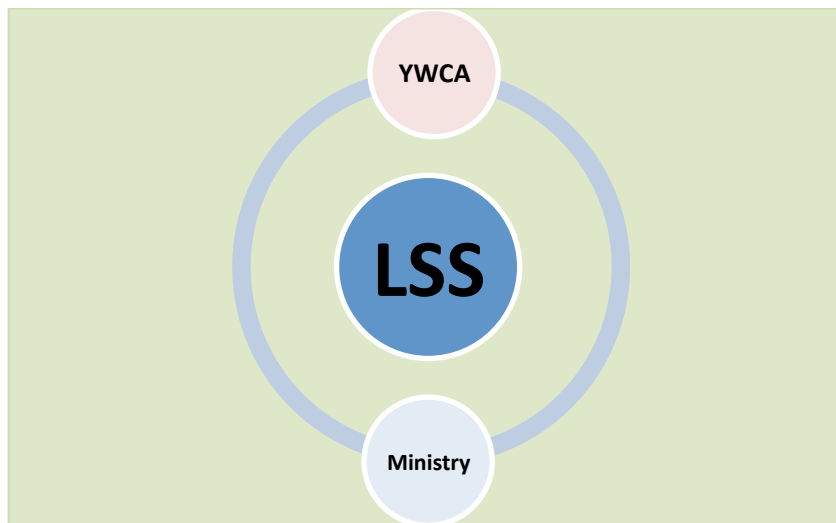
5. How will separation affect me and my kids emotionally?



6. Where can I find advanced information to help me assist my client?



7. Where can I get details about family law aspects of family violence?



8. Where can I find family law information teachers can use?



Recommendation 5: PLEIWG members should identify unique roles and areas of expertise, and use them to guide decision-making.

D. Helping Users Find and Use What They Need

Given that we are likely to continue to operate in an environment where multiple developers are providing some overlapping but largely complementary materials, there is an acute need to help users find what they need.

Clicklaw: directions to family PLEI

Clicklaw is PLEIWG's portal. When users seeking family law information enter Clicklaw's family law page on in the Solve Problems section, the most prominent feature is the Google-style sort by "most viewed" (it can be changed to an alphabetical listing). Users may also search by subtopic, language, resource type and media format. Most likely they opt for "most viewed," possibly refined by subtopic, and start hunting.

Professionals, by contrast, know how to navigate. For example, the BC Distance Family Mediation Blog recommends "go-to" sites⁸ for professionals as follows:

The Legal Services Society Family Law website: This website is hard to beat for sheer breadth of information. With all its self-help guides, factsheets, information videos, multilingual resources, links to acts and regulations (and much, much more), the site covers pretty well any family related topic I can think of – and in language even I can understand.

JP Boyd's BC Family Law Resource Blog: The incomparable JP Boyd is my all-time favourite family law blogger. His Family Law Resource blog is a veritable treasure trove of easy to understand facts and interpretations about everything related to BC family law.

⁸ <http://distancemediation.ca/> blog March 2, 2012, "My Big Three Family Law Information Powerhouses." (Third pick was the BC Courthouse Libraries BC Family Practice Portal.)

The Clicklaw user seeking family law information would be similarly assisted by expert direction. Indeed, the need for this information is all the greater for Clicklaw users. They are not legal professionals and their family law problems affect the most personal part of their lives. In this context, more is needed than “most viewed.”

Clicklaw needs to interpret the family law landscape so that viewers have the best chance of finding what they need. For example, Clicklaw could add a feature that provides expert directions to the “go-to” family law sites and/or provides direction based on the nature of the family law issue. This strategy may be analogous to a bookstore’s “picks” or it may be more substantive wikibook information organized by priority user interests.

Recommendation 6: Clicklaw should undertake an examination of the best way to provide users of family law materials with clear directions to available resources.

Linkages

On the websites of individual Clicklaw contributors, the linkages with other related PLEI sites are quite muted. For the most part, a PLEI provider will identify the work of another provider in a “help” or “links” or “resources” section. As one developer comments, “We have been producing materials as if no one else existed.”

