

***Child, Family, and Community Services Act
Services***

Evaluation report

Volume I

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Prepared for:

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EXECUTIVE SUMMARY

Introduction

The Legal Services Society of British Columbia (LSS) conducted its first ever evaluation of the services provided to clients facing child protection issues under the *Child, Family and Community Services Act* (CFCSA). The evaluation methodology consisted of a document and data review; key informant interviews; an online survey and focus groups with service providers who assist clients with CFCSA issues; and a telephone survey and focus groups with LSS clients who have experienced CFCSA issues. The evaluation was conducted between June 2014 and April 2015 by PRA, Inc., an independent research firm, working under the direction of an evaluation working group comprised of LSS staff.

Summary of findings

1. To what extent are existing and potential clients with CFCSA legal issues aware of LSS services?

- **General level of awareness of LSS services:** CFCSA clients have a high level of awareness of several core LSS services, in particular clients are very or somewhat aware of legal representation (92%), in-person intake for legal aid applications (90%), and family duty counsel (87%).

Area for potential improvement: There is less awareness among CFCSA clients of other LSS services — namely, the call centre (64%), Public Legal Education Information (PLEI) (53%), the Aboriginal Court Legal Worker (ACLW) (50%), community partners (51%), and Legal Information Outreach Workers (LIOWs) (42%). The lower level of awareness of the call centre and PLEI are particularly noteworthy, as these are province-wide services.

- **How clients learn about LSS services:** All lines of evidence indicate that clients are learning about available legal aid services from a variety of sources, but that the primary sources are friends or family members, an LSS representative (most often identified by survey respondents as LSS representatives at the courthouse or family duty counsel), and the social worker with the Ministry of Children and Family Development (MCFD or the Ministry).

Area for potential improvement: The client survey findings indicate that CFCSA clients do not typically find out about LSS CFCSA services through forms of LSS outreach, which would include the LSS website, the formal or informal relationships with community organizations, and distribution of posters or pamphlets.

- **Awareness and early access to LSS services:** A measure of awareness of CFCSA services is the timely access of the services. The evaluation found that clients usually contact LSS once the child is removed and the matter is in court. Just over seventy percent of lawyers who have handled CFCSA matters for LSS clients reported that

people with CFCSA matters are not seeking legal assistance early enough in the process. Almost all of the lawyers reported that clients either first applied for legal aid after the Ministry removed their child (42%) or on the day of their first court hearing (presentation hearing) or later (48%).

Area for potential improvement: Findings indicate low awareness among clients and potential referring agencies/organizations of the availability of legal assistance prior to children being removed. In addition, Ministry of Children and Family Development and LSS data show the ratio of legal aid applications to closed investigations/family development responses is about 1 to 5.¹ While not all individuals involved with the Ministry would be eligible for legal aid (e.g., not financially eligible, have a lawyer already), many likely are. The issue of the potentially large number of unserved individuals with CFCSA matters could potentially be addressed by promoting the availability of legal aid based on the risk of removal; however, the potential increase in applications resulting from such an approach could overwhelm the legal aid system. LSS would need first to gain a better understanding of the situation and legal aid eligibility of these individuals involved with the Ministry who are not applying for legal aid. LSS might then want to place parameters related to when individuals involved with the Ministry should apply for legal aid to ensure that limited resources are appropriately targeted to serve individuals with the greatest need of legal assistance.

2. Are LSS services accessible to people with CFCSA legal issues?

The evaluation explored accessibility primarily through the lens of whether clients of LSS CFCSA services considered the services to be easy to use. To the extent possible, the evaluation also considered whether all potentially eligible individuals are applying for legal aid for their CFCSA matters.

- **Eligibility, applications and referrals:** Most individuals who apply for legal aid are eligible under the current requirements for legal aid coverage for their CFCSA matter.
 - Over two-thirds (68%) of service provider survey respondents believe that most, almost all, or all people with CFCSA matters who are eligible for legal aid make a legal aid application. This opinion appears to be based primarily on individuals who are involved in the court process for their CFCSA matter and does not include individuals who are at risk of having their children removed.

Area for potential improvement: Reasons given by service providers for failure to apply for legal aid pointed to some awareness and accessibility issues: some people do not believe they need a lawyer (60%); some people lack awareness that

¹ After concerns related to the safety of a child are reported to the MCFD, a child protection worker makes an assessment to determine whether the reports appear to be well founded. These assessments can result in a determination that there is no problem or no children at risk, that parents can deal with the problem with some help from the MCFD or community services (i.e., a “family development response”), or a more complete investigation is warranted (LSS, 2013a).

they can obtain a lawyer through LSS to assist them (47%); some people do not understand what they need to do to apply for legal aid (45%); and some people experience difficulties providing proof of income (46%).

- Most CFCSA applicants receive a referral to a legal aid lawyer, with close to 80% of applicants approved for a referral in each of the evaluation years. Few applications are refused, representing only between 6% and 8% of total applications over the evaluation period.
- **General level of accessibility of intake process:** Evidence indicates that clients consider all of the intake options to be largely accessible. Over two-thirds of clients who used each form of intake (at the call centre, legal aid office, or courthouse) considered the service accessible across some key dimensions (staff spoke in way the client could understand, client was comfortable using the service, information provided was clear and easy to understand).

Area for potential improvement: The evaluation found some evidence of accessibility issues, particularly with regard to the call centre. LSS data shows that the CFCSA clients applying by telephone have a higher tendency to abandon their applications (19% compared to 11% of walk-in clients). About one in five clients surveyed were also dissatisfied with the length of their wait to receive service, their comfort level using the service, and the convenience of call centre hours.

- **Family duty counsel:** Family duty counsel was considered an accessible service across all lines of evidence. Over two-thirds of clients considered family duty counsel to provide information in a way they could understand, the service was easy to find, and they were comfortable using the service.
 - Area for potential improvement: Some clients and service providers, however, identified some challenges for clients in connecting with duty counsel due to the volume of clients, which can lead to clients feeling rushed as duty counsel work to meet demand.
- **PLEI:** Evaluation results raised some questions about the accessibility of PLEI materials to clients.
 - Area for potential improvement: Community organizations that work with clients who have CFCSA issues, but are not directly involved with LSS (e.g., community partners) were not aware of PLEI materials. Representatives of these organizations thought the materials would be useful for their staff so that they can better assist clients.
- **LIOW and community partners:** Other legal aid services, specifically the LIOW and community partners are only available in certain areas of the province, and, therefore, the evaluation was able to gather limited evidence on these services. Awareness appears to be the largest barrier to use of these services.

3. Are LSS CFCSA services accessible to Aboriginal people and minority demographic populations?

- ▶ **General level of accessibility of intake process for Aboriginal people:** Based on available information, the application process does not appear to present major barriers for Aboriginal people, although clearly some accessibility issues exist.
 - Available administrative data do not reveal accessibility issues.
 - Aboriginal people involved with the Ministry of Children and Family Services are more likely than non-Aboriginal people to apply for legal aid (20% compared to 14%); however, the data do not indicate how many of these MCFD-involved families (Aboriginal and non-Aboriginal) would be financially eligible for legal aid.
 - Abandonment of legal aid applications is the same for Aboriginal and non-Aboriginal clients (13%).
 - Overall, a higher percentage of Aboriginal applicants receive legal aid (81% compared to 76%).
 - Qualitative and survey results indicate that Aboriginal people prefer in-person intake options, although these options also have barriers related to transportation, restrictive hours, and insufficient service points.
- ▶ **ACLW and Aboriginal band outreach:** Legal aid services designed for Aboriginal clients, specifically the ACLW and Aboriginal band outreach are only available in certain areas of the province. One finding of particular interest is the strong support for the ACLW, which is considered a key resource for Aboriginal CFCSA clients in the areas served.
 - Area for potential improvement: Service providers in communities without an ACLW but with a substantial Aboriginal population said they believe an ACLW position would be helpful for assisting Aboriginal clients in their community.
 - Area for potential improvement: The few stakeholders who could comment were divided on the accessibility of expanded Aboriginal intake services through band outreach, as less than half of the service provider survey respondents with knowledge of this service considered it to be accessible.
- ▶ **General level of accessibility of intake process for minority demographic populations:** Evidence related to differences in accessibility of LSS services for minority demographic populations was limited, but there were no findings demonstrating significant accessibility issues.

4. Did clients receive services to help them meet their legal needs?

For the purposes of the evaluation, the issue of whether LSS provides services that help clients' meet their legal needs encompasses a number of dimensions, including the extent to which clients received CFCSA services, accessibility of services, services' timeliness and responsiveness, and the involvement of the client in the resolution of their matter. Additional aspects of providing services that help clients' meet their legal needs relate to comprehensiveness of services, general satisfaction with services and service gaps/areas for improvement. As a result, this evaluation question is also addressed in Questions 2–8 and 10–11. Meeting clients' legal needs is considered more narrowly for this evaluation question, by focusing on whether LSS is providing CFCSA services that assist clients in meeting their legal needs. Of course, legal assistance through a referral or summary advice through duty counsel are important for CFCSA clients, but assistance with their legal needs may also be met through the provision of legal information.

- ▶ Almost 80% of clients who make CFCSA applications receive a referral to a legal aid lawyer. Few applications are refused, representing only between 6% and 8% of total applications over the evaluation period.
- ▶ Most clients (85%) are assisted by more than one LSS service.

Area for potential improvement: Considering clients who do not receive a referral, there is some evidence that these clients do not receive LSS services that help them meet their legal needs as most are not accessing the other services available to assist them, such as services that would provide some information or brief assistance to individuals, such as family duty counsel, community partners, and PLEI.

5. To what extent do clients receive timely and responsive services?

In general, LSS services were considered timely and responsive.

- ▶ *Intake services:* Clients generally considered in-person intake services to be helpful. On average over the evaluation period, first referrals to a legal aid lawyer are made within one day or less from the interview date for just over half (54%) of CFCSA clients, and within two to five days for another 14% of clients. First referrals are made within 15 days or less from the interview date for 86% of CFCSA clients, on average.

Area for potential improvement: First referrals take longer for applications taken by telephone than in-person. Fifty-eight percent of telephone applicants receive first referrals within five days compared to 71% of walk-in clients.

Area for potential improvement: Some service providers suggested that the helpfulness of intake services for certain clients (in particular Aboriginal clients or clients in rural and remote areas) could be improved if there was follow up with clients who have not sent in their proof of income or residence.

- *Family duty counsel:* Family duty counsel is generally considered timely and responsive. Eighty-five percent of clients considered the service at least somewhat helpful and approximately three-quarters reported that duty counsel answered their questions, provided them with legal advice, explained what they needed to do to apply for legal aid, and helped them know what they needed to do next.

Area for improvement: Client concerns with family duty counsel centred on sometimes feeling pressed for time due to the lines to see family duty counsel, as well as mistrusting duty counsel. The time pressure is reflected in survey findings that duty counsel services would be more helpful if there was more information/explanation provided (36%), if more time was spent with the client (23%), and if duty counsel was more personable and caring (9%).

- *PLEI:* The evaluation findings generally support the need for PLEI but also emphasize the importance of having options in terms of topics, level of detail, and type of presentation (e.g., written, video, hard copy, online, relayed by service provider or provided directly to client). Many of the service providers interviewed indicated that LSS does a good job with both developing and widely distributing publications — offering useful information online and in various printed formats (from comprehensive books to brief brochures, pamphlets, and diagrams) to serve different needs.

Area for improvement: Some service providers indicated limited knowledge of PLEI materials and one-quarter of clients had accessed PLEI. Less than one-half (46%) of the clients who used PLEI materials considered them to be very helpful or helpful. Based on other lines of evidence, this client opinion may be because the materials cannot address specific situations, which indicates that PLEI is not sufficient for clients unless it is supplemented with in-person provision of case-specific legal information.

- *Legal representation:* Based on client and service provider survey results, lawyers generally provide a timely and responsive service to their legal aid clients. Focus groups and interviews provided a more nuanced description of working with the lawyer where the responsiveness very much depended on the individual lawyer involved.
 - In the survey, 71% of clients reported that their lawyer contacted them within a week (49% within a few days) of being notified they were approved for legal aid.
 - The majority of client survey respondents also strongly agreed or agreed that their lawyer had effective communication with them, including helping them understand their legal issues and options, answering their questions, explaining the child protection process to them, keeping them informed about the progress of their case, and explaining possible outcomes of their case.

Area for potential improvement: Service providers believe that service quality, in terms of timeliness and responsiveness, is affected by the insufficient number of lawyers willing to take CFCSA legal aid referrals.

6. To what extent are clients engaged in resolving their legal issues?

Collaborative options (mediation, family group conferences, traditional decision making) are thought to allow families to feel like they are more a part of the decision-making process. Consequently, the evaluation considered the use of collaborative processes as methods by which clients can be more engaged in the decision making related to their case.

- ▶ LSS administrative data shows that 44% of clients have used mediation/consensual dispute resolution.
- ▶ The evaluation found that whether or not a client received a legal aid referral affected their understanding and use of collaborative processes. Clients with a legal aid referral were more likely to think they had sufficient information to understand what the processes were (60% compared to 43% of clients without referrals) and to use the processes (64% compared to 46% of clients without referrals).
- ▶ Most clients who engaged in these processes found them to be at least somewhat helpful in deciding some issues without going to court. However, for mediation about one-quarter of clients and for family group conferences about one-third of clients did not consider them to be helpful.

Clients who did not find the collaborative processes helpful considered the process to be one-sided or biased toward the Ministry, or that the level of conflict between family members made the process untenable. Holding the other parties accountable for agreements reached during the process was also important to clients and those who found it lacking were dissatisfied with the experience.

7. How effective are LSS CFCSA services in assisting clients with a timely and fair resolution of their CFCSA legal matter?

The evaluation found that LSS CFCSA services assist clients with a timely and fair resolution.

- ▶ Most service providers (interviews and survey) believe that lawyers are generally able to provide legal aid clients with effective representation to help them achieve a timely and fair resolution of their CFCSA matter.
- ▶ The main factors limiting lawyers' ability to provide effective representation are insufficient tariff hours available to counsel to provide CFCSA services to their clients; communication issues with clients; personal challenges faced by clients that impacted the ability to provide legal services; the lack of lawyers willing to accept CFCSA referrals (often connected to the low compensation rate under the tariff by respondents); the complexity and long wait times of the CFCSA process (which impacts timeliness of resolution); and difficulties with the Ministry (issues with cooperation, timely disclosure).

8. To what extent are CFCSA clients receiving an integrated and comprehensive array of services?

The evaluation found that LSS services are generally viewed as comprehensive and integrated.

- ▶ LSS strives to ensure there are a variety of service options available to clients such as in-person or call centre intake, the LIOW or ACLW (although in limited locations), LSS publications, and legal assistance from duty counsel. Duty counsel is considered particularly helpful for those people who are not eligible for a referral to a legal aid lawyer. Stakeholders also believe that the various LSS services work well together.
- ▶ Most client survey respondents indicated they had used more than one LSS service for their CFCSA matter, with 31% using two services, 29% using three, and 25% using four or more services. However, although the choices of services are intended to serve all types of clients, including those that do not receive a legal aid referral, the evaluation found from the client survey that clients without a legal aid referral tended to use few LSS services beyond intake services. Plus, many key informants believe that once clients receive a legal aid referral, they mainly rely on their lawyer's assistance.
- ▶ Concerns with comprehensiveness of services are mainly with respect to the difficulties in offering and accessing the full range of available services in smaller communities and particularly in rural and remote areas.
- ▶ Opinions were also expressed that the lack of resources available to LSS does place constraints on the provision of comprehensive services, and that LSS provides as wide a range of services as possible given their available resources.

The evaluation also found that many CFCSA clients are receiving referrals from LSS services to other needed supports. There is some indication that clients are making use of these referrals and finding them helpful.

- ▶ These supports are often to assist clients with issues that may be affecting their child protection matter, particularly for issues related to housing, income assistance, substance abuse, and mental health. Half (50%) of the 94 client survey respondents that had been referred to a community service said they had made use of the referral, and the majority of these respondents (ranging from 67% to 84% depending on the service area) said the assistance received had been helpful for their child protection matter.
- ▶ Furthermore, those LSS services involved in outreach, such as the LIOWs, ACLW, and community partners, often go beyond informing clients of available services and ensure they are linked with the appropriate assistance. Most (89%) lawyer survey respondents that have used the tariff item for assisting clients with collateral issues report that providing this assistance is helpful to clients for taking some of the required steps for regaining custody of their children.

9. Do CFCSA services provided by LSS and non-LSS programs and services complement or duplicate each other?

The evaluation revealed that many stakeholders believe the LSS services available to CFCSA clients complement services provided by other organizations. Furthermore, the evaluation did not identify any duplication in services between LSS and other service providers.

- ▶ Just over one third (41%) of service providers surveyed said that LSS services complement services provided by other organizations to a high or very high extent and 26% said to a medium extent.
- ▶ Most service providers believe that LSS services do not duplicate those provided by other organizations, with 63% of survey respondents reporting that LSS duplicates other services to a low or very low extent.
- ▶ The view is that the LSS provides legal services to assist clients with their child protection matter while other organizations help clients resolve those issues that may impact their CFCSA legal matter, or provide some legal assistance for those cases that LSS cannot.

10. Are there any service needs or gaps in LSS's services?

The evaluation identified several gaps in services.

- ▶ Clients residing in rural and remote communities may experience challenges in accessing LSS services. Rural and remote communities do not have as many services available to them, or residents either may not be as aware of the available services, or they may be challenged in accessing services due to lack of communication tools (telephones, computers, Internet services,) and lack of transportation. However, LSS has made efforts to address these gaps, such as through the call centre, online publications, and community partners.
- ▶ While many key informants said most people applying for legal aid for their CFCSA case receive coverage, when clients do not receive a referral it is seen as a significant gap. Key informants observed that it is often what are termed the “working poor” who are not eligible for a referral but also cannot afford to hire a lawyer.
- ▶ The lack of family duty counsel on circuit courts is viewed as a gap, these courts then rely on criminal duty counsel, who either do not give assistance for family matters, or cannot give appropriate assistance.

11. Overall, how satisfied are clients and other stakeholders with the LSS CFCSA services and referrals received?

The evaluation found that there is a relatively high level of satisfaction with the LSS services provided for CFCSA clients.