Family law PLEI developers could use much more visible online ways to let users know about the other resources available. To name just two examples, users of the LSS family law website might benefit from linkages for JES’s “Programs and Resources for Parents” in appropriate places (e.g. on the “Children and Teens” landing page). Users of the ministry site would benefit from more visible links to more in-depth related material on the LSS site (the links to other resources are usually multiple clicks away from the first screen on a topic). As suggested above, the addition of the ministry Family Justice Website information to the JusticeBC site provides an opportunity to substantially refashion the ministry site as a major conduit to all other family PLEI and the CBA could more effectively use its visibility and credibility to direct users to other resources.

Recommendation 7: PLEIWG members should review their websites to identify optimal places to provide linkages, and then work collaboratively to facilitate their addition.

Family law resources and PLEI presentation

The PLEI community aims to provide truly interactive, client-centred online resources about family law that reflect the needs and concerns of the individuals

who use them, while taking into account their emotional and psychological state. The decision to end a relationship is an extremely stressful one, and stress creates challenges for people seeking to find, retain, and apply information.

In the PLEI materials, more could be done to address these realities through navigation, organization and design. In the online environment, in particular, users encounter information without the reassurance of personal interaction.

Further, while the main PLEI resources are extremely helpful to intermediaries, we have heard from them that the format and style of much of the print material is not adequately accessible to those with lower literacy levels. This is confirmed by the LSS's recent accessibility study. (Note that Recommendation 3 involves the sharing of research studies.)

Recommendation 8: Family PLEI materials should reflect best practices that take into account the literacy levels and the emotional and psychological state of different users.

Family law resources and PLEI intermediaries

PLEI research has shown that people seek legal information in places that are familiar to them and in ways they feel comfortable with. Based on the consultations for this report as well on the body of PLEI research, we know that significant numbers of users look to intermediaries in their communities in order to gain access to family law information. We also know that intermediary support is particularly vital for Aboriginal people in rural and remote areas and for new immigrants who are dealing with language barriers.

Recommendation 9: PLEI responses to the new family law legislation should include the provision of training for intermediaries, with priority given to those who serve Aboriginal and new immigrant communities.

Family law education/awareness

This report reflects the fact that many of the current BC PLEI family law materials are focused on problem-solving for those who are going through separation or divorce. Yet so many PAS participants, for example, say they wish they'd "known about these things sooner." Family PLEI could aim to reach family-serving organizations across the province. Strategies could include the provision of basic family law information in ultra-plain language with visual aids, for use in groups' staff information-sharing sessions, workshops and communications vehicles. The major PLEI developers could also provide linkages for targeted websites.

Further, the PLEI focus on materials for schools has greatly diminished over the past decade. The new Family Law Act could provide the impetus needed to renew this commitment, given the importance of awareness among a generation whose personal lives will be touched by the legislation.

Recommendation 10: PLEI responses to the new family law legislation should include attention to the need for education/awareness for communities and for schools.

Appendix A: List of Organizations Consulted

List of Organizations Consulted

CBA, BC Branch (CBA)
Courthouse Libraries BC, Clicklaw
Ending Violence Association
JP Boyd
Justice Education Society of BC (JES)
Legal Services Society (LSS)
Ministry of Justice (the ministry)
MOSAIC
Native Courtworker & Counselling Association of BC
Parent Support Services Society of BC
People's Law School (PLS)
PovNet
RCMP Victim Support Services, Anaheim Lake
Shed Society Legal Advocacy Services, Bella Coola
South Fraser Women's Services Society
UBC Law Students Legal Advice Program (LSLAP)
University of Victoria Law Centre (UVic)
Vancouver Public Library
West Coast Women's Legal Education and Action Fund (LEAF)
YWCA Stopping Violence Against Women Program

Appendix B: Legal Services Society and Justice Education Society Materials

I. LSS FAMILY LAW WEBSITE & PRINT REVISIONS

Note: Since the Family Law Act concepts do not line up perfectly with the Family Relations Act concepts; many existing pages will not just be edited. Instead information will be organized differently to reflect new approaches. For example, pages on custody will not simply be replaced by pages on parenting arrangements.