- ▶ A large proportion of CFCSA clients that received a legal aid referral were satisfied or very satisfied with both their legal aid lawyer (67%) and overall with the LSS services they received for their child protection matter (64%). Clients that did not receive a referral understandably have a lower level of satisfaction, with close to half (47%) indicating they were unsatisfied or very unsatisfied overall with the services received.

Suggestions for improvements made by service providers and clients include the following:

- ▶ While both service providers and clients made some suggestions for improvements, no common themes emerged. That said, both clients and service providers spoke of the need for improvements to the child protection system in order to assist families in staying together.
- ▶ The most frequent suggestions made by service providers was that the LSS could use more funds for increasing resources, such as increasing hours and/or locations for in-person intake, Aboriginal band outreach, LIOWs, ACLWs, community partners, and family duty counsel, as well as increasing the rate and time allotments for tariff lawyers.
- ▶ Some suggestions were also made for improving communications on existing LSS services and publications, particularly in the form of outreach to rural and remote communities.

Recommendations

The recommendations focus on major areas identified by the evaluation and are not intended to address all potential areas of improvement noted above.

Recommendation 1: LSS should consider methods of increasing awareness of its PLEI materials, particularly for rural and remote areas and First Nations communities that do not have access to other LSS services, such as intake offices or community partners.

Recommendation 2: LSS should, in general, increase communications to rural and remote communities on available LSS services and how these services can assist people with CFCSA issues.

Recommendation 3: LSS should consider the potential of expanding ACLW services to other areas of the province.

Recommendation 4: LSS should consider reviewing the effectiveness of its Aboriginal band outreach services.

Recommendation 5: Given the potentially large number of unserved people with CFCSA matters, LSS should consider several issues related to its policy on CFCSA coverage, such as when in the CFCSA process parents should apply for legal aid, what affect that may have on demand for legal aid, how to promote its CFCSA coverage so that parents are aware of when they can and should apply for legal aid, and how to meet the projected demand.

1.0 Introduction

This report presents the findings of the first evaluation conducted by the Legal Services Society of British Columbia (LSS) of the services it provides to clients facing child protection issues under the *Child, Family and Community Services Act* (CFCSA). The overall objectives of the evaluation were: to assist LSS in gaining a better understanding of the outcomes for its CFCSA clients; to determine whether current LSS services are meeting the needs of CFCSA clients; and to understand what changes LSS can make to improve the efficacy of CFCSA services.

This report contains five sections, including the introduction. Section 2 provides a profile of the child protection system, followed by a description of the services that LSS provides to clients facing CFCSA issues; Section 3 describes the methodology used in the evaluation; Section 4 summarizes the key findings; and Section 5 presents the conclusions.

2.0 Profile of British Columbia's child protection system and LSS services

Under the *Constitution Act*, provinces and territories have the authority to operate child welfare systems to protect the safety and well-being of children when necessary. In British Columbia, the CFCSA is the primary legislation for child protection, and the Ministry of Children and Family Development (MCFD, or the Ministry) is responsible for overseeing the delivery and quality of the child protection system (Gough, 2007).

The following subsections provide a brief description of British Columbia's child protection system and the processes used to address CFCSA issues, as well as the services provided by LSS to help families navigate the system and deal with their child protection matters.

2.1 The child protection process

Parents have a legal responsibility to ensure the well-being of their children. Under the CFCSA, this responsibility includes keeping children safe, protecting children from all forms of abuse (physical, sexual, emotional), taking care of children's emotional and physical needs, seeking medical care for children, and ensuring that children are not neglected. The law has established that anyone who has concerns that a child is being abused or neglected must report it to the MCFD (LSS, 2013).

The child protection process is initiated when a report of suspected abuse or neglect (a "child protection report") is made to the MCFD. While the process differs in certain ways for Aboriginal families (as discussed further below), for all families the process generally includes an investigation into the claims made in the child protection report, a presentation hearing stage (which results in an interim plan for the safety and well-being of the child), and a protection hearing stage (which results in a court order and terms and conditions for the care of the child) (LSS, 2013). Once the matter enters the court process, the Ministry is represented by Director's counsel.

Investigation stage

Concerns about the safety and well-being of a child are assessed by Ministry child protection workers (also known as social workers), or a delegated Aboriginal agency, within a few days of the Ministry receiving a child protection report.² If, after this assessment, the child protection worker has concerns about the child's safety, a complete investigation is required — which may involve: discussions with the child, the child's parents, and others who know the child; a review of paperwork (such as court documents or school reports); and visits to the child's home (LSS, 2013).

An investigation leads Ministry workers to make one of the following decisions:

- ▶ The child does not need protection. In these cases, files may simply be closed, or families may be offered referrals to support services.
- ▶ The child requires protection, but the child does not need to be removed from the home. In these cases, the MCFD applies to the court for a “supervision order without removal” to be made during the presentation hearing.
- ▶ The child requires protection, and must be removed from the home (LSS, 2013).

Presentation stage

When an investigation determines that a child requires protection, a presentation hearing is required. When the child is not removed from the house, this hearing is held within 10 days after the MCFD applies for the supervision order without removal. When removal is required, the presentation hearing must occur within seven days of the child being removed (LSS, 2013).

During the presentation hearing, the child protection worker presents a Report to Court, outlining the details of a removal or supervision order, and proposing an interim plan of care for the child. The presentation stage concludes with the judge issuing an interim order, which describes how the child will be cared for until the protection hearing is complete. The interim order can take one of four forms:

- ▶ A no-supervision order, where the child remains with the parent. If this order is made, the court process is ended (i.e., a protection hearing is not required).³
- ▶ An interim supervision order, where the child remains with the parent. In this case, the parents' care is supervised by the MCFD, and parents are given conditions to follow.
- ▶ An interim supervision order, where the child stays with someone other than the parents.⁴ In this case, care is again supervised by the MCFD. This order may set out plans for parents' visits with their child.
- ▶ An interim custody order, where the child is placed in foster care. This order may establish when and how parents can visit their child (LSS, 2013).

² No investigation is needed if the child protection worker determines that there is no problem or no children at risk, or that parents can deal with the problem with some help from the MCFD or community services (i.e., a “family development response”) (LSS, 2013a).

³ A no-supervision order often results when parents have worked out an agreement with the MCFD and have made necessary changes (LSS, 2013a).

⁴ Under the Extended Family Program, children can be placed with a friend or family member. In these cases, parents remain the child's legal guardian, and those caring for the child receive financial assistance from the MCFD.

Protection stage

If the presentation hearing results in a supervision or custody order, a protection hearing must be scheduled within 45 days of the end of the presentation hearing. However, if parents disagree with the judge's decision that their child requires protection, a case conference must be completed prior to the protection hearing. Case conferences are judge-led meetings involving, at a minimum, parents, lawyers, and the child protection worker — and may also involve children over 12 years of age and/or other family members. If the case conference results in an agreement regarding a plan of care for the child, the judge issues a consent order, and the protection stage is completed without the need for a formal protection hearing (LSS, 2013a).

If an agreement is not reached during the case conference, a date is set to complete the protection hearing. Prior to the protection hearing, the child protection worker will apply for one of four types of orders:

- ▶ a temporary supervision order, where the child remains with the parent and the MCFD supervises the care of the child
- ▶ a temporary supervision order, where the child lives with someone other than the parents under the MCFD's supervision
- ▶ a temporary custody order, where the child is placed in foster care for a period of time (a fixed term order)
- ▶ a continuing custody order, where the child is placed in foster care without limits as to how long the child remains in the care of the MCFD

At the protection hearing, the judge will issue one of these orders, establishing terms and conditions. If the child has been removed from the parent's care, the judge will also issue an order of access (LSS, 2013a).

Parents may appeal a custody order within 30 days after the protection hearing, or they may apply to change an order if they have made changes (such as addressing addictions or anger issues through counselling or other programs and services, securing appropriate housing, etc.) (LSS, 2013a).

Aboriginal stream and delegated agencies

The CFCSA recognizes the importance of preserving Aboriginal children's cultural identities and kinship ties as part of its guiding principles (s. 2).⁵ The child protection process differs for Aboriginal children and families in a couple of key ways — namely, in the involvement of Aboriginal communities in the child protection process and the use of delegated Aboriginal child and family service agencies to provide Ministry services (Gough, 2007; LSS, 2013a).

The CFCSA contains a number of specific provisions related to Aboriginal children, families, and communities. In outlining service delivery principles (s. 3), the Act calls for Aboriginal people to be involved in the planning and delivery of child protection services to Aboriginal children and families, and for service planning and provision to be sensitive to the cultural, racial, and religious heritage of those receiving the services. The Act also identifies that acting in the best interest of an Aboriginal child involves preserving the child's cultural identity (s. 4).

⁵ Minus a couple of exceptions, the CFCSA applies to Aboriginal children both on- and off-reserve.

With regard to the court process, specific CFCSA requirements include provisions related to ensuring that plans of care submitted by the Director include steps taken to preserve the child's Aboriginal identity ((s. 7 2(h) and s. 8). Furthermore, at the protection hearing stage, the CFCSA also requires that an Aboriginal child's band or community is involved in the development of the plan of care, and that band or community views are reflected in the plan (s. 8).

In the event that an Aboriginal child is removed from parental care, the CFCSA requires that the child be placed within his/her cultural community or extended family whenever possible. When this is not possible, the Act specifies that Aboriginal children should be placed with another Aboriginal family, or (when even this is not possible) in a location where they can remain in contact with their relatives, friends, or school (s. 71).

The CFCSA also includes provisions for the MCFD to enter into agreements (referred to as delegation agreements)⁶ with Aboriginal agencies (bands or other organizations) to provide specific child protection services. The purpose of these agreements is to "return historic responsibilities for child protection and family support to Aboriginal communities" (Province of British Columbia, 2015). Under these agreements, Aboriginal-delegated agencies are given the authority to administer all or parts of the CFCSA. Currently, 22 Aboriginal agencies operate under delegation agreements, providing various levels of service (i.e., full child protection services, guardianship services for children in continuing care, or voluntary services and recruitment of foster homes). For locations without an Aboriginal agency with child protection authority, MCFD is responsible for child protection services.

Availability of non-court options

While court hearings (presentation and protection) are a formal part of the child protection process, a variety of collaborative or shared-planning and decision-making options (namely, family group conference, mediation, and traditional decision-making) provide alternatives to the court system for resolving child protection matters. Each of these options helps parties to produce and implement plans and agreements outside of the courtroom to ensure the safety and well-being of children and youth. These collaborative options (discussed in greater detail below) are available at any point during which parents are working with the MCFD to plan for the care and safety of their child (LSS, 2013a).

Family group conference

Family group conferences are private, confidential, formal meetings where members of the child's immediate family (which may include the child) come together with extended family, close friends, and community members to develop a plan for the care and support of the child (Government of British Columbia, 2015). Lawyers and advocates may also take part in these meetings (LSS, 2013a).

⁶ While organizations entering into these agreements are referred to as Aboriginal delegated agencies, it is actually social workers, rather than the agencies themselves, that are delegated to provide services. However, for each level of delegation, the delegated agency must complete specific requirements to demonstrate that it has infrastructure in place to support their non-ministry social workers in providing child protection services.

Family group conferences are facilitated by a family group conference coordinator — a neutral facilitator whose role is to help families work through issues together, learn about available supports within the community, and then set up a meeting. The process is as follows:

- ▶ The family works with the group conference coordinator to decide who should participate in the meeting, and where and when the meeting should be held. Meetings take place in a location with which all parties are comfortable (Government of British Columbia, 2015; LSS, 2013a).
- ▶ At the meeting, the coordinator facilitates some discussion, but also allows the family private time to work out a plan. The coordinator does not make decisions or influence decision-making.
- ▶ Once the family has developed a plan, a child welfare worker will review the plan, and will approve it if he/she feels that it will effectively keep the child safe (Government of British Columbia, 2015).

Mediation

During mediation, parents and the MCFD (child protection workers or representatives from designated Aboriginal agencies) are assisted by a mediator in their efforts to work out agreements (or settle disagreements) regarding plans to ensure the safety and well-being of the child (LSS, 2013a). Mediators are neutral; they do not take sides and do not make decisions or recommendations — rather, they encourage parties to express their views and concerns, and to work toward a mutually-acceptable solution based on the child's needs. The idea is that, outside of the confrontational and formal atmosphere of the court room, parties may be able to reach an agreement more quickly. The MCFD will provide interpreters, if necessary, at no cost to the parents/caregivers, to allow all families the option of participating in mediation (Government of British Columbia, 2012).

Mediation may be requested by any party involved in the child protection matter — including the child's parents, a member of the child's extended family, a child welfare worker, a lawyer, or a judge — although mediation only proceeds if all parties agree to it.⁷ The process is as follows:

- ▶ Once a request for mediation is made, a mediator is selected from the child protection mediation roster. All parties must agree on the selection of a mediator.
- ▶ The mediator conducts separate orientation meetings with the parent(s) and child welfare worker, during which the mediator provides the parties with information and listens to their side of the dispute.
- ▶ The mediator arranges and facilitates mediation sessions.
- ▶ Once mediation has been successfully completed, the outcomes/decisions are documented in a written agreement, which all parties sign (Government of British Columbia, 2012).

If any party is not satisfied with the outcome of mediation, the issue is taken to court (or back to court, if court sessions were adjourned as a result of a mediation request) (Government of British Columbia, 2012).

⁷ Lawyers are not required for mediation, but may attend.

Traditional decision-making

Traditional decision-making is an option similar to family group conference, but one that incorporates cultural traditions and values — in particular, those of Aboriginal communities (LSS, 2013a). Through traditional decision-making, parties work through their disagreements by following community or cultural traditions. As such, traditional decision-making practices may vary to some extent among communities. For some communities, traditional decision-making involves Elders in key roles, such as guiding families and child welfare workers through the decision-making process. A child's extended family may also play a key role in traditional decision-making processes (Government of British Columbia, 2015; LSS, 2013a).

2.2 LSS CFCSA services

In recent fiscal years, LSS CFCSA services constitute just under one-tenth of the legal aid applications and referrals (Table 1). The trends show a small but steady increase in the number of applications and referrals.

Table 1: Number of legal aid applications and referrals, by type of application, and percent that are for CFCSA issues, 2009–10 to 2013–14*					
Applications	2009–10	2010–11	2011–12	2012–13	2013–14
Criminal	26,761	27,878	26,594	25,662	25,214
Family	9,136	9,131	9,332	9,451	9,364
CFCSA	2,811	2,675	2,721	2,836	3,262
Immigration	2,024	2,417	1,653	1,186	865
Total	40,732	42,101	40,300	39,135	38,705
% CFCSA	7%	6%	7%	7%	8%
Referrals	2009–10	2010–11	2011–12	2012–13	2013–14
Criminal	19,113	20,244	20,117	19,636	19,569
Family	4,059	4,063	4,086	4,337	3,708
CFCSA	2,211	2,117	2,174	2,294	2,544
Immigration	1,237	1,476	1,056	857	638
Total	26,620	27,900	27,433	27,124	26,459
% CFCSA	8%	8%	8%	8%	10%
Sources: Legal Services Society British Columbia, Annual Service Plan Report 2013–14. p. 48; Legal Services Society British Columbia, Annual Service Plan Report 2011–12. p. 46					
*Note: Numbers in this table are based on LSS Annual Reports and vary slightly from other tables based on LSS supplied data from the Case System Management (CSM) database.					

LSS provides a variety of services to assist those experiencing a child protection issue. These services can be grouped into four broad categories: intake, legal representation, legal advice, and legal information. Table 2 provides further details.

Table 2: Summary of LSS services available to CFCSA clients as of March 2015	
Service	Number of locations
LSS intake	
LSS call centre	Province-wide
Legal aid offices (in-person intake locations)	33
<i>LSS regional centres and satellites</i>	4
<i>LSS contracted offices</i>	29
Aboriginal band outreach	17
Legal representation	
Lawyers representing clients with CFCSA matters on LSS referrals	Province-wide
Legal advice	
Family duty counsel	Provincial Court, province-wide
Legal information	
Legal Information Outreach Worker (LIOW)	3 (Vancouver, Terrace, and Prince Rupert)
Aboriginal Court Legal Worker (ACLW)	2 (Nanaimo and Duncan: both sites served by same ACLW)
Number of community partners	27 partners serving 35 locations
Public legal information	Available online, by telephone, from local agents and LSS staff (e.g., LSS intake, LIOWs, ACLW), and from community partners
Sources: LSS, 2015a.	

None of the services are exclusively available to clients with CFCSA issues, but the focus of the evaluation is on how well these services serve this particular client group.

Intake services

Intake services are available to all clients through walk-in services and by telephone through the LSS call centre. Intake services accept legal aid applications, issue legal aid referrals, provide legal information, and may make referrals to other service providers. Walk-in services are available in 33 communities across British Columbia with services provided by LSS staff or local agents. Legal aid regional centres or satellites are available at four locations, including Vancouver Regional Centre, Terrace Regional Centre, the Port Coquitlam courthouse (a Vancouver Regional Centre satellite), and the Prince Rupert Government Agent Office (a Terrace Regional Centre satellite). Local agents are either individual lawyers or law corporations who deliver walk-in services under contract with LSS.

Representatives from five local agent offices (Victoria, Duncan/Nanaimo, North Vancouver, Kamloops and Vernon/Salmon Arm locations) are involved in Aboriginal band outreach. They travel to remote Aboriginal communities to provide intake services, including taking legal aid applications, and providing referrals to services. The following communities are served through Aboriginal band outreach activities: Adams Lake, Esquimalt First Nation, Lake Cowichan First Nation, Lil'wat Nation, Lyackson/Halalt, Malahat First Nation, Neskonilith Indian Band, N'Quatqua Band Office, Penelakut Tribe, Port Renfrew Reserve, Qualicum First Nation, Simpcw First Nation (Chu Chua), Snaw-naw-as First Nation, Snuneymuxw First Nation, Splots'In/Spallumcheen Indian Band, Stz'uminus First Nation, and Tseycom Reserve (LSS, 2015a).

Legal representation

LSS has the ability to refer low-income parents or guardians with CFCSA matters to legal representation from a lawyer. Clients are eligible for legal representation if their net monthly household incomes are at or below established financial guidelines, and if they are experiencing the following situations:

- ▶ the MCFD has removed the children or the children are at risk of being removed; or
- ▶ a guardianship, custody, contact, or access issue has arisen related to the Ministry's care of their child (LSS, 2015b).