LARGE	
REVISIONS TO EXISTING MATERIAL	
All material	In making orders or agreements respecting guardianship, parenting arrangements, or contact with a child under the FLA, the parties and the court must consider the best interests of the child <u>only</u> . This notion will have to be incorporated into all material dealing with parenting issues.
Costs http://www.familylaw.lss.bc.ca/resources/fact_sheets/costs.php	The FLA has provisions allowing the judge to order one party to pay certain expenses. This is a new concept and should be added to the fact sheet on costs (or could be the subject of a separate fact sheet – see below).
Property issues and common-law relationships http://www.familylaw.lss.bc.ca/resources/fact_sheets/Property_issues_common_law.php	Common law couples (married for more than 2 years) will be subject to the same property division rules as married couples and the rules for married couples have changed. This fact sheet should be rewritten to set out the new rules that apply to both.
Staying Out of Court http://www.familylaw.lss.bc.ca/resources/fact_sheets/stayingOutOfCourt.php	The FLA emphasizes out of court dispute resolution and agreements. This fact sheet should be revised to reflect the focus on agreements, the new rules for enforcing and challenging agreements, as well as other provisions that support out of court dispute resolution. It will have to be determined how this information fits with the information in this fact sheet. Two fact sheets may be required (see below).
What Makes an Order Final http://www.familylaw.lss.bc.ca/resources/fact_sheets/final_and_interim.php	The FLA has new provisions related to appealing interim orders which need to be incorporated into this fact sheet. There may also be terminology changes flowing from SCFR changes.

<p>Access</p> <p>http://www.familylaw.lss.bc.ca/resources/fact_sheets/access.php</p>	<p>This has changed to contact with a child. The FLA also has new access enforcement provisions which should be included in this or a new fact sheet.</p>
<p>Can you and your children move to another city when you share child custody and your ex doesn't agree with the move?</p> <p>http://www.familylaw.lss.bc.ca/resources/fact_sheets/movingWithChildrenIfExDoesntAgree.php</p>	<p>The FLA sets out new provisions governing relocation. This FAQ should be replaced by a new fact sheet (see below).</p>
<p>Custody</p> <p>http://www.familylaw.lss.bc.ca/resources/fact_sheets/custody.php</p>	<p>Custody and guardianship are conceptualized differently under the new act and referred to as parenting time, allocation of parenting responsibilities and guardianship. This fact sheet will have to be rewritten.</p>
<p>Guardianship</p> <p>http://www.familylaw.lss.bc.ca/resources/fact_sheets/guardianship.php</p>	
<p>Grandparents Access Rights</p> <p>http://www.familylaw.lss.bc.ca/resources/fact_sheets/grandparents_rights.php</p>	<p>This fact sheet will need to be revised to reflect the new terminology and the new test.</p>
<p><i>Living Together or Living Apart: Common-Law Relationships, Marriage, Separation, and Divorce</i></p> <p>http://www.familylaw.lss.bc.ca/resources/publications/pub.php?pub=347</p>	<p>Substantial changes to every chapter in this booklet are required to address all the issues listed in this document.</p>
<p><i>Live Safe — End Abuse Fact Sheets: Custody, Guardianship and Access</i></p> <p>http://resources.lss.bc.ca/pdfs/pubs/liveSafeCustodyGuardianshipAccess_eng.pdf</p>	<p>This pamphlet will need a total rewrite to reflect the new concepts of parenting time, allocation of parenting responsibilities, guardianship and contact with a child. For example, the headings include “Your custody rights” and “your access rights”. The changes in the FLA reflect a focus on parents’ responsibilities as opposed to their rights.</p>
<p>Provincial Court Family Rules</p> <p><i>Provincial (Family) Court: Getting Initial Orders for Custody, Guardianship, Access, and Support Flowchart</i></p>	<p>Changes will be made to the SCFR necessary to implement the FLA including terminology, provisions dealing with enforcement of agreements, parenting determinations, expenses. The guides will have to be revised accordingly. All guides will need to be reviewed for terminology changes.</p>

POSSIBLE NEW FACT SHEETS OR GUIDES	
Filing and Enforcing Agreements	See above
Parenting Coordinators	Under the FLA parenting coordinators can be appointed by agreement or order and their determinations are binding if filed with the court. The FLA also contains provisions for setting aside determinations.
How to Apply for a Protection Order Under the Family Law Act	The restraining order has been replaced by a protection order, which covers different situations and people, relies on a new test for family violence and uses a different enforcement process.
Expenses	The FLA has provisions allowing the judge to order one party to pay certain expenses. This is a new concept and could be the subject of a new fact sheet or incorporated into the fact sheet on Costs (see above).
Relocation	The FLA sets out new provisions governing relocation. This should replace the FAQ on moving with your child (see above).
Parentage	The FLA sets out a new legal regime for determining who is the parent of a child.
Disclosure	The FLA emphasizes the importance of early and full disclosure and has a number of new provisions related to disclosure. These should be set out in a new fact sheet.
Denial of parenting time or contact and failure to exercise parenting time or contact	These are new provisions dealing with enforcing orders or agreement for parenting time or contact.
Agreements	See Staying Out of Court, above.

MEDIUM	
Aboriginal people and family law issues http://www.familylaw.lss.bc.ca/resources/fact_sheets/Aboriginal_people_and_family_law_issues.php	Concept changes to custody, access and guardianship references
Spousal Support http://www.familylaw.lss.bc.ca/resources/fact_sheets/spousal_support.php	The FLA includes new guidelines for reviewing spousal support that should be included in this fact sheet.
Can you get custody of your younger brother or sister?	Change concept of custody to guardianship and parenting time.

http://www.familylaw.lss.bc.ca/resources/fact_sheets/custody_younger_brother_sister.php	
Contested (Defended) Divorce http://www.familylaw.lss.bc.ca/resources/fact_sheets/contested_divorce.php	Make changes to section on agreements to reflect emphasis of agreements in new Act.
Separation Agreements http://www.familylaw.lss.bc.ca/resources/fact_sheets/separation_agreements.php	Change terminology and section on agreements to reflect emphasis of agreements in new Act.
What if your ex is harassing you through the courts? http://www.familylaw.lss.bc.ca/resources/fact_sheets/courtHarassment.php	Revise to reflect new provisions on misuse of process (and see recent decision on vexatious litigant).
Debts and common-law relationships http://www.familylaw.lss.bc.ca/resources/fact_sheets/Debts_and_common-law.php	Consider impact of new references to division of debt and common law rules re property division
What if one party lives outside BC? (interjurisdictional issues) http://www.familylaw.lss.bc.ca/resources/fact_sheets/what_if_one_party_outside_BC_Interjurisdictional.php#whatIfFiledAnApp	Change to reflect new rules re service outside the province
How can you prove you're separated if you and your spouse still live together? http://www.familylaw.lss.bc.ca/resources/fact_sheets/howToProveYouAreSeparatedIfYouStillLiveTogether.php	Change to reflect new provisions re separation
Supreme Court Family Rules	Changes will be made to the SCFR necessary to implement the FLA including terminology, provisions dealing with enforcement of agreements, parenting determinations, expenses. The guides will have to be revised accordingly. All guides will need to be reviewed for terminology changes.
<i>For Your Protection: Peace Bonds and Restraining Orders</i>	Changes will be needed to reflect the new protection order provisions and the new