In addition to representing clients during court appearances, legal aid lawyers appointed by LSS are expected to assist clients in a variety of ways, including: explaining the child protection process, and keeping clients informed about what is happening at each stage; answering questions and responding to clients within a reasonable timeframe; providing clients with relevant documents; and ensuring clients have access to interpreters when needed (LSS, 2004).

For CFCSA referrals, legal aid lawyers are able to bill up to 20 hours for general preparation, as well as bill for time spent attending court. Up to an additional six hours of preparation time is covered when lawyers are preparing for a Continuing Custody Order (CCO) hearing. For complex cases, legal aid lawyers can also apply for Extended CFCSA Services — which can cover up to an additional 20 hours of preparation time. Complex cases are those involving multiple hearings, removals, children, and/or cases requiring multiple experts (LSS, 2014).

Newer tariff items (first introduced in 2008 and reinstated in 2010) also provide coverage for legal aid lawyers to be involved in work related to consensual dispute resolution or mediation processes, and to assist clients in dealing with collateral issues.

- ▶ The consensual dispute resolution tariff items allows lawyers to bill for their time in attending mediation or consensual dispute resolution processes (such as family group meetings), and for up to 10 hours in preparing for these processes.
- ▶ The collateral issues tariff item allows lawyers to bill for up to four hours for work related to assisting clients with collateral (non-legal) issues, such as housing, mental health issues, income problems, drug and/or alcohol addictions, immigration status, and/or other issues (LSS, 2011).

Legal advice

Parents with CFCSA issues who do not yet have a lawyer can obtain up to three hours of free legal advice, or other types of assistance, with their CFCSA matter from Provincial Court family duty counsel. This service is available at courthouses throughout the province. On child protection list days, family duty counsel are available to CFCSA clients on a walk-in basis, but priority is given to those who are financially eligible and appearing in court that day. Family duty counsel can provide advice, make emergency court applications, or speak on clients' behalf in court, but will not represent clients at a trial or take on their whole case. Once court ends, they can assist those who were not scheduled to appear in court. Family duty counsel can also attend case conferences on behalf of clients.

Legal information

Legal information includes the services provided by Legal Information and Outreach Workers (LIOWs), the Aboriginal Community Legal Worker (ACLW), and community partners, as well as information available through LSS publications and online resources. These are available to clients regardless of their financial status. LIOWs, ACLWs, and community partners assist LSS clients with any legal issue, not just CFCSA matters.

LIOWs are LSS staff members who assist clients with finding legal information, navigating the court system, and referring clients to other service providers. LIOWs also engage in outreach activities by visiting community groups and attending conferences and community events to provide information about LSS services and gather feedback from community workers about LSS programs and publications. They also facilitate legal aid applications by helping clients gather paperwork. Four LIOWs are available in three locations within the province: Prince Rupert, Terrace, and Vancouver.

Currently, LSS has one ACLW, who is an LSS staff member whose role is to provide legal information and limited advice services for Aboriginal clients. The ACLW provides similar services as an LIOW, but will also review intake materials for legal aid applications, attend court, prepare forms and letters, participate in negotiations, and speak to other parties (MCFD staff, a legal aid lawyer, duty counsel, or band members) on behalf of Aboriginal clients. The ACLW currently assists LSS clients with matters at the Provincial Courts in Duncan and Nanaimo.

Community partners are community organizations that LSS contracts to provide legal information, distribute public legal education materials (of which community partners are expected to maintain a current supply), and inform and educate their community on available LSS services — through advertising, liaising with other community groups and organizations, and providing public legal education activities. Community partners do not provide legal advice, but they refer clients to LSS services and other services that may assist them. Community partners also assist clients in using and accessing resources available through LSS (e.g., assisting clients in applying for legal representation; accessing the LSS Family Law or ClickLaw websites; using public legal education and information [PLEI] materials). LSS currently contracts with 27 community partners in 35 communities across the province, and provides training to these organizations (in-person training events, as well as webinar presentations and training sessions).

In terms of public legal information, LSS has a variety of print and online materials available to inform CFCSA and the public in general on the legal system and legal issues. Key publications relevant to child protection matters include flow charts outlining the child protection process (the basic process as well as the process for Aboriginal families), booklets containing detailed information on the child protection process (e.g., *Parents' Rights, Kids' Rights*), and brief fact sheets on various parts of the process (including a number of fact sheets tailored to Aboriginal families).

3.0 Methodology

As mentioned in Section 1.0, the objectives of the CFCSA evaluation were: to assist LSS in gaining a better understanding of the outcomes for its CFCSA clients; to determine whether current LSS services are meeting the needs of CFCSA clients; and to understand what changes LSS can make to improve the efficacy of CFCSA services. This evaluation was guided by 11 research questions (see Table 3). The complete evaluation matrix, which linked the questions addressed by the evaluation to indicators and lines of evidence, is provided in Appendix A, Volume II.

Table 3: Questions guiding the evaluation of the LSS CFCSA services	
1.	To what extent are existing and potential clients with CFCSA legal issues aware of LSS services?
2.	Are LSS services accessible to people with CFCSA legal issues?
3.	Are LSS CFCSA services accessible to Aboriginal people and minority demographic populations?
4.	To what extent do clients receive services to meet their legal needs?
5.	To what extent do clients receive timely and responsive CFCSA legal services?
6.	To what extent are clients engaged in resolving their legal issues?
7.	How effective are LSS CFCSA services in assisting clients with a timely and fair resolution of their CFCSA legal matter?
8.	To what extent are CFCSA clients receiving an integrated and comprehensive array of services
9.	Do CFCSA services provided by LSS and non-LSS programs and services complement or duplicate each other?
10.	Are there any service needs or gaps in LSS's CFCSA services?
11.	Overall, how satisfied are clients and other stakeholders with the LSS CFCSA services and referrals received?

The evaluation of LSS's CFCSA services made use of multiple lines of evidence in order to support robust research findings. The methodology included four methods: a document and data review, key informant interviews, focus groups (with clients and service providers), and surveys (including an online survey of service providers and a telephone survey of clients). The data collection instruments used for each line of evidence are in Appendix B, Volume II. Both the evaluation matrix and data collection instruments were developed in consultation with LSS.

Each of the evaluation methods is described more fully below.

3.1 Document and data review

The document and data review was conducted both to inform the development of the evaluation framework and data collection instruments, and contribute toward answering the evaluation research questions.

Documents were obtained from LSS, as well as from publically-available sources, including LSS and MCFD websites. Internal documents reviewed included contract templates for external service providers (local agents, tariff lawyers, community partners); the CFCSA tariff; ACLW and LIOW job descriptions; evaluation planning documents (e.g., a draft evaluation framework);

the Legal Aid Representation Services contract; and previous reports and evaluations of LSS services. In addition, LSS has a variety of publications available on its website which document the child protection process, as well as services available to those with child protection issues.

The evaluation also involved the review of data from a variety of sources, including the following:

- ▶ CFCSA service statistics (e.g., volumes by city, region, legal aid office, court location), provided by LSS
- ▶ data on CFCSA clients (including demographic information, as well as information about intake type, referrals, case duration, case outcome, and costs), available through LSS's Case Management System (CMS) database
- ▶ Crown publication statistics on types and numbers of CFCSA publications ordered by location
- ▶ provincial data maintained by the MCFD on CFCSA cases, such as annual data on the total number of people with CFCSA issues and the proportion of people with CFCSA matters that self-identify as Aboriginal
- ▶ information on tariff lawyers billing for collateral issues and consensual dispute resolution

3.2 Key informant interviews

The key informant interviews with service providers conducted for this evaluation addressed all evaluation questions, and, along with other qualitative lines of evidence, provided valuable perspective on the quantitative data reviewed. A list of potential key informants and four interview guides tailored to different stakeholder groups were developed in consultation with LSS.

A total of 30 interviews were conducted with 41 key informants. The distribution of interviewees by stakeholder groups is the following:

- ▶ lawyers (LSS and private lawyers handling an LSS referral), including those serving as duty counsel (n=4)
- ▶ Director's counsel (n=3)
- ▶ LSS staff, including intake, LIOWs, and the ACLW (n=10)
- ▶ local agents and local agent assistants (n=12)
- ▶ community partners (n=9)
- ▶ mediators (n=3)

Interview results were analyzed using NVivo qualitative analysis software.

3.3 Focus groups

Focus groups with clients and service providers were conducted to provide further insight into the awareness, accessibility, timeliness, and effectiveness of LSS's CFCSA services. A total of 14 focus groups were conducted at five locations across British Columbia: Vancouver, Kamloops, Nanaimo, Prince George, and Terrace. The focus groups were conducted with three stakeholder types: service providers (including community partners and representatives of other community-based organizations which interact with or provide some type of service or assistance to people with child protection issues), Aboriginal clients, and non-Aboriginal clients.⁸ Separate moderator guides were developed for the client and service provider groups.

In total, 19 service providers, 21 Aboriginal clients, and 24 non-Aboriginal clients took part in focus groups (see Table 4). To encourage participation, clients were offered a \$50 honorarium. Focus group sessions were audio-recorded to ensure the accuracy of the notes, but participants were assured of the confidentiality of their responses.

Table 4: Focus group participants				
Location	Service providers	Aboriginal clients	Non-Aboriginal clients	Total
Vancouver	2	6	6	14
Kamloops	5	2	6	13
Nanaimo	2	5	6	13
Prince George	7	6	6	19
Terrace	3	2	0	5
Total	19	21	24	64

3.4 Surveys of service providers and clients

Two surveys were conducted for this evaluation: an online survey of service providers, and a telephone survey of clients. These surveys were included in the evaluation methodology for two main purposes: 1) to allow the evaluation to reach (and include the perspectives of) a larger number of each of these stakeholder types; and 2) to provide quantitative data to supplement the qualitative data obtained through interviews and focus groups.

For each survey, a questionnaire was developed in consultation with LSS. While each questionnaire was tailored to the appropriate stakeholder group, the questions included in both survey questionnaires were designed to address all evaluation questions. Prior to going "live," each survey was pretested to ensure that questions were clear and that the surveys functioned properly (with working skip logic, etc.). The surveys were revised based on the feedback provided by those involved in the pretest.

⁸ Recruiting clients for Terrace was a challenge, particularly given the small number of CFCSA clients from the area. The evaluation was not able to recruit any non-Aboriginal clients and only two Aboriginal clients for the focus groups.

The methodology for each survey is described in greater detail below.

Online survey of service providers. The survey of service providers obtained input from a variety of stakeholders that provide services to CFCSA clients — including tariff lawyers who take CFCSA legal aid referrals; Director’s counsel; local agents; community partners; advocates and other community-based agencies; and mediators.

In order to encourage responses, LSS sent each potential survey participant an invitation by email describing the purpose of the survey and the importance of their participation. Potential participants then received an email with a link to the online questionnaire that they could click on to access the survey. This email also included further information about the research, describing how participants’ feedback would be used and their confidentiality maintained.

The survey occurred in two stages. After the original fielding, it was determined that mediators were a group missing from the original survey sample. The first stage of the survey (minus mediators) was online from January 26 to February 15, 2015, with two reminders sent to encourage responses. After that date, the additional sample of mediators was received. The survey was launched for the mediator sample on February 24, and the survey remained online until March 11, 2015 with one reminder sent.

The total sample included 708 service providers. Forty of these potential participants either did not receive the invitation (i.e., did not have a valid email address or emails were undeliverable) or were disqualified from the survey at the first question. Of the remaining 668 service providers, 198 completed the survey for a response rate of 30%. Once the survey was finished, open-ended questions were coded and the survey data was analyzed using SPSS, a statistical software package.

Table 5 provides a profile of survey respondents.

Table 5: Service provider survey participants	
Service provider type	Number of respondents (n=198)
Director's counsel	17
Tariff lawyer	93
Local agent (lawyer)	13
Local agent assistant	7
LSS intake staff	17
LSS community partner staff member	14
Other community organization staff member	25
Mediator	24
Note: Respondents could choose more than one category, so total sums to more than 198.	

Of the 198 respondents, 15 reported that they interacted very infrequently with individuals with CFCSA matters (less than 5% of their clients/caseload in the last year). As a result, the survey results focus on the 183 respondents who had greater contact with individuals experiencing CFCSA matters.

Telephone survey of clients. The survey of clients was designed to gain the perspectives of a variety of LSS clients with CFCSA issues — including those who were approved for a legal aid referral, and those who either did not complete their legal aid application or were denied coverage. The client survey focussed on clients who had started an application for legal aid regarding a CFCSA matter between April 1, 2012 and March 31, 2014, to ensure that survey participants would be able to sufficiently recall their experiences with LSS services.⁹

A computer-aided telephone interviewing system (CATI) was used to facilitate the conduct of surveys and to capture participant responses. At the beginning of each call, interviewers explained the purpose of the survey, and informed participants about the voluntary nature of the survey and the confidentiality of their responses.

The survey was conducted between February 12 and March 18, 2015. The call record for the survey, presented in Table 6, shows the difficulty in reaching this client group. Approximately 29% of the sample contacted included numbers that were not in service or otherwise not valid. Of the remainder, a large percentage of the numbers dialled resulted in a final disposition of *no answer*, *answering machine*, or a *busy signal* (47%). Of those potential respondents who were reached by phone, 23% refused to participate in the survey. After making almost 15,000 calls to the available sample, 293 LSS clients completed the survey for a response rate of 11%.

Table 6: Call record for client survey		
Outcome	N	%
A Total numbers attempted	4,244	100%
1. Not in service	1,172	28%
2. Fax	6	<1%
3. Business	32	<1%
Remaining	3,034	71%
B Total eligible numbers	3,034	100%
4. Busy	7	<1%
5. Answering machines	1,137	37%
6. No answer	278	9%
7/8. Language/illness/incapability	134	4%
9. Selected/eligible respondent not available	117	4%
Remaining	1,361	45%
C Total asked	1,361	100%
10. Household refusal	97	7%
11. Respondent refusal	206	15%
12. Qualified respondent break off	14	1%
Remaining	1,044	51%
D Co-operative contacts	1,044	100%
13. Disqualified	751	72%
14. Completed interviews	293	28%
Refusal rate = (10+11+12)/C	317	23%
Response rate (D/B)	335	11%

⁹ The sample for clients who did not receive a referral (coverage refused or application abandoned) was augmented to include clients who initiated their application between April 1 and September 30, 2014, in order to assist in meeting the target of 100 completions for that sub-group. Despite the additional sample, the survey could not quite reach its target for that client sub-group.

The survey targeted 300 completions with 200 LSS clients who received referrals and 100 clients who did not receive referrals (abandoned their application or were denied coverage). For clients, the target was 100 Aboriginal participants and 100 non-Aboriginal participants. As Table 7 shows, the survey met or came close to meeting all targets. Of the 293 LSS clients who completed the survey, 217 (of which 101 were Aboriginal) had received referrals to a legal aid lawyer, and 76 (of which 22 were Aboriginal) had not received a referral.

Table 7: Client survey participants				
Legal aid status	Aboriginal participants	Ethnic minority	Other	Total
Received referral	101	44	72	217
Did not receive referral	22	15	39	76
Total	123	59	111	293

3.5 Limitations and challenges

The evaluation encountered a few challenges.

- **Limited information on some LSS CFCSA services.** For LSS CFCSA services that are provided in limited geographic areas and/or by a small number of service providers (e.g., LIOWs, the ACLW and Aboriginal band outreach), information was only available from a small number of clients and service providers. In order to gather as much information as possible about these services, the evaluation included site visits at locations with some of these services (e.g., Nanaimo, Terrace, and Vancouver). However, even with these efforts, the evaluation findings for those services are based on limited information and should be treated with caution.
- **Limited information on ethnic minority population's experiences with the services.** The evaluation considered whether awareness, accessibility, and outcomes of LSS CFCSA services differed for clients who are members of an ethnic minority. The ability to assess this was limited for several reasons: LSS data does not contain information about whether a client belongs to an ethnic minority; few service providers had sufficient experience with these clients to comment; and while some clients from ethnic minority groups participated in the survey and focus groups, the results were not sufficiently robust to enable a discussion of differences.
- **Available data underestimates the use of consensual dispute resolution.** In LSS data, the number of clients who used consensual dispute resolution relies on whether the lawyer billed for those services. The data do not capture whether clients may have taken part in a collaborative process that did not involve their lawyer (e.g., family group conferences typically do not involve counsel).

- ▶ **Lower than hoped-for enrolment in some focus groups.** Recruitment for the client and service provider focus groups proved challenging. The service provider focus groups sought to obtain the perspective of service providers (community partners and representatives of other community-based organizations) on their clients' experiences with LSS CFCSA services. Identifying representatives of community-based organizations proved difficult even with the assistance of local agents or LSS staff in those communities. In general, client recruitment went well, but was site-specific: Terrace, a small community, had few participants for both client focus groups and Kamloops had few Aboriginal participants, despite extensive efforts to recruit and the honorarium. Despite lower enrolment, the focus groups did provide valuable information to contextualize the quantitative findings.
- ▶ **Client survey responses do not match LSS data.** The client survey relied on self-reporting of clients for whether or not they received a legal aid referral. Although this information was in the LSS database, in order to facilitate a meaningful conversation with clients, the survey allowed clients to indicate whether or not they received a referral. About one-fifth (21%) of survey respondents did not provide an answer that corresponded to the information in the LSS database.¹⁰ As a result, survey findings based on whether or not clients received a legal aid referral should be treated with caution.

¹⁰

This result could be due to a variety of reasons. The survey sample was based on clients who made an application during a particular time period, and some may have wanted to discuss a previous application where they did receive a referral. Respondents may also have confused family duty counsel with a lawyer acting on their behalf under a legal aid referral, although efforts were made to clearly describe the distinction during the survey.

4.0 Findings

The evaluation findings are presented based on the themes in the evaluation matrix: awareness of LSS services; accessibility of services; quality of services (including helping clients meet their legal needs, timeliness and responsiveness of service provision, and the effectiveness of services in helping the client resolve their CFCSA matter); the comprehensiveness and integration of LSS services; overall satisfaction with services; and service gaps.

4.1 Awareness of LSS CFCSA services

This section considers client awareness of LSS CFCSA services, including level of awareness by type of service, sources of information on available services, awareness of when services are available and whether that may affect timely access, and barriers to awareness.

1. To what extent are existing and potential clients with CFCSA legal issues aware of LSS services?

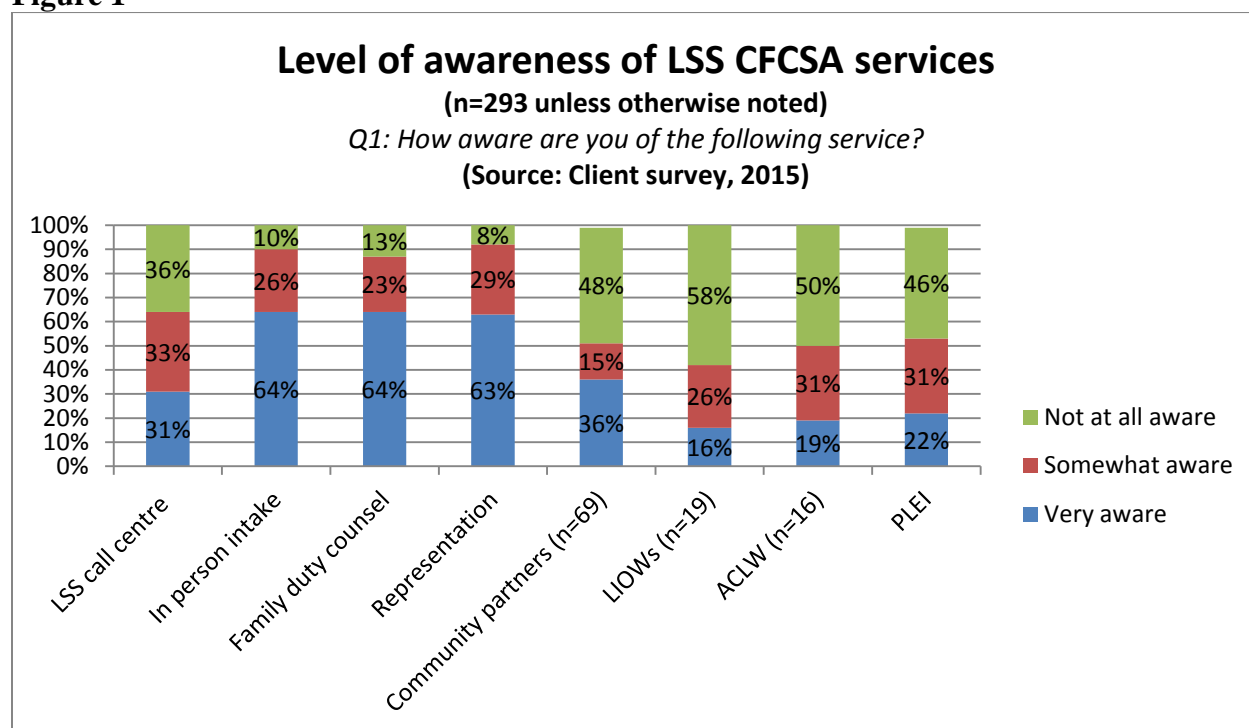
4.1.1 Awareness by type of service

Client feedback (survey and focus groups) indicates that CFCSA clients are very aware of several core LSS services, in particular in-person intake for legal aid applications, family duty counsel, and legal representation. Approximately nine-tenths of survey respondents reported being very or somewhat aware of these services, with two-thirds being very aware (see Figure 1). Focus group participants commented on the high visibility of legal aid at the courthouse (intake and family duty counsel). In addition, many focus group participants had been involved in the CFCSA system before — either as parents or as children — and so were already knowledgeable about LSS services, including coverage for full representation by a lawyer. These participants knew where to go and how to apply for legal aid. Exceptions involved a few participants who had not been involved with the child protection system before and were non-parents (e.g., grandparents) seeking custody of an apprehended child; these reported being unaware that legal aid offered coverage and were not directed to legal aid for lengthy periods of time.

Based on client survey results, fewer clients, although still a majority, were aware of the LSS call centre and LSS PLEI materials. For services available only in some locations (community partners, LIOWs, and the ACLW), only clients residing in those locations were asked about their awareness of the service(s), and for the ACLW, only those respondents who also identified themselves as Aboriginal. About half of those respondents were aware of community partners and the ACLW, and even fewer were aware of LIOWs¹¹ (see Figure 1).

¹¹ According to LIOWs, they rarely assist CFCSA clients directly unless they are involved in intake services, which may explain the lower level of awareness. See Section 4.2.4.

Figure 1



Service provider results (interviews and focus groups) confirmed these findings. Approximately 80% of service provider survey respondents agreed or strongly agreed that CFCSA clients are aware of in-person intake services, family duty counsel, and legal representation. Fewer service providers agreed or strongly agreed that CFCSA clients are aware of the call centre (51%), Aboriginal band outreach services (49%), the ACLW (44%), community partners (33%), PLEI (30%), and LIOWs (23%).¹² Service provider focus group participants also commented that clients are less likely to be aware of “self-starting” services, such as the call centre and PLEI.

Based on the above results, a noteworthy finding is the lower level of awareness of the LSS call centre and PLEI, both province-wide services. For the LSS call centre, there are other intake options that clients can and are using. For PLEI, the lower levels of awareness may indicate a need to make materials more accessible to both CFCSA clients and service providers. This topic is discussed further in Section 4.2.3.

¹²

For all of these results, the percentages are based on service providers who believed they had considerable or some knowledge of the CFCSA clients’ experiences of these LSS services.

4.1.2 Sources of information about services

All lines of evidence indicate that clients are learning about available legal aid services from a variety of sources, but that the primary sources are friends or family members, an LSS representative (most often identified by survey respondents as LSS representatives at the courthouse or family duty counsel), and the social worker with the MCFD. See Table 8 for client survey results.

Table 8: Sources of awareness of LSS CFCSA services reported by clients						
Q2: How did you first find out about the service?						
Sources of awareness	LSS services*					
	Call centre (n=188)	In-person intake (n=263)	Family duty counsel (n=255)	Legal aid lawyer (n=271)	PLEI (n=155)	Community partner (n=35) *
Friends or family members	16%	21%	14%	21%	13%	29%
A social worker	16%	13%	11%	19%	8%	14%
Someone with legal aid	13%	18%	18%	21%	12%	9%
The Internet	12%	8%	2%	5%	21%	--
Community organization	8%	7%	4%	6%	5%	11%
Posters/pamphlets	7%	5%	2%	2%	17%	6%
A private lawyer	5%	3%	4%	4%	3%	--
At the court house/court advisor	4%	11%	24%	3%	4%	3%
Common knowledge/word of mouth	3%	6%	6%	10%	5%	9%
Phone book	3%	1%	--	--	--	--
Ministry/Child and Family Services	3%	1%	1%	1%	2%	--
Through prior experience with legal aid	2%	3%	5%	3%	2%	3%
Police/sheriff	2%	<1%	2%	2%	--	--
Crown counsel	1%	<1%	<1%	1%	1%	--
School	1%	--	<1%	<1%	1%	3%
Shelter	1%	<1%	<1%	--	1%	--
Judge	--	1%	3%	2%	1%	--
Advocacy centre	--	<1%	1%	--	--	--
Other	2%	2%	2%	2%	1%	11%
Don't know	4%	4%	4%	3%	8%	9%

Source: Client survey; respondents who are very aware or somewhat aware of each LSS CFCSA service.
 Note: Respondents could provide more than one answer; totals may sum to more than 100%.
 *Caution small number of respondents that used this service
 * The results for LIOWs and the ACLW are not included in the table as only eight clients could comment on how they became aware of each service.

Some of the most common sources of awareness (friends and family, legal aid representatives, and forms of assistance at the courthouse) reflect two themes that arose in the client and service provider focus groups, and key informant interviews: clients with CFCSA issues who have past experience with the system (themselves or family members) are aware of legal aid; and many clients (particularly those without prior experience in the system) do not seek legal aid assistance until they have to attend court. The other most common source of awareness of LSS services identified in the client survey — social workers — was the subject of conflicting evaluation findings and is discussed in more detail in Section 4.1.3

The client survey findings indicate that CFCSA clients do not typically find out about LSS CFCSA services through forms of LSS outreach, which would include the LSS website, the formal or informal relationships with community organizations, and distribution of posters or pamphlets.

4.1.3 Awareness of when legal aid is available for CFCSA matters

As noted in Section 2.2, LSS CFCSA coverage extends to the threat or risk of removal by the Ministry, however, the evaluation evidence indicates that most potential clients often do not seek out legal aid services until after their children have been removed. According to service providers (interviews, focus groups, and survey) clients usually contact LSS once the child is removed and the matter is in court. Just over seventy percent of lawyers who have handled CFCSA matters for LSS clients reported that people with CFCSA matters are not seeking legal assistance early enough in the process.¹³ Almost all of the lawyers reported that clients either first applied for legal aid after the Ministry removed their child (43%) or on the day of their first court hearing (presentation hearing) or later (48%). Director's counsel confirmed this with 13 of 17 respondents indicating that most people do not have legal representation until at or immediately after the presentation hearing. As one service provider stated, *"People don't know at what stage they can seek legal services. Many think that it only applies at the removal stage."* The client survey results confirm that a minority (just under one-third) of clients first had contact with LSS before their child was taken (see

¹³ Lawyers who reported that CFCSA matters were less than 5% of their caseload are not included in the survey results.

Table 9).

Table 9: Client's reported first contact with LSS Q5. Do you recall when you first sought help from legal aid for your child protection matter? Was it...	
	n=283
Before child taken	
Before the social worker contacted you	11%
Within a few days of the social worker contacting you	21%
After child taken, before first court hearing	
As soon as aware child taken (was not in my custody)	2%
Within a few days of the Ministry taking your child	22%
Before first court hearing	2%
At first court hearing	13%
Before second court hearing	5%
After the second court hearing	6%
Other	
After social worker contacted you (weeks, months, years)	2%
Self-initiation (wanted custody – foster, grandparent)	2%
After Ministry took child (weeks, months, years)	1%
Did not qualify/not applicable	1%
Other	3%
Don't know	8%
No response	1%
Source: Client survey; respondents who used at least one LSS CFCSA service. Note: Totals may sum to over 100% due to rounding.	

Surveyed clients who reported a first contact with LSS after their child was taken, at the first court hearing, or later gave a variety of reasons for why they did not contact LSS earlier in the process. Issues related to awareness figured prominently. The two most common reasons indicate the importance of LSS assisting clients early in the process: over one-third of respondents reported they didn't understand the seriousness of the situation or that they were under too much stress to know what to do. Other common reasons point directly to issues with awareness of LSS services and how to apply for legal aid. See Table 10. Service provider survey results mirrored the findings of the client survey.

Table 10: Reasons for initial contact with LSS after child removed or court action commenced Q6. To help us understand how to let people know about legal aid earlier in their case, let me know if any of the following applied to you and your situation.	
	n=150
You didn't realize the seriousness of the situation	35%
You were under too much stress to know what you should do	35%
You didn't know how to apply for legal aid	25%
You weren't aware about legal aid service	18%
You were told that you did not need a lawyer	15%
You thought things would go faster if you didn't have a lawyer	12%
You were afraid that your child(ren) were most likely to be taken if you had a lawyer	7%
Unaware of situation	4%
Did not qualify/thought wouldn't qualify (merits of case)	3%
Wouldn't have changed outcome/useless	2%
Family complications	1%
None apply/knew about legal aid	3%
Other	1%
Don't know	7%
No response	2%

Source: Client survey; respondents whose initial contact with LSS was after child(ren) were removed.
Note: Respondents could provide more than one answer; totals may sum to more than 100%.

Less common reasons cited by clients for the delay in contacting LSS involved either being told they did not need a lawyer (15%) or believing that the case would be resolved sooner without a lawyer's involvement (12%) (see Table 10). The issue of potential clients not being encouraged to seek legal assistance was raised in several lines of evidence, but always by a minority of those responding. In almost all instances, the social worker was identified as either counseling against involving lawyers or not referring parents to LSS.

The role of social workers in referring clients to LSS was the subject of somewhat conflicting findings in the evaluation. The client survey results indicate that social workers are a common source of referrals to LSS (see Section 0); however, most of the twenty-two survey respondents who reported they were told they did not need a lawyer said they were given that advice by social workers. An explanation for these different experiences may be found in key informant interview findings. Several key informants commented that social workers, when trying to resolve files out of court, may not be informing people about legal aid or may even be discouraging the involvement of a lawyer. These service providers expressed concern that, without the benefit of legal advice, parents are agreeing to conditions in supervision orders that they cannot meet. A few client focus group participants' experiences confirmed that social workers were not advising parents of the ability to obtain legal counsel, as these participants reported having their children removed for lengthy periods of time without being aware that they had legal options for seeking the return of the children. Most focus group participants, however, did not mention anyone actively discouraging **them** from getting legal assistance. In addition, in the service provider survey, 6% of respondents reported that right to counsel was not promoted by social workers when asked to list barriers to people becoming aware of LSS services for their CFCSA matter.

Given these findings, at most, the evaluation can conclude that this issue of being discouraged or not being referred to apply for legal aid by social workers is experienced by a minority of parents with CFCSA matters.

According to service provider survey respondents, clients experience major impacts for not involving a lawyer early enough in their case including: the case taking longer to resolve (80%); the children being apprehended for longer than they might have been (67%); and the children being apprehended when they might not have been (57%).

4.1.4 Barriers to awareness

The barriers to awareness of LSS CFCSA services point to the need for outreach, but in a targeted way. As discussed in the previous section, many individuals with CFCSA matters do not seek out legal aid services until their child is taken, which appears to indicate that awareness of the availability of legal assistance prior to removal is low. Some community partners reported working with families prior to the involvement of the Ministry. Perhaps these community partners, as well as other similar community organizations that work with this client group at earlier stages are well-suited to ensure that their clients are aware that they can apply for legal aid assistance once the Ministry is involved and there is a risk of removal. Creating more awareness among potential referring agencies/organizations is an identified need; as shown in

Table 11, 40% of service providers surveyed indicated insufficient knowledge of LSS services by potential referring agencies/organizations as a barrier to client awareness of LSS services.

Other barriers to awareness of LSS services most identified in the service provider survey, interviews, and/or focus groups included the lack of access to the Internet, which limits the ability of people with CFCSA issues to learn online about the child protection process and LSS services; literacy issues, which means that some CFCSA clients cannot effectively use the PLEI materials created by LSS; language issues, particularly for newcomers to Canada; and personal issues created by substance abuse issues and mental illness. Survey results are in Table 11.

Table 11: Barriers or challenges to awareness of LSS services Q9: What barriers or challenges exist in people becoming aware of the various services?	
	(n=183)
People don't seek out the services until they need them (e.g., court date, child removed)	85%
Lack of access to the Internet for many people with CFCSA issues	62%
Insufficient knowledge of LSS services by potential referring agencies/organizations	40%
Not enough advertisement	39%
Collateral issues (mental health, substance abuse, trauma, crisis)	8%
Right to counsel not promoted by social workers	6%
Location of services (limited in remote areas), clients' limited ability/resources to travel	4%
Lack of Aboriginal engagement/services/lawyers	2%
Other barriers	3%
No barriers	1%
Don't know	6%
Source: Service provider survey.	
Note: Respondents could provide more than one answer; totals may sum to more than 100%.	

4.2 Accessibility of LSS CFCSA services

This section considers accessibility of LSS CFCSA services in terms of applying for legal aid and receiving coverage as well as using the various types of LSS legal support and information services that assist clients with CFCSA issues.

2. Are LSS services accessible to people with CFCSA legal issues?

4.2.1 Applying for full legal representation

Evaluation results indicate that full representation from a lawyer is generally accessible to individuals with CFCSA issues: legal aid coverage is provided to most of those who apply and the application process offers several options, which are all considered accessible.

Most service providers (interviews and survey) believe that individuals with CFCSA matters who are eligible for full representation apply to legal aid for assistance. Among service provider survey respondents, over two-thirds (68%) believe that most, almost all, or all of people with CFCSA matters who are eligible make a legal aid application. Reasons given by service provider survey respondents for failure to apply for legal aid pointed to some accessibility issues: lack of awareness that they can obtain a lawyer through LSS to assist them (47%), people not understanding what they need to do to apply for legal aid (45%), and difficulties providing proof of income (46%). However, the most common reason given is that some people do not believe they need a lawyer (60%). Interview findings also identified the same reasons for those eligible not applying for legal aid. In interviews, service providers cautioned that people are frightened and overwhelmed by the process

and the potential of losing custody of their child. Consequently, they attempt to reach agreements with the Ministry without legal assistance in the hopes that their child will not be removed. As a result, some people do not apply for legal aid until the matter reaches court or they appear in court with a signed consent order without having received any legal advice.

For those individuals who apply for legal aid for their CFCSA matter, the service is accessible. Most CFCSA applications receive a referral to a legal aid lawyer, with close to 80% of applicants approved for a referral in each of the evaluation years (Table 12). About 13% of applicants abandon their legal aid application for some reason, with this proportion remaining consistent over the evaluation period. Few applications are refused, representing only between 6% and 8% of total applications over the evaluation period.

Table 12: Case status of CFCSA legal aid applications, 2009–10 to 2013–14						
Case status	2009–10	2010–11	2011–12	2012–13	2013–14	Average
	Numbers of applications					
Received referral	2,095	2,026	2,065	2,215	2,449	2,170
Abandoned	351	328	337	336	425	355
Refused	203	184	170	171	255	197
Other*	39	51	44	34	28	39
Total	2,688	2,589	2,616	2,756	3,157	2,761
Case status	% of applications					
Received referral	78%	78%	79%	80%	78%	79%
Abandoned	13%	13%	13%	12%	13%	13%
Refused	8%	7%	6%	6%	8%	7%
Other*	1%	2%	2%	1%	1%	1%
Total	100%	100%	100%	100%	100%	100%
Sources: LSS data.						
*Other includes applications that are open (in the intake process), outgoing reciprocal, pending, terminated, and undefined, and so may include applications that will receive a referral in the future.						

While almost 80% of applicants with CFCSA matters receive a legal aid referral, the number of CFCSA legal aid applications annually is dwarfed by the number of investigations/family development responses (FDRs).¹⁴ These stages of MCFD involvement have the potential to lead to the removal of the child, but the legal aid system would obviously be overwhelmed if legal aid applications were made in even another 10% of these matters. Currently, legal aid applications constitute approximately one-sixth to one-fifth of investigations and FDRs in the last five years (Table 13).