Live Safe – End Abuse Fact Sheets: Protection Orders	definition of family violence.
Live Safe – End Abuse Fact Sheets: What is Abuse	
Live Safe – End Abuse Fact Sheets: What to do about money	
Surviving Relationship Violence and Abuse	
SMALL	
Family Case Conference http://www.familylaw.lss.bc.ca/resources/fact_sheets/Family_Case_Conferences_Provincial_Court.php	Terminology and check PC Rules changes to FCC powers
Do you need to go to Provincial (Family) Court or Supreme Court? http://www.familylaw.lss.bc.ca/resources/fact_sheets/choosing_court.php	Terminology/concept change for custody/access, etc.
How to prepare for a meeting with a family duty counsel lawyer http://www.familylaw.lss.bc.ca/resources/fact_sheets/Family_Case_Conferences_Provincial_Court.php	Terminology changes
How to work well with a lawyer http://www.familylaw.lss.bc.ca/resources/fact_sheets/how_to_work_with_lawyer.php	Add duty of lawyer to advise re dispute resolution
Step-parents' rights http://www.familylaw.lss.bc.ca/resources/fact_sheets/step_parents_rights.php	Terminology changes and approach (emphasis step-parents' obligations and child's rights)
Checklist of information to include in an affidavit or present in court http://www.familylaw.lss.bc.ca/assets/forms/AffidavitChecklist.pdf	Review against definition of family violence, guardianship responsibilities and terminology
Family Case Conference checklist http://www.familylaw.lss.bc.ca/resources/fact_sheets/familyCaseConferenceChecklist.php	Review against definition of family violence, guardianship responsibilities and terminology
What to do if the other party doesn't	Terminology changes

respond to your application for an order http://www.familylaw.lss.bc.ca/resources/fact_sheets/noResponse.php	
Which laws apply to your case? http://www.familylaw.lss.bc.ca/resources/fact_sheets/what_laws_apply.php	Terminology changes, changes to common law rules
Can you appeal an order for custody, access, guardianship, or child/spousal support? http://www.familylaw.lss.bc.ca/resources/fact_sheets/can_i_appeal_an_order.php	Change terminology, change interim order appeal rules
Do you need any legal documents to be able to leave Canada with your child? http://www.familylaw.lss.bc.ca/resources/fact_sheets/doYouNeedDocumentsToLeaveCanadaWithChild.php	Terminology changes
Judicial Case Conferences in Supreme Court http://www.familylaw.lss.bc.ca/resources/fact_sheets/Judicial_Case_Conferences_Supreme_Court.php	Terminology changes (check final SCFR for changes to JCC rule)
Going to Supreme Court? Read this first! http://www.familylaw.lss.bc.ca/resources/fact_sheets/newSupremeCourtFamilyRulesComing.php	Consider if this needs updating to refer to new SCFR amendments
If your parents separate, can you decide which parent you want to live with? http://www.familylaw.lss.bc.ca/resources/fact_sheets/Can_I_Choose_Parent_To_Live_With.php	Change terminology and test
<i>Live Safe — End Abuse Fact Sheets: If Your Sponsor Abuses You</i>	Minor terminology changes
<i>Live Safe — End Abuse Fact Sheets: Men Abused by their Partners</i>	
<i>Understanding court orders and hearings — Information for Aboriginal families</i>	

II. JES WEBSITE & PRINT REVISIONS

JES REVISIONS TO EXISTING MATERIALS	
PARENTS	
Parenting After Separation: A Handbook for Parents	Ministry to update content
Parenting After Separation: Facilitator Guide	Ministry to update content
Parenting After Separation: Facilitator Training	Ministry to provide new training and develop new videos.
Online Parenting After Separation	Several videos need to be updated with minor changes. A few videos should be redone.
Separated with Children - Dealing with the Finances: FAS Parent Workbook	Handbook needs updating. [FAS video: Talking about Money--no updating required]
Separated with Children - Dealing with the Finances: FAS Facilitators Guide	Handbook needs updating.
Separated with Children - Dealing with the Finances: Facilitator's Training	Training update required.
Resolving Conflict After Separation: Workshop	Per FJSD--on hold. Not to be updated at this time.
Children and Parents After Separation	
Aboriginal Parenting After Separation Program: For Parents and For Community Workers	Ministry to update content
Aboriginal Parenting After Separation Program: Parent Handbook	Ministry to update content
CHILDREN AND TEENS	
Families Change: Guide to Separation & Divorce-Kids	Re-do flash version (major); update Web text (minor); French translation (major). First priority. Families Change is a unique, popular PLEI resource that provides baseline info about divorce/separation.
Families Change: Guide to Separation & Divorce-Teens	Update Web text (minor); French translation (minor). First priority.