Table 13: Legal aid applications for CFCSA matters compared to MCFD closed investigations FDRs, 2009–10 to 2013–14					
	2009–10	2010–11	2011–12	2012–13	2013–14
Legal aid applications	2,688	2,589	2,616	2,756	3,157
Closed MCFD investigations and FDRs	16,774	15,871	14,102	13,916	21,262
Applications/closed investigations and FDRs	16%	16%	19%	20%	15%
Sources: LSS and MCFD data.					

The findings in this section and Sections 4.1.3 and 4.1.4 indicate that LSS CFCSA legal aid referrals are provided to most of those who make an application, but that there are issues with awareness of

¹⁴

After concerns related to the safety of a child are reported to the MCFD, a child protection worker makes an assessment to determine whether the reports appear to be well-founded. These assessments can result in a determination that there is no problem or no children at risk, that parents can deal with the problem with some help from the MCFD or community services (i.e., a “family development response”), or a more complete investigation is warranted (LSS, 2013a).

the availability of legal aid prior to child removal and court involvement. Given the large numbers of investigations and FDRs annually, LSS would need to be careful before promoting the availability of legal aid based on the risk of removal without considering how to manage the potential increases in volume of applications.

Options for making an application and their availability

As discussed in Section 2.2, LSS offers several options for making legal aid applications, including its call centre, which operates province-wide, LSS-run offices serving four locations (Vancouver, Port Coquitlam, Terrace, and Prince Rupert), local agents who have offices in 29 communities, and band outreach to 17 First Nation communities. Depending on the community, local agents offer intake services at their offices, at the courthouse, or at both locations. Based on interviews with local agents, intake is typically not offered at the courthouse when the local agent's office is within blocks of the courthouse because they considered this approach to be more efficient. However, for a few locations where intake is only offered in legal aid offices, some key informants commented that it would expedite the application process if intake workers attended family list days/remand days.

Hours for intake services vary by location and type of service. The LSS call centre is available five days a week during normal working hours. Availability of intake services in legal aid offices range from five days per week for 37.5 hours per week, to one or two days per week for less than 10 hours per week in smaller locations. Intake at courthouses occurs at strategic times (e.g., family list or remand days) and, therefore, is typically a few days a week. Band outreach services are more variable, with potential clients often needing to contact the local agent first to request services.

Use of intake options

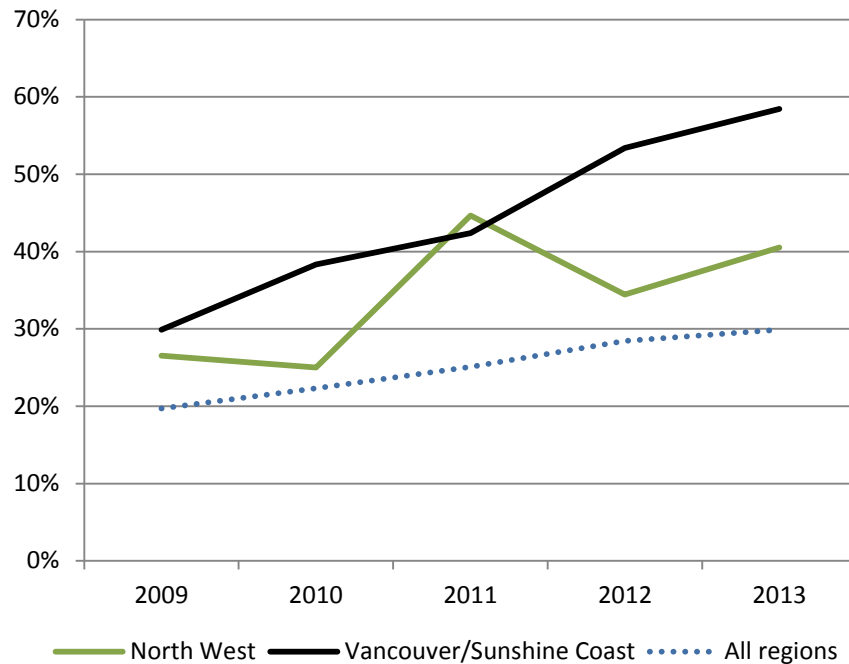
Overall, the number of CFCSA applications grew between 2009–10 and 2013–14, with a total increase of 17% (Table 14). CFCSA clients appear to prefer applying in-person, with walk-ins accounting for 70% to 80% of applications over the 2009–10 to 2013–14 period. However, total applications by telephone grew each year, with a total increase of 78% over the evaluation period, while walk-ins grew by 7%.

The proportion of total applications done by telephone increased somewhat over the evaluation period, from 20% of total applications in 2009–10 to 30% in 2013–14, while the proportion of total applications as walk-ins declined slightly (see Table 14).

Table 14: CFCSA legal aid applications, by intake type, 2009–10 to 2013–14							
Applications	2009–10	2010–11	2011–12	2012–13	2013–14	Total	09 to 14 % change
Walk-in	2,158	2,011	1,960	1,972	2,213	10,314	3%
Telephone	530	578	656	784	944	3,492	78%
Total	2,688	2,589	2,616	2,756	3,157	13,806	17%
Percent as telephone or walk-in							
Walk-in	80%	78%	75%	72%	70%	75%	
Telephone	20%	22%	25%	28%	30%	25%	
Sources: LSS data.							

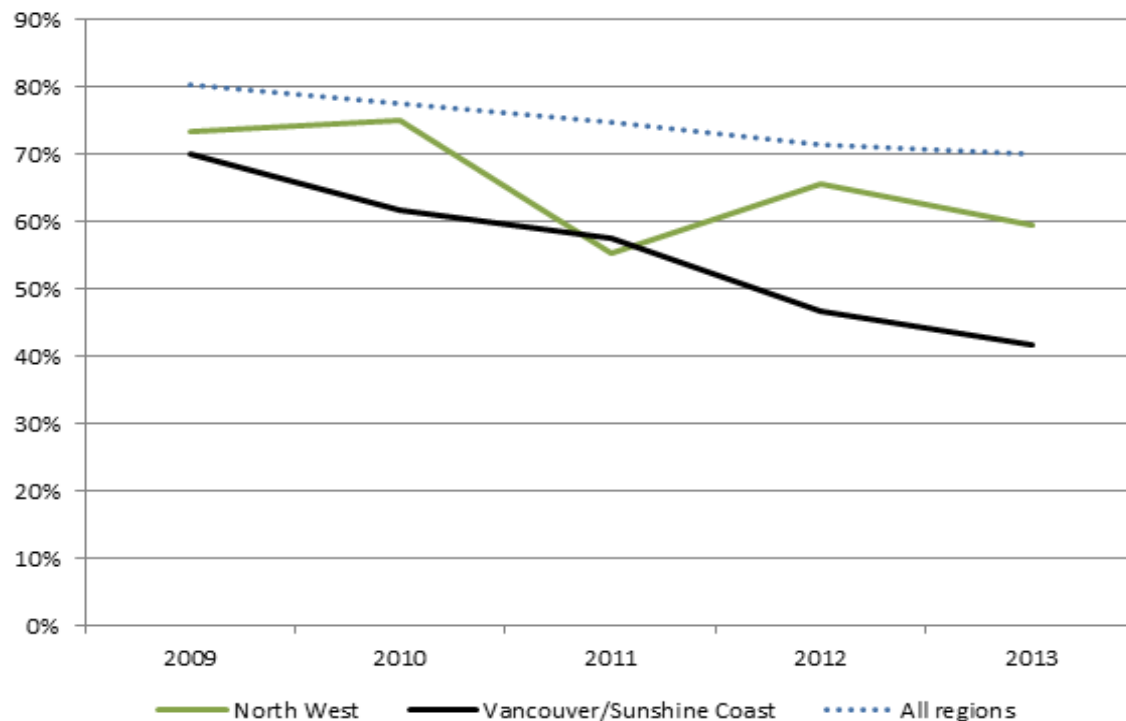
While both walk-in and telephone applications increased at least somewhat in most regions, the North West and Vancouver/Sunshine Coast regions had increases in the number of telephone applications and declines in the number of walk-in applications. For these two regions, the proportion of total applications done as telephone applications increased substantially, while the proportion as walk-ins declined substantially, particularly for the Vancouver/Sunshine Coast region (See Figures 2 and 3).

Figure 2: Percent of total CFCSA applications conducted by telephone, all regions and North West and Vancouver/Sunshine Coast regions, 2009–10 to 2013–14



Source: LSS data

Figure 3: Percent of total CFCSA applications conducted as walk-ins, all regions and North West and Vancouver/Sunshine Coast regions, 2009–10 to 2013–14



Source: LSS data.

Accessibility of intake options

Clients surveyed were asked about the accessibility of the intake options on several dimensions of service delivery.¹⁵ The results in Table 14 show that across the three main intake options (the call centre, the legal aid office, and intake staff at the courthouse) the majority of clients agreed with the following:

- ▶ they did not have a long wait
- ▶ staff spoke to them in a way that they could understand
- ▶ information provided to them was clear and easy to understand
- ▶ they were comfortable using the service
- ▶ the hours of the service were convenient
- ▶ the service was easy to find (not applicable to the call centre)
- ▶ they did not have trouble with getting transportation to the service (not applicable to the call centre)

Table 14: Accessibility of intake services			
Q10: Thinking about when you applied for legal aid at the call centre, the legal aid office, or the courthouse, how much do you agree with the following statements?			
	% of respondents who agree/strongly agree		
	Call centre (n=72)	Legal aid office (n=144)	Courthouse (n=75)
The staff spoke in a way that I could understand.	75%	82%	75%
I felt comfortable using the service.	69%	77%	77%
The information the service provided was clear and easy to understand.	67%	76%	76%
The hours the service was available were convenient.	63%	54%	59%
I did not have to wait too long before they helped me.	60%	69%	68%
The service was easy to find.	n/a	74%	75%
I did not have trouble getting transportation to or from the service.	n/a	74%	69%

Source: Client survey; respondents who used each mechanism for applying for legal aid.

While generally positive, some survey results indicate potential areas for improvement. For the call centre, about one-fifth of clients surveyed indicated a level of dissatisfaction with each of the following: the length of their wait to receive service, their comfort level using the service, and the convenience of the call centre hours. A similar proportion of respondents who applied at legal aid offices or at the courthouse did not find the hours of service to be convenient.

Client focus group participants were generally positive about the application process, by telephone and in person. A few commented that the telephone process takes longer than in person due to the time involved in mailing in required forms. The most common issues experienced by focus group participants were inconvenient or inconsistent hours at the legal aid offices and delays in returning telephone messages. Most participants considered the process to be straightforward and forms easy to read and fill out, although a few found providing proof of income difficult.

¹⁵ Client survey respondents primarily used in-person options (51% applied at a legal aid office and 27% with intake workers at the courthouse) instead of telephone (25% used the call centre).

Service providers (interviews, survey, and focus groups) confirmed the client survey and focus group findings. Service providers generally considered both the in-person and the call centre options for making LSS applications to be accessible for CFCSA clients. As with the clients surveyed, service providers were slightly more likely to consider in-person options accessible. For example, 70% of service providers surveyed reported that the call centre was accessible compared to 75% of respondents who thought intake through an LSS or local agent's office or at the courthouse was accessible. In interviews, service providers tended to prefer in-person services for clients for several reasons — individuals with a CFCSA issue are experiencing an emotional situation and need immediate answers; some individuals are low-functioning and the call centre can be difficult to navigate; and Aboriginal people generally prefer in-person contacts. However, several key informants commented that the call centre had improved in recent years, that their clients had not expressed any difficulties using it, and that they were comfortable referring clients to the call centre.

Abandoned applications

Another measure of accessibility of the intake process is the number and reasons for applicants abandoning their applications. LSS administrative data show that between 2009 and 2014 about 13% of applicants abandon their legal aid application for various reasons, some of which are related to accessibility of the application process. An indication of a lingering accessibility issue for the call centre is the higher rate of abandoned CFCSA applications from the call centre compared to in-person application options. LSS data shows that the CFCSA clients applying by telephone have a higher tendency to abandon their applications, with an average of 19% of these applicants abandoning the applications, compared to 11% of walk-in clients (Table 15). Key informant interviews gave some indication as to the reasons for this difference: applicants with CFCSA matters are often overwhelmed and the in-person options give added comfort and an opportunity to have the process explained and assistance provided in a more personal way. A few key informants who provide intake services reported that they will provide added encouragement by occasionally following up with individuals who do not come back to complete their application.

Other common reasons cited by service providers do not appear to be connected to the method used for applying: difficulties providing proof of income documentation, personal issues (addictions, mental health issues), and resolution of the matter with the Ministry during the investigation. A few key informants commented that individuals seeking legal aid to assist them with canceling a continuing custody order often find the amount of information they must provide (which includes evidence of addressing the factors that led to their losing custody) overwhelming and may not complete the process. Too few clients surveyed abandoned their applications (n=28) to be able to make any comparison across application options. The most common reasons clients provided were that they were not eligible, that they did not understand what they were supposed to do, or that they hired a private lawyer.

Table 15: CFCSA legal aid applications abandoned, by intake type, 2009–10 to 2013–14						
	2009–10	2010–11	2011–12	2012–13	2013–14	Average
Walk-in	10%	11%	11%	10%	12%	11%
Telephone	24%	20%	19%	16%	17%	19%
Source: LSS data.						

4.2.2 Family duty counsel

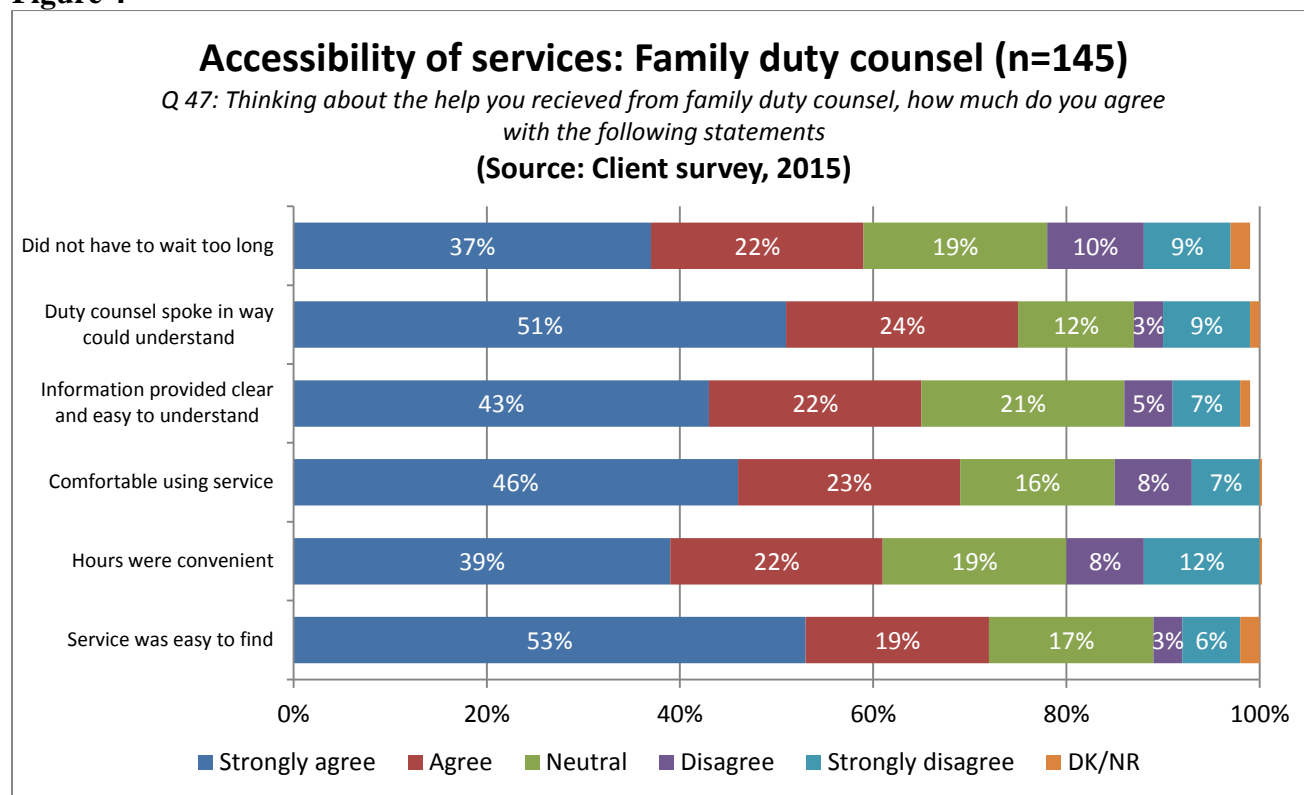
Family duty counsel was considered an accessible service across all lines of evidence (client survey and focus groups, and service provider survey, focus groups, and interviews). In client focus groups, the family duty counsel was often the first point of contact and referred clients to intake workers at the courthouse or to the local legal aid office. Duty counsel made their presence known to those in court. As one focus group participant commented: *“They were practically waving their hands in the air yelling, ‘Yoo-Hoo, I’m duty counsel!’ It was easy to figure it out.”* Other clients reported that duty counsel was proactive in approaching them to see if they needed assistance: *“Duty counsel was excellent. I was sitting there looking lost but they came and helped me.”* Almost three-fourths of clients surveyed who used duty counsel services reported that the duty counsel was easy to find.

Clients also found the services provided by duty counsel to be accessible in other ways. In the client survey, the majority of clients agreed or strongly agreed that they were comfortable using family duty counsel services, that the family duty counsel spoke to them in a way that they understood and provided them with clear and easy to understand information. While clients in focus groups reported that sometimes they had to wait in line to talk to duty counsel, both focus group and survey findings indicated that the wait was not considered overly long. See Figure 4 for more detailed client survey findings.

Some focus group participants expressed a lack of connection with duty counsel. This occurred, in part, because of a feeling that duty counsel was pressed for time. Clients felt rushed to explain their situation and commented that duty counsel appeared “frazzled.” A few clients noted that duty counsel did not appear until shortly before court starts, which added to the rushed, pressured feeling. Others had a general mistrust of lawyers and believe that duty counsel was aligned with the Ministry.

Service providers confirmed client survey and focus group findings, as they were generally very positive. Just over 90% of service provider survey respondents who were knowledgeable about client’s experiences with duty counsel services consider the service to be accessible or very accessible. In interviews and focus groups, service providers provided some additional context to the survey findings by noting some challenges that mirrored those identified by clients: some duty counsel do not appear until shortly before court begins, and the volume of clients and numbers of duty counsel can lead to clients feeling rushed as duty counsel work to meet demand. Accessibility issues depended very much on the location, and it was not the case that large sites experienced the most issues with accessibility, based on the interviews and focus groups with service providers.

Figure 4



4.2.3 PLEI

LSS has a variety of PLEI material available to assist people with child protection matters, as summarized in Table 16. The PLEI publications are available online, as well as through legal aid offices, courthouses, and through a variety of government and community services. A total of 92,621 publication materials were ordered from LSS over the 2012–13 to 2013–14 period. The PLEI materials most frequently ordered by other organizations include the Aboriginal Child Protection Wallet Card, with 24,328 ordered in 2013, followed by the publication *Parents' Rights, Kids' Rights: A Parent's Guide*, with 9,203 ordered in 2013 (see Table 16).

Table 16: Summary of LSS PLEI material orders by publication, 2012-13 and 2013-14				
Region	2012-13	2013-14	Total	% of total
	Quantity ordered			
Aboriginal Child Protection Wallet Card	3,103	24,328	27,431	30%
Parents' Rights, Kids' Rights: A Parent's Guide	9,839	9,203	19,042	21%
If Your Child Is Taken: Your Rights	5,262	7,621	12,883	14%
Understanding Aboriginal Delegated Agencies	1,538	5,154	6,692	7%
Understanding Court Orders and Hearings	2,779	3,571	6,350	7%
Understanding Aboriginal Child Protection/Removal Matters	2,286	3,473	5,759	6%
Understanding the Extended Family Program	2,043	3,143	5,186	6%
Child Protection Process in BC (flow chart)	2,017	960	2,977	3%
Aboriginal Child Protection Poster	1,004	1,678	2,682	3%
Understanding Child Protection Mediation for Aboriginal Families	-	1,980	1,980	2%
How to get a court-appointed lawyer*	-	1,639	1,639	2%
Total	29,871	62,750	92,621	100%

Source: Calculated from LSS data.

*Now titled *If you can't get legal aid for your child protection case. A step-by-step guide to making a JG application.*

Just over two thirds (68%) of the publication orders, in terms of quantity ordered, came from the Vancouver, Coast and Mountains region (Table 17).

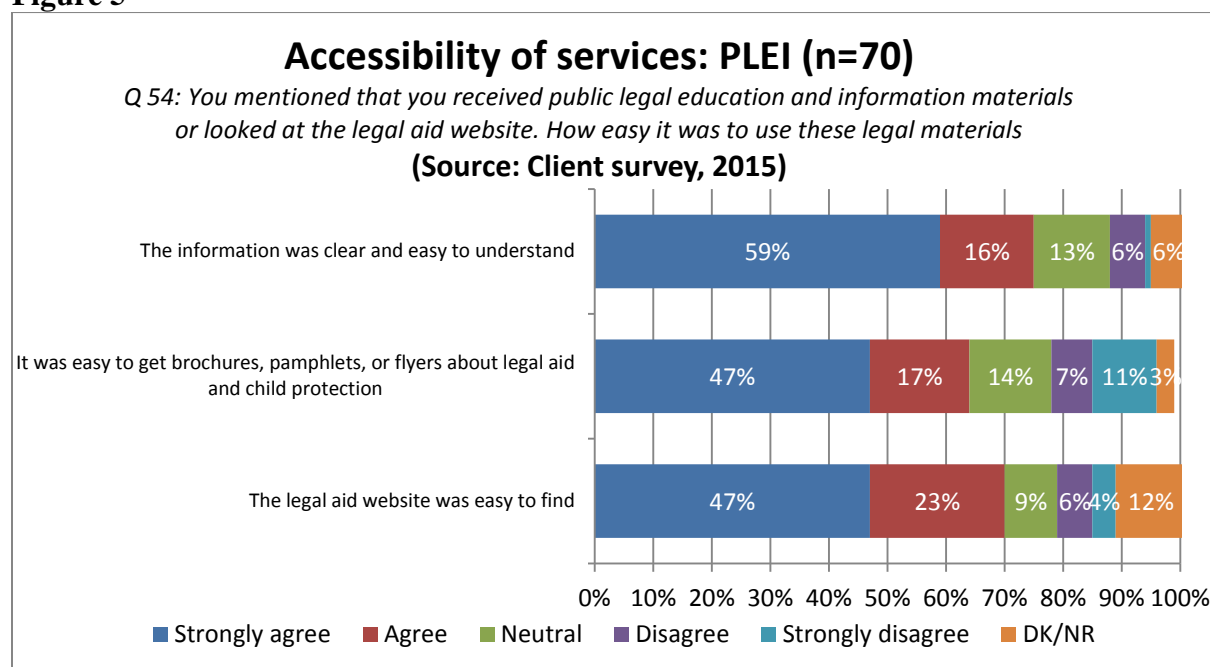
Table 17: Summary of LSS PLEI material orders by region, 2012–13 and 2013–14				
Region	2012-13	2013-14	Total	% of total
	Quantity ordered			
Vancouver, Coast & Mountains	17,505	45,174	62,679	68%
Thompson Okanagan	3,581	6,044	9,625	10%
Vancouver Island	4,278	5,090	9,368	10%
Northern British Columbia	2,982	4,713	7,695	8%
Cariboo Chilcotin Coast	930	906	1,836	2%
Kootenay Rockies	595	823	1,418	2%
Total	29,871	62,750	92,621	100%
Source: Calculated from LSS data.				

Source: Calculated from LSS data.

Clients and service providers were asked about the accessibility of the materials. One indication of accessibility is that a minority of clients surveyed (approximately one-fourth) indicated that they used public legal education and information materials or looked at the website. However, of those who used the materials, most believed they were easy to find and the information was clear and easy to understand (see Figure 5).

Clients who participated in focus groups were shown the PLEI materials listed in Table 16, except for the *Child Protection Process flow chart* and *Aboriginal Child Protection poster*. Several of the participants had seen at least some of the materials before (*Kid's Rights/Parent's Rights* and *If Your Child is Taken* were the materials most often seen), although many participants did not recall seeing any of the materials. Those who had received the materials obtained them from a variety of sources — legal aid offices, the courthouse, their counsel, or online. Participants who had not received the materials were given the opportunity to review them and comment on whether they would have been helpful. Most wished they had received these materials: “*I would have felt a lot better if I'd seen something like this upfront. I would have understood the process and known more about the steps I could take. I would have liked to have known the options.*”

Figure 5



Service provider survey, interview, and focus group results indicate that LSS PLEI materials are well known among many service providers. Of survey respondents with some or considerable knowledge of these materials, most were aware of the child protection section on the LSS family law website (89%), booklets/flowcharts on parents' rights if the child is apprehended (89%), of booklets/flowcharts for Aboriginal people if an Aboriginal child is apprehended (69%), and the booklet on how to get the court to appoint a lawyer, if someone can't get legal aid (63%). In interviews, intake personnel and community partners reported generally having access to these materials but opinion was divided on whether the materials were accessible to clients. Several service providers commented on literacy issues and language barriers as limiting clients' ability to effectively use these materials. Although some service providers believe the materials are too sophisticated and lengthy for clients to comprehend, they also acknowledged that the process is complex, so simplifying materials is difficult. LSS's recent work to gather feedback on the PLEI materials was commended, as was offering options of detailed materials for clients who desire more information and shorter flyers/pamphlets for those who want more streamlined information. Some of service providers said that they would sit with the clients to explain the materials to them and thought this helped boost comprehension.

A potential area for improvement involves the provision of CFCSA PLEI materials to community organizations that work with clients who have CFCSA issues but are not directly involved with LSS or with assisting clients with the court process. LSS currently provides PLEI materials to its community partners, and representatives of those organizations found the materials useful. However, focus group participants included representatives of other community organizations that are not formal community partners of LSS. These participants were less aware of CFCSA PLEI materials, often not having seen the materials before the focus group session. While they considered the materials too challenging for their clients to use, they believed that the materials would still be a valuable resource to their organization. The materials would improve their staff's understanding of the child protection process so that they could better assist their clients and know when to refer people to LSS.

4.2.4 Other legal aid services

Other LSS services are geographically limited, so fewer clients and service providers could provide comments. These services assist clients by providing information about the child protection system and LSS, as well as referring clients to other service providers.

LIOWs

LIOWs have limited involvement with CFCSA clients. In the smaller locations (Prince Rupert and Terrace), LIOWs are more directly involved with CFCSA clients because they also conduct intake services. The LIOWs in Vancouver rarely work directly with CFCSA clients. LIOWs described their role, in part, as assisting individuals who do not qualify for full representation by providing them with information on other LSS services (such as PLEI) and other non-LSS resources. Since most people with CFCSA matters who approach LSS qualify for legal aid coverage, LIOWs have limited contact with this client group other than to assist them with intake services or by referring them to the call centre or the local legal aid office. As a result of this limited interaction, the evaluation has little information on LIOWs service that is specific to CFCSA matters. Only three clients surveyed used the services of the LIOW and none of the focus group clients had used their services. Few service providers surveyed (n=29) could comment on the accessibility of the LIOW services for CFCSA clients, but of those, most (n=18) consider them to be accessible. In service provider focus groups, there was a lack of awareness of the LIOW services among some participants, but those who were aware of the services considered them accessible and helpful. Based on this information, no strong conclusions can be drawn about the accessibility or the usefulness of LIOW services specifically for CFCSA clients. That being said, the LIOWs do provide outreach to community organizations about LSS services, including CFCSA services. This form of outreach work can indirectly increase the accessibility of LSS CFCSA services by making community organizations more aware of the services and, therefore, more likely to refer their clients who have CFCSA matters to LSS.

Community partners

Community partners are located in communities that have fewer LSS services (many do not have a legal aid office) and fewer supports generally. They are seen as filling a gap in information services for potential LSS clients, so accessibility of these services to the communities they serve is important. Based on survey results, LSS community partners are considered to be a very accessible service by clients and service providers. As with ACLWs and LIOWs, the services of community partners are restricted to certain areas of province so only a few (n=19) clients surveyed and no focus group participants had used their services. Of the clients who had sought assistance from a community partner, almost all considered its services accessible in each of several dimensions (easy to find, hours were convenient, comfortable to use, information provided clear and easy to understand, staff spoke in way client could understand). A majority of service providers (58%) who had knowledge of clients' experiences with community partners considered them accessible for CFCSA clients.

4.2.5 Accessibility of services for specific client groups (Aboriginal people, people living in rural/remote areas, and ethnic minorities)

3. Are LSS CFCSA services accessible to Aboriginal people and minority demographic populations?

Aboriginal clients

Overall, of total 13,806 CFCSA applications over the evaluation period, 5,604 applicants, or 41%, indicated Aboriginal ancestry. This proportion remained fairly constant during 2009–10 to 2013–14 (Table 18). On average, a slightly higher proportion of CFCSA applicants indicating they were of Aboriginal ancestry received a referral (81%) and a slightly lower proportion were refused (5%) compared to those applicants indicating they were not of Aboriginal ancestry (76% and 9%, respectively; Table 19). The average proportion of applicants that abandoned their applications was 13% over the evaluation period, for applicants of Aboriginal and non-Aboriginal ancestry. These figures support key informant and service provider perceptions that Aboriginal people with CFCSA issues do not experience any greater issues with accessibility than similarly situated non-Aboriginal people when it comes to completing the legal aid application process and receiving legal aid coverage.

Table 18: CFCSA legal aid applications with Aboriginal ancestry, 2009–10 to 2013–14						
Applicants	2009–10	2010–11	2011–12	2012–13	2013–14	Average
Applicants with Aboriginal ancestry	1,041	1,078	1,062	1,128	1,295	1,121
Total applicants	2,688	2,589	2,616	2,756	3,157	2,761
% with Aboriginal ancestry	39%	42%	41%	41%	41%	41%
Source: Calculated from LSS data.						

Table 19: CFCSA legal aid applications abandoned or refused, by Aboriginal ancestry, 2009–10 to 2013–14		
Aboriginal ancestry and case status	2009-10 to 2013-14 average	
	Number	Percent
Of Aboriginal ancestry		
Received referral	911	81%
Abandoned	140	13%
Refused	56	5%
Other	13	1%
Total	1,121	100%
Not of Aboriginal ancestry		
Received referral	1,133	76%
Abandoned	199	13%
Refused	128	9%
Other	22	1%
Total	1,483	100%
Source: Calculated from LSS data.		

The ratio of applications to closed investigations/FDRs by ancestry show that a higher proportion of Aboriginal people with CFCSA issues are applying for legal aid than those who are not of Aboriginal ancestry (Table 20). The reasons for the differences cannot be determined from the available data. As a result, the data are an indication that Aboriginal people do not face greater barriers and, in fact, are more likely to apply for legal aid, but are not definitive.

Table 20: Ratios of legal aid applicants to closed MCFD investigations and FDRs, by Aboriginal ancestry, 2009-10 to 2013-14*

Of Aboriginal ancestry	2009–10	2010–11	2011–12	2012–13	2013–14	Average
Closed MCFD investigations and FDRs	5,490	5,316	4,902	4,730	7,230	5,534
LSS applications*	1,041	1,078	1,062	1,128	1,295	1,121
Applications/closed MCFD investigations and FDRs	19%	20%	22%	24%	18%	20%
Not of Aboriginal ancestry						
Closed MCFD investigations and FDRs	11,284	10,555	9,200	9,186	14,032	10,851
LSS applications*	1,489	1,364	1,385	1,457	1,718	1,483
Applications/closed MCFD investigations and FDRs	13%	13%	15%	16%	12%	14%

Sources: Calculated from MCFD and LSS data.

*Only includes legal aid applicants that indicated yes or no to Aboriginal ancestry (a small proportion did not indicate or were not asked ancestry and are not included).

Client and service provider feedback also did not indicate that Aboriginal people are encountering barriers in making legal aid applications or accessing other services, such as family duty counsel and PLEI. Based on client survey results, there are some differences that align with service provider feedback that Aboriginal people desire more in-person options for delivery of services, but none of the results are statistically significant. Aboriginal respondents were:

- ▶ less likely to have used the call centre (30% compared to 38% of non-Aboriginal clients);
- ▶ more likely to have used in-person intake options (85% compared to 72% of non-Aboriginal clients);
- ▶ more likely to have used family duty counsel (62% compared to 53% of non-Aboriginal clients);
- ▶ more likely to have received a legal aid referral (82% compared to 68% of non-Aboriginal clients); and
- ▶ equally likely to have used LSS PLEI (44% compared to 45% of non-Aboriginal clients).¹⁶

Across the more detailed dimensions of accessibility for each service in the client survey (service was easy to find, information provided clear and easy to understand, etc.) there were no statistically significant differences between Aboriginal and non-Aboriginal people. Service provider survey results also do not present clear indications of accessibility issues. A minority of respondents believe that particular services present greater accessibility issues for Aboriginal clients with CFCSA issues, but this is due in part to the large proportion of respondents who indicated don't know. Both forms of intake (call centre and in-person) as well as PLEI had more respondents indicating accessibility issues for Aboriginal people than those who did not think there were greater barriers. See Table 21. Service providers who believe that Aboriginal people experience greater accessibility issues listed several factors affecting Aboriginal people's access of LSS CFCSA services: location of services/transportation issues (67%), services are intimidating/lack of client comfort (57%), issues with cultural sensitivity (52%), information not provided at appropriate reading/verbal comprehension level (51%), insufficient number of service points (45%), and hours are too restrictive (43%).

¹⁶

The number of clients using other LSS CFCSA services is too small to support a comparison between Aboriginal and non-Aboriginal clients.

Table 21: Service accessibility for Aboriginal people			
Q13: Do you think that any of the services present greater accessibility issues for Aboriginal CFCSA clients?			
	Yes	No	Don't know
LSS call centre (n=93)	39%	30%	31%
In-person intake (LSS or local agent's office or at the courthouse) (n=148)	41%	37%	23%
Aboriginal band outreach (n=55)	33%	33%	35%
LIOWs (n=43)	28%	30%	42%
ACLW (n=52)	27%	44%	29%
Family duty counsel (n=169)	33%	46%	21%
Community partners (n=87)	24%	26%	49%
PLEI (n=123)	34%	27%	39%
Source: Service provider survey. Respondents who indicated that they have considerable or some knowledge of the client experience for each type of service.			
Note: Totals may not sum to 100% due to rounding.			

The above findings focus on currently available services and do not address service gaps that may affect accessibility to legal aid more generally, since these gaps may reveal overarching issues with reaching Aboriginal clients. A report commissioned by LSS noted cultural and social barriers experienced by Aboriginal people and recommended expanding in-person delivery options for legal education and information services, and increasing the number of Aboriginal people holding service positions, in particular hiring more Aboriginal community legal workers (LSS, 2007). LSS offers specific in-person services for Aboriginal people through Aboriginal band outreach and the ACLW. The findings for both of these services indicate accessibility issues for Aboriginal people.

The ACLW provides information about the child protection system and legal aid, refers clients to other service providers, and offers additional assistance (e.g., attends court, assists with preparing forms, speaks to other parties on behalf of Aboriginal clients). The ACLW is considered an accessible service by clients and service providers in the location where it is available (Nanaimo/Duncan). However, with only one ACLW, the reach of the service is very restricted. Service providers in other locations, particularly those with a greater concentration of Aboriginal people and/or more remote areas where fewer services are generally available, thought that the ACLW services should be expanded to their locations. Key informants who could comment considered the ACLW a key resource for CFCSA Aboriginal clients in the community served as she helps them navigate the child protection system. Client feedback on the service was limited (five clients surveyed had used the ACLW, as had most of the Aboriginal focus group participants in Nanaimo). All of the client comments were very positive about the accessibility of the ACLW in terms of her approachability and responsiveness. Given the very positive reviews of the ACLW's services, the lack of similar resources in other areas of the province with sizable Aboriginal populations is a service gap that leaves unaddressed previously identified issues regarding the accessibility of culturally sensitive in-person services delivered by and for Aboriginal people.