Families Change: Guide to Separation & Divorce-Parents	Update Web text (minor); French translation (minor). First priority.
KidsBC.ca: Explore Changeville	Update multimedia (major). First priority. A unique PLEI resource that helps children cope with a family break up.
NEW IMMIGRANTS	
ImmigrantLegal.ca/family-law	Update website listings as family publications are updated. IPC will be updating Family Law resources within their new mandate.
Family law binder for settlement workers	New family resources will need to be assembled once they have been updated.
CourtInformation.ca: Family Law section	Update Web text (minor)
SELF-HELP	
Court Tips for Parents: Representing Yourself in Chambers (Supreme Court BC website)	Video updates that could be done with text on screen; minor Web text changes.
Family Law and You: Representing Yourself in BC Supreme Court (Supreme Court BC website)	Drop or re-do. Preferable to create new video as there will be a gap if LSS does not update theirs.
Victims Info	Update portions of online text.
TEACHERS & SCHOOLS	
Parents Are Forever (responsibilities for pregnant teens)	Update content and convert to digital format (DVD and online); translate.
Parents Are Forever Teachers' Guide	Update content as per video.
Being an Active Citizen (bccitizenship.ca)	Update content
Law Connection: Same-Sex Marriage	Very minor text updates.
Legal Quest	Text changes only to a few lessons. Will update PDF on website and provide insert sheet for publication.
Parents Are Forever (responsibilities for pregnant teens)	Update content and convert to digital format (DVD and online); translate.

JES - GAPS	
Resources for couples who separate (not parents)	This new resource would draw on JES expertise developing PAS program.
Dispute resolution resources for couples and parents	New resources needed to align with FLA mandate to avoid court.
Legal Rights 4 U	Existing site would benefit from adding the rights/interests of children in family cases. Courts will put children's best interests ahead of all else.
Legal Rights For Youth	New website will include range of info on youth rights, including current info on family break up.
Families Change: Guides to Separation & Divorce for Children, Teens & Parents.	Existing web content could be translated.

Appendix C: Canadian Bar Association of BC Dial-A-Law Family Scripts

DIAL-A-LAW FAMILY SCRIPTS HITS, 2011

Script #	Description	Internet Hits	Telephone Hits	MP3 Hits	Total
110	Family court	4195	122	1534	5851
111	Mediation and Collaborative Law	4802	60	1070	5932
112	Applying for an interim order in a family law case	1479	34	433	1946
114	Introduction to Family Law	2665	52	279	2996
115	Separation and separation agreements	33177	477	1409	35063
116	Separation: deciding who will move out	2172	220	2033	4425
117	Child support	18271	230	680	19181
120	Requirements for divorce and annulment	23133	213	1953	25299
121	Desk order divorces: the Do-It-Yourself divorce process	4230	135	392	4757
122	The Respondent in divorce proceedings	4957	57	831	5845
123	Spousal support	19459	215	881	20555
124	Dividing family assets	11476	166	650	12292
132	Enforcing orders and agreements for support	3952	109	782	4843

133	Income tax implications of support payments	20005	46	135	20186
140	Children born outside marriage	9396	176	342	9914
141	Child protection and removal	3950	78	767	4795
142	Custody and access	16686	372	599	17657
145	Adoption	3361	66	695	4122
146	Adoption registries	1363	10	673	2046
147	About the children in your family	4417	68	1089	5574
148	Your income, support and property rights	16388	174	1551	18113
150	What happens when your spouse dies	7697	42	938	8677
155	Family violence	6440	43	228	6711
156	Reporting suspected child abuse	4803	12	66	4881
160	Getting married	8880	17	1708	10605
161	Changing your name	12634	34	668	13336
162	Marriage agreements	18501	19	1731	20251
163	Gay and lesbian relationships	4142	14	1549	5705
Total		272631	3261	25666	301558