For Aboriginal band outreach, the evaluation unfortunately had few clients or service providers who could comment. Expanded Aboriginal intake services through band outreach provide an in-person method for applying for legal aid in First Nation communities. None of the clients surveyed or interviewed in focus groups used expanded Aboriginal intake services, so the client perspective is not available for this evaluation. Few service providers could comment. In interviews, they noted that this service works well for providing outreach to the communities to explain legal aid services, but some community members prefer to use intake services at the local agent's office as that affords them more

privacy. A few interviewees questioned whether band outreach was occurring in some areas designated for the service. Service provider survey respondents who indicated knowledge of this service (n=55) were divided, with less than half (44%) considering Aboriginal band outreach to be an accessible service, approximately one-quarter (24%) finding it not accessible, and one-third (33%) not able to provide an opinion.

People living in rural and remote areas

Interviews and focus groups, primarily with service providers, outlined several issues with accessibility to LSS services for people living in rural and remote areas. Given that many Aboriginal clients also live in rural and remote areas, these accessibility challenges affect them as well as others living in more isolated parts of British Columbia. The main barriers mentioned included the following:

- ▶ lack of lawyers in these areas of the province, which some key informants noted affects communications between lawyer and client, particularly given the next barrier cited below. The lack of lawyers also affects clients by potentially delaying their referral to a lawyer. LSS administrative data reflect this, as approximately 46% of CFCSA clients receive a referral in one day or less in the northern regions compared to 61% in Surrey/Fraser Valley and 51% in Vancouver.
- ▶ lack of telephone/Internet access, which key informants noted affects clients in several ways including interacting with intake, obtaining PLEI and information on other relevant services, and communicating with their lawyer
- ▶ lack of family duty counsel on court circuits
- ▶ lack of knowledge of LSS services available because of the limited number of service providers who might direct people to LSS services as well as the lack of communication tools to access information on the services, as noted above
- ▶ issues of trust that derive from a variety of sources and are exacerbated when clients must deal with people who do not share their background and experiences (i.e., Aboriginal, live in a remote area)

Ethnic minorities

LSS does not currently collect administrative data that enables a determination of accessibility of LSS services for ethnic minorities. The only indication of whether a client is from an ethnic minority group is the entry identifying language, but almost all applications (98.8% on average) indicated English as the language spoken (Table 22).

Table 22: CFCSA legal aid applications indicated language, 2009-10 to 2013-14		
Language	2009-10 to 2013-14 average	
	Number	Percent
English	2,728.8	98.81%
French	2.2	0.08%
Aboriginal	0.4	0.01%
American sign language	0.6	0.02%
Other	29.2	1.07%
Total	2,761.2	100.00%
Sources: Calculated from LSS data.		

Few clients from ethnic minority populations participated in the evaluation to obtain a client perspective (59 in the survey and none in the focus groups). Survey results did not show any statistically significant differences in accessibility of services between clients who self-identified as from an ethnic minority and those who did not. Service provider respondents generally did not consider there to be greater accessibility issues for clients from ethnic minority groups, although a large proportion could not provide an opinion (see Table 23). The main barriers to services that were identified included language barriers (79%), cultural sensitivity issues (61%), information not provided at appropriate reading/verbal comprehension level (61%), services are intimidating/lack of client comfort (54%), location of services/transportation issues (40%), and insufficient number of service points (30%). An insufficient number of clients from ethnic minority populations participated in the evaluation to obtain a client perspective.

Table 23: Service accessibility for ethnic minorities			
Q15: Do you think that any of the services present greater accessibility issues for clients from ethnic minority populations?			
	Yes	No	Don't know
LSS call centre (n=93)	25%	41%	34%
In-person intake (LSS or local agent's office or at the courthouse) (n=148)	30%	45%	26%
LIOWs (n=43)	21%	35%	44%
Family duty counsel (n=169)	27%	49%	24%
Community partners (n=87)	24%	35%	41%
PLEI (n=123)	20%	38%	42%
Source: Service provider survey. Respondents who indicated that they have considerable or some knowledge of the client experience for each type of service.			
Note: Totals may not sum to 100% due to rounding.			

4.3 Helping clients meet their legal needs

For the purposes of the evaluation, helping clients meet their legal needs encompasses a number of dimensions, including the extent to which clients received CFCSA services from LSS, services' timeliness and responsiveness, and the involvement of the client in the resolution of their matter, which are all addressed in this section. Comprehensiveness and integration of services and general satisfaction with services are addressed in Sections 4.4 and 4.6.

4. Did clients receive services to help them meet their legal needs?

4.3.1 Extent to which clients receive CFCSA services

As discussed in Section 4.2.1, most people who apply for legal aid for their CFCSA matter receive a legal aid referral for full coverage. In addition, two-thirds of clients who receive a legal aid referral have used more than two LSS services. While some services are available in only selected locations (i.e., ACLW, community partners, and LIOWs), most clients from those locations had accessed those services, the exception being LIOWs. See Table 24.

Also noteworthy is the (non) use of PLEI. The same proportion (one-fourth) of clients surveyed who receive and do not receive referrals used PLEI. As noted in Section 0, over 40% of survey respondents reported being not at all aware of PLEI material. The proportion is similar for clients with referrals (47%) and clients without referrals (45%). In interviews, some service providers reported that they do not refer clients who are represented by a legal aid lawyer to other types of LSS services. They think additional LSS services are not necessary, which may explain the low use of PLEI. For individuals who do not receive a legal aid referral, the expectation would be that they are referred to PLEI materials as a way to help meet their legal needs, but this does not appear to be occurring.

Table 24: Use of LSS services by CFCSA clients						
Q4: Which of the services did you use during your child protection matter?						
Service	Clients with legal aid referral using service*			Clients without legal aid referral using service*		
	n	#	%	n	#	%
LSS call centre	217	78	36%	76	23	30%
In-person intake	217	178	82%	76	50	66%
Family duty counsel	217	118	54%	76	27	36%
Representation	217	217	100%	--	N/A	N/A
Community partner**	30	17	57%	5	2	40%
LIOW**	8	3	38%	--	--	--
ACLW**	7	4	57%	1	1	100%
PLEI	217	51	24%	76	18	24%
Number of LSS services used	217			76		
None		--	--		11	15%
One		7	3%		25	33%
Two		65	30%		26	34%
Three		74	34%		12	16%
Four		49	23%		2	3%
Five		21	10%		--	--
Six		1	1%		--	--

Source: Client survey. N sizes vary based on the service's geographic coverage and include only those respondents residing in areas with the service.

*Survey results based on whether clients received legal aid referrals should be treated with caution due to inconsistencies between client self-reporting and LSS administrative data. See Section 3.5 for a discussion of this issue.

**Caution: Small number of respondents used this service.

4.3.2 Timely and responsive service¹⁷

5. To what extent do clients receive timely and responsive CFCSA legal services?

Intake services

Based on LSS administrative data, the intake services are providing prompt and timely eligibility decisions on CFCSA matters. On average over the evaluation period, first referrals are made in one day or less from the interview date for just over half (54%) of CFCSA clients, and in two to five days for another 14% of clients (Table 25). As well, first referrals are made in 15 days or less from the interview date for 86% of CFCSA clients, on average. In addition, intake workers have the option of giving clients a short term referral if clients have an imminent court date and require more time to provide proof of income. (Once proof of income is provided, the referral length may be extended.) Trends in days to first referral are very similar between applicants indicating Aboriginal ancestry and those indicating no Aboriginal ancestry.

Table 25: CFCSA legal aid applications days to first referral, by intake type, 2009–10 to 2013–14 averages						
Days to first referral*	Average for all applicants		Average for applicants indicating Aboriginal ancestry**		Average for applicants indicating non-Aboriginal ancestry**	
1 day or less	1,195	54%	483	52%	625	54%
2 - 5 days	299	14%	123	13%	163	14%
6 - 15 days	401	18%	176	19%	207	18%
16 - 25 days	120	5%	54.8	6%	60.8	5%
> 25 days	190	9%	88.3	10%	95.8	8%
Total	2,205	100%	925	100%	1,152	100%
Source: Calculated from LSS data.						
*Days to first referral calculated as the difference between the interview date and first referral date.						
**Includes only applicants that said yes and no to Aboriginal ancestry in their applications.						

¹⁷

Not all LSS services are discussed in this section. For some services (band outreach and LIOWs) there was not sufficient information across the lines of evidence for their inclusion. They are discussed in Section 4.2.

In-person intake is able to make faster decisions on eligibility, likely because applicants can provide documentation to intake personnel more expeditiously than telephone intake when supporting documents, such as proof of income, would typically have to be mailed in. On average, as shown in Table 26, a smaller proportion of applications taken by telephone receive a first referral in one day or less (41%) compared to walk-in intakes (58%). However, for both intake types, the majority of applications receive the first referral within 15 days from the interview date.

Table 26: CFCSA legal aid applications days to first referral, by intake type, 2009–10 to 2013–14 averages		
	Walk-in	Telephone
Average applications	1,690	515
Days to first referral*	% of average applications by days to first referral	
1 day or less	58%	41%
2 – 5 days	12%	17%
6 – 15 days	17%	22%
16 – 25 days	5%	8%
>25 days	8%	12%
Source: Calculated from LSS data.		
*Days to first referral calculated as the difference between the interview date and first referral date.		

A high proportion (43%) of applicants who are denied a legal aid referral are informed the same day they apply, and 12% are informed within one to five days (Table 27). Just over one-fifth (22%) of applicants are not informed that they do not qualify for a legal aid referral for 25 days or more after their interview.

Table 27: CFCSA legal aid applications days to refusal, 2009–10 to 2013–14 averages		
Days to refusal	2009–10 to 2013–14 average	
	Number	Percent
0 days	424	43%
1 – 5 days	120	12%
6 – 10 days	84	9%
11 – 25 days	142	14%
>25 days	213	22%
Source: Calculated from LSS data.		

Service providers (interviews and focus groups) were generally positive about in-person intake services, noting that intake workers are helpful in assisting clients with the application process and providing them with needed forms and materials. In interviews, many service providers — particularly those serving smaller communities and/or remote areas — raised concerns about the helpfulness of intake services provided through the call centre. These key informants noted the following:

- ▶ CFCSA clients often face other issues (emotional trauma, crisis, language barriers, etc.) that make applying by phone more difficult.
- ▶ The lack of in-person interaction can exacerbate trust issues between the clients and those doing intake.

Clients in focus groups had primarily used the in-person intake services and found them generally helpful. A few mentioned difficulties, such as not having the documentation required explained to them sufficiently (this was particularly mentioned with respect to a continuing custody order where clients must provide documentation to demonstrate the change in their situation), hours being erratic, or voice messages not returned promptly. Most found the in-person intake services to be respectful: *“They were quite professional and very helpful and I liked dealing with them right from the very start. For me, everything went smoothly all the way.”*

The clients who applied through the call centre generally found the service helpful, but the description of one focus group participant demonstrates the amount of initiative required for application through the call centre:

“The telephone works really well. They told me what information they needed to have submitted and they gave me their fax number so that I could take it to a centre with a fax machine, or someone could help me fax it off. They needed a proof of income, a proof of residence, etc. and then they could process your file. If they got it within the next five days it should be ready the following week. They were really good.”

A few service providers in interviews noted that the step of needing to fax information to the call centre (e.g., proof of income or residence) can be the point where the client abandons the process. Some service providers suggested that the helpfulness of intake services for certain clients (in particular Aboriginal clients or clients in rural and remote areas) could be improved if there was follow up with clients who have not sent in their proof of income or residence.

Family duty counsel

Family duty counsel is, generally speaking, considered a timely and responsive service, although, as discussed earlier in Section 4.2.2, service providers and clients in some locations mentioned that the lines for duty counsel can be long and, as a result, the clients can feel rushed. Service providers in these locations said that duty counsel are limited in their ability to help people because there are not enough duty counsel and they do not have enough time to assist clients. According to these service providers, the lack of availability of duty counsel leads to adjournments (to allow clients time to talk to duty counsel), and the resulting delays impact children who must remain in care longer.

Key informants generally agreed that duty counsel do the best they can to assist clients. Many indicated that duty counsel are particularly helpful for explaining the court process to clients, as well as their legal rights, and attending first court appearances with clients who do not (yet) have legal representation. A few also mentioned a role for duty counsel to play in instructing clients to apply for legal aid. Some key informants mentioned that duty counsel are more useful for family law matters than for CFCSA matters; since CFCSA matters are more urgent or complex than some family law matters, duty counsel cannot assist with resolution of CFCSA matters to the same extent as they can assist in resolving certain family law matters.

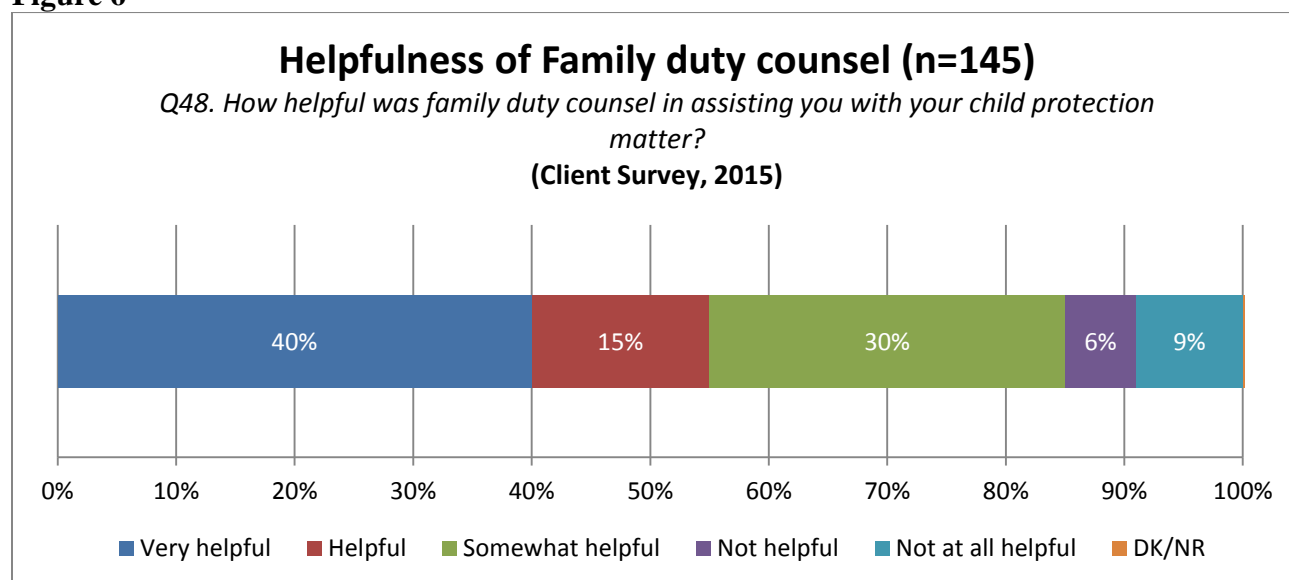
Client feedback shows that family duty counsel provide a range of supports but primarily focus on providing legal advice, helping clients know how to apply for legal aid, and explaining the child protection process (see Table 28).

Table 28: Assistance provided by family duty counsel (n=145)			
Q47: Thinking of the help you received from family duty counsel, did they do the following?			
	Yes	No	DK/NR
Answer your questions	83%	14%	3%
Provide you with legal advice	77%	21%	3%
Explain what you needed to do to apply for legal aid	75%	21%	4%
Help you know what to do next	74%	21%	5%
Explain the child protection process to you	65%	30%	5%
Speak for you in court	59%	38%	3%
Let you know about other legal aid services	49%	43%	8%
Help you prepare court documents	44%	55%	1%
Let you know about other services in your community	43%	54%	3%
Tell you how to find information on the Internet about the child protection process	30%	61%	10%
Give you pamphlets or flyers on the child protection process	29%	66%	5%
Source: Client survey			
Note: Totals may not sum to 100% due to rounding.			

Generally, clients consider family duty counsel assistance to have been helpful, as shown in Figure 6. Several focus group clients mentioned, in addition to the types of assistance in Table 28, that family duty counsel had stepped in to assist when their lawyers were late to (or didn't show up for) court appearances. Client concerns with family duty counsel centred on sometimes feeling pressed for time due to the lines to see family duty counsel, as well as mistrusting duty counsel. The time pressure is reflected in survey findings that duty counsel services would be more helpful if there was more information/explanation provided (36%), if more time was spent with the client (23%), and if duty counsel was more personable and caring (9%).¹⁸ The mistrust of duty counsel was particularly mentioned by Aboriginal focus group participants who thought the duty counsel seemed aligned with the Ministry; they commented that they would prefer to be assisted by an Aboriginal person.

¹⁸ Percentages are based on respondents who considered the service somewhat helpful, not helpful, or not at all helpful

Figure 6



ACLW

Service providers in interviews and focus groups who were both familiar with the work of the ACLW and provided services in a location with access to the ACLW (including community partners, Director's counsel, and LIOWs) described the ACLW as well-trained, informed, and very helpful. Service providers in other locations who were aware of the ACLW's work, similarly, thought that the ACLW is very helpful and works proactively to connect clients with other services. However, some mentioned that she has a very high workload, and indicated that having more people in ACLW positions would be beneficial.

In focus groups, clients located in Vancouver Island had received services from the ACLW.

Those who had received assistance from the ACLW generally found her services to be helpful, and mentioned that the ACLW assisted them by:

- ▶ providing them with information;
- ▶ making calls and talking to social workers on their behalf; and
- ▶ clarifying things like consent orders.

The five survey respondents who had received assistance from the ACLW mentioned similar types of assistance, in addition to some also being assisted by her attending court or mediation with them and receiving referrals to other services. Almost all (4 out of 5) considered the ACLW's support to be very helpful.

Some Aboriginal focus group participants said that they found the ACLW's services useful, even when they were represented by a lawyer; however, some mentioned that they did not seek out the ACLW's services because they found them (or expected them) to be redundant to lawyers' services. Service providers also recognized that clients need more/other types of support to assist them with their CFCSA matters, in addition to the ACLW's support.

Community partners

Many key informants representing community partner organizations mentioned that community partners are especially helpful for:

- ▶ providing clients with in-person contact, particularly in areas where in-person intake services are not available;
- ▶ increasing availability of/access to publications;
- ▶ connecting clients with other service providers (to meet legal and non-legal needs);
- ▶ raising public awareness of legal services.

Key informants noted that the duties performed by community partners vary to some extent. A few key informants representing community partner organizations mentioned additional duties performed by some community partners, including assisting clients in preparing for court; and attending meetings with clients. Key informants representing other stakeholder types largely could not comment on the helpfulness of community partner services. A few local agents mentioned having little interaction with the community partner in their area.

Almost all (18 of 20) client survey respondents who used the services of community partners considered the assistance they received to have been helpful. Clients reported receiving a variety of services from community partners (see Table 29).

Table 29: Assistance provided by community partners (n=20)* Q51: Thinking of the help you received from the community partner, did they do the following?	
	Number of respondents provided assistance
Answer your questions	18
Help you know what to do next	17
Explain what you needed to do to apply for legal aid	16
Give you pamphlets or flyers on the child protection process	13
Let you know about other services in your community	13
Give you access to a phone so you could call the LSS call centre	13
Explain the child protection process to you	11
Let you know about other legal aid services	11
Tell you how to find information on the Internet about the child protection process	8
Give you access to a computer so you could use the legal aid website	6
Source: Client survey	
*Caution small number of respondents that used this service	

Public legal education and information

The evaluation findings generally support the need for PLEI but also emphasize the importance of having options in terms of topics, level of detail, and type of presentation (e.g., written, video, hard copy, online, relayed by service provider or provided directly to client). Service providers (interviews and focus groups) reflect these perspectives. Many of those interviewed indicated that LSS does a good job with both developing and widely distributing publications — offering useful information online and in various printed formats (from comprehensive books to brief brochures, pamphlets, and diagrams) to serve different needs. Some specifically mentioned *Parents' Rights, Kids' Rights* as a useful publication. In focus groups, some service providers identified that LSS's PLEI materials are helpful in providing clients with information in a variety

of forms; answering clients' questions; and reassuring or calming clients (giving clients something to hold on to, and options for what to do).

However, service providers in interviews and focus groups also pointed out limits to the usefulness of public legal information for CFCSA clients, including the following:

- ▶ clients get some information about the child protection process from the Ministry/social workers, so they have greater need for legal advice (on how to proceed in a child protection case) and representation than legal information
- ▶ written materials are not as effective as in-person assistance for CFCSA clients, who may have difficulties absorbing written information in times of crisis and deciding what to do with it
- ▶ some publications are too information-heavy, busy (in terms of formatting), or complex for the clients they work with (who have FASD, literacy, and/or competency issues), but a few qualified that having publications ranging in depth and complexity are useful because clients vary in their abilities, and service providers also use the publications; a few suggested that short videos might be useful
- ▶ CFCSA clients may have difficulties in navigating online resources
- ▶ public legal information is not essential for the majority of CFCSA clients who have access to a lawyer

Findings also pointed to the need to more widely distribute PLEI materials. Some service providers in all focus group locations indicated that they had limited knowledge of LSS publications. A few mentioned that they give out the publications sparingly because they do not know where/how to obtain more copies. A few mentioned not having updated materials in their offices (e.g., posters or flowcharts that do not reflect changes in the law).

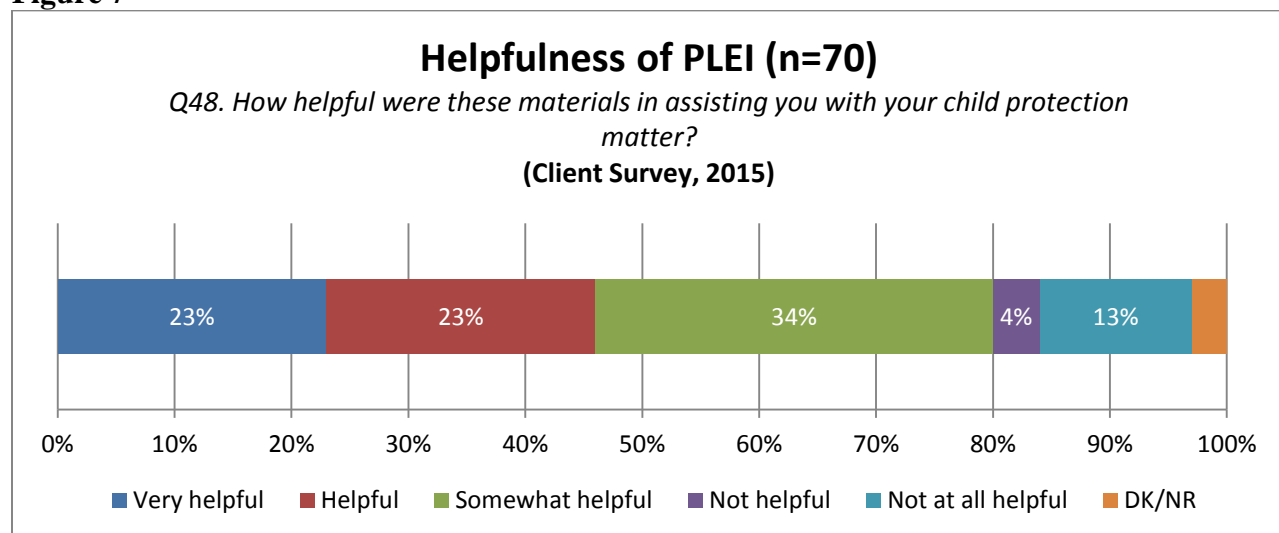
Based on client survey and focus group results, few clients had accessed PLEI (see also Section 4.2.3). In the survey, one-fourth of clients had used PLEI. Similarly, many focus group participants said that they had not seen any LSS publications prior to the focus groups. Those who had not seen the publications said that they thought the publications seemed helpful and comprehensive. These clients said that, if they had seen the publications at an early stage, they would have been better informed about the child protection process, the ministry, and their options. Survey respondents who had used PLEI reported receiving information that assisted them in a variety of ways (Table 30).

Table 30: Assistance provided by PLEI (n=70)			
Q55: Did the legal information that you received or looked at help you in the following ways?			
	Yes	No	DK/NR
Explain what you needed to do to apply for legal aid	86%	9%	6%
Answer your questions	70%	27%	3%
Tell you how to find information on the Internet about the child protection process	67%	21%	11%
Help you know what to do next	67%	26%	7%
Explain the child protection process to you	63%	27%	10%
Let you know about other legal aid services	59%	30%	11%
Let you know about other services in your community	51%	43%	6%
Source: Client survey			
Note: Totals may not sum to 100% due to rounding.			

Less than one-half of the survey respondents who used PLEI materials considered them to be very helpful or helpful (Figure 7). Comments from focus groups may explain why some found the materials less helpful.

- ▶ *“I also found the information they gave me helpful but I wanted more because it was only a summary and didn’t answer all my questions. I was bewildered and had no idea what was going on. I wanted to understand the court process. I just felt like it was thrown at me and too overwhelming.”*
- ▶ *“These kinds of booklets support the process in general but when your case is more complicated like with access there isn’t enough information. I just turned to that section in this book and they have one paragraph saying ask for visits with your child. Everything is way more complicated than that.”*
- ▶ *“I would like to see more information for grandparents and other family members to know their rights in child protection.”*
- ▶ *“For my situation, continuing custody order, it’s not being explained anywhere. Not even online. I looked but couldn’t find anything. In general for this topic anything that is out there is too vague — print, online, there isn’t much out there. Every situation is different for continuing custody orders. A lot of moms just walk away and then they just kind of stay in foster care their whole lives. I am trying to reverse that but it is really difficult.”*

Figure 7



A few service providers mentioned differences for Aboriginal clients in the usefulness of public legal information:

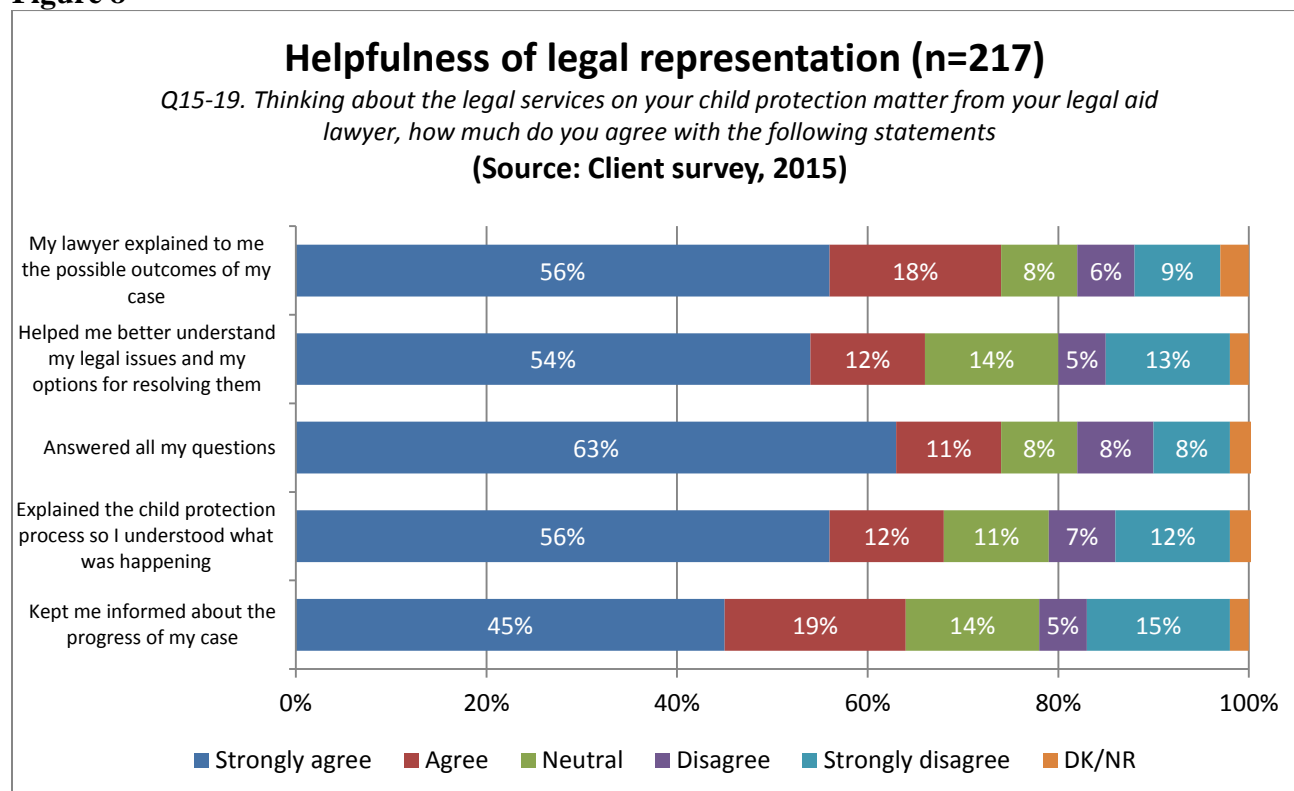
- ▶ One mentioned providing non-Aboriginal clients with printed materials more often than Aboriginal clients (found printed materials less useful for Aboriginal clients).
- ▶ One mentioned that, while LSS tailors some publications to Aboriginal clients, the information contained in these publications is not applicable to all Aboriginal communities. For example, not all communities have delegated Aboriginal agencies.
- ▶ One suggested that LSS could do more to ensure that:
 - publications for Aboriginal clients are written with careful consideration of the ways in which Aboriginal people use the English language differently from the general population; and
 - the portions of the LSS website intended for Aboriginal clients are not perceived as shaming.

Representation by a lawyer

Based on client and service provider survey results, lawyers generally provide a timely and responsive service to their legal aid clients. Focus groups and interviews provided a more nuanced description of working with the lawyer where the responsiveness very much depended on the individual lawyer involved.

In the survey, 71% of clients reported that their lawyer contacted them within a week (49% within a few days) of being notified they had legal aid. Over nine-tenths of counsel surveyed said they contacted their legal aid clients within a week. The majority of client survey respondents also strongly agreed or agreed that their lawyer had effective communication with them on a number of issues, including helping them understand their legal issues and options, answering their questions, explaining the child protection process to them, keeping them informed about the progress of their case, and explaining possible outcomes of their case. See Figure 8. Correspondingly, most lawyers surveyed also believed they were able to keep clients informed about the progress of their case to a high extent (67%). The main factors limiting their ability to keep their clients informed were the client's lack of access to telephone or email and the client not keeping scheduled meetings.

Figure 8



Service providers (interviews and focus groups) were somewhat divided in their opinions about the responsiveness of lawyers in terms of providing clients with timely services and keeping them informed of what is happening. Many key informants (representing community partners, lawyers, and local agents) made favourable comments about the responsiveness of legal aid lawyers — with some specifying that lawyers are assigned to, and make contact with, clients in a timely manner. Other service providers interviewed (including mediators, community partners, local agents) mentioned receiving complaints from clients about responsiveness of their lawyer. While some identified that some of these complaints were more a reflection of the client's dissatisfaction with the results of the case, rather than with the work of the lawyer, others indicated that responsiveness varies among lawyers, and some lawyers could do a better job of responding to their clients. Comments from client focus group participants were dependent on the lawyer but also the client's satisfaction with the outcome of their case. Some participants were pleased with their lawyer's responsiveness in explaining the process, advocating for them, and providing them advice, while others thought their lawyer did not have time for them or was aligned with the Ministry.

Many key informants identified factors affecting the responsiveness of legal aid lawyers and their ability to provide clients with timely services — including the following:

- ▶ Not enough lawyers are doing legal aid and there is little compensation for these lawyers. Both of these factors may lead to lawyers having high caseloads and/or not enough time to assist each client. Service providers working in both large urban centres and rural northern areas mentioned this.
- ▶ Some clients — in some rural and remote northern areas, in particular — do not have regular telephone access, which makes it difficult for lawyers to contact them in a timely manner after a referral has been made, and remain in contact with them.
- ▶ Key informants in smaller, more isolated communities mentioned that the usefulness of lawyers depends on how active they are between circuits or visits to the community. When lawyers are away from the community, they do not always maintain active contact with clients. Lawyers coming from outside of a community also do not always communicate with clients in a way that facilitates their understanding (e.g., using legal terminology, lacking understanding of differences in Aboriginal communication styles).

4.3.1 Engagement of clients in the resolution of their cases

6. To what extent are clients engaged in resolving their legal issues?

Clients should receive sufficient information so that they can be actively engaged in the resolution of their legal issues. Many key informants (representing all stakeholder types) agreed that clients are involved in the decision-making process for resolving their child protection matter. These key informants indicated that, in most cases, lawyers provide clients with information to support decision making, and follow clients' instructions. Some qualified this by saying that clients are involved in the decision-making process more when they have a lawyer (or family support worker or advocate), and expressed concern that clients are more likely to feel coerced into particular decisions when they do not have legal representation or other support people. A few mentioned that some clients prefer that their lawyer take charge to a greater extent, but, while lawyers can recommend the best options for their clients, clients still make the final decision. A few key informants mentioned that, at times, some lawyers may push forward their own ideas with little consultation with the families — but said that these incidents are rare.

Use of collaborative options

Client feedback on their engagement in resolving their cases focused more on their participation in collaborative processes like mediation, family group conferences, and traditional-decision making (see Section 2.1 for a description of these processes). Client focus group participants did not comment directly on whether they believed they were sufficiently involved in the decision making process related to their case, but those who were dissatisfied with the results of their case tended to believe their preferences were not listened to. Many clients expressed frustration with needing to agree to Ministry conditions because they felt they had few options without jeopardizing their access to their child.

Based on the survey results, clients with legal aid referrals are more likely to be aware of and, therefore, use these non-court processes. See Table 31. However, awareness of the services is not uniform: less than one-third of Aboriginal clients are made aware of the traditional-decision making option. See Table 31.

Table 31: Client participation in collaborative processes		
	Clients with legal aid referral (n=217)	Clients without legal aid referral (n=65)*
Q29A-C: Did anyone tell you about the following?		
Family group conference	61%	45%
Mediation	75%	57%
Traditional-decision making (Aboriginal clients only)	39%	20%
Q22: Did you use any of the non-court processes?		
None	36%	54%
Mediation	47%	31%
Family group conference	39%	23%
Traditional-decision making (Aboriginal clients only)	15%	10%
Source: Client survey.		
* Eleven respondents did not receive these questions.		

The greater awareness of collaborative processes by clients with referrals is reflected in the most common sources for information on these collaborative processes. Clients with legal aid referrals were most often told about these processes by their lawyer or the social worker, while clients without referrals were most often told by the social worker or friends/family. The importance of being given sufficient information in the decision to use these processes is evident from the survey results. Clients with referrals were more likely to think they had sufficient information to understand what the processes were (60% compared to 43% of clients without referrals) and also more likely to use the processes (64% used one form of collaborative process compared to 46% of clients without referrals).

LSS administrative data demonstrate the use of mediation/consensual dispute resolution and confirm the survey results with about 44% of clients using mediation/consensual dispute resolution. See Table 32. Aboriginal clients are equally likely to use mediation as non-Aboriginal clients. See Table 33.

Table 32: Proportion of CFCSA clients participating in mediation/consensual dispute resolution by region, 2009–10 to 2013–14						
	2009	2010	2011	2012	2013	Average
Interior/East Kootenays	56%	51%	57%	53%	53%	54%
North	51%	54%	60%	52%	48%	53%
North West	18%	16%	21%	23%	7%	17%
Okanagan/West Kootenays	21%	35%	31%	25%	32%	29%
Out Of Province	8%	0%	44%	46%	31%	26%
Surrey/Fraser Valley	42%	43%	46%	45%	38%	43%
Vancouver Island	37%	44%	44%	49%	49%	45%
Vancouver/Sunshine Coast	45%	49%	49%	57%	50%	50%
Grand Total	40%	44%	46%	47%	44%	44%
Source: Calculated from LSS data						

Table 33: Proportion of CFCSA clients participating in mediation/consensual dispute resolution by Aboriginal ancestry, 2009–10 to 2013–14						
Applicant has Aboriginal ancestry*	2009	2010	2011	2012	2013	Average
Yes	41%	44%	46%	45%	42%	44%
No	40%	43%	45%	48%	45%	44%
Source: Calculated from LSS data						
*Days to first referral calculated as the difference between the interview date and first referral date.						
*Includes only applicants that said yes and no to Aboriginal ancestry in their applications.						

Key informants identified the several factors that support the use of collaborative options. Some said that clients are typically willing to engage in these collaborative processes because they are less intimidating than the court process, and because they can be adapted to accommodate cultural values and traditions. A few said that the ministry is willing to engage in mediation because they are able to negotiate agreements that are not possible to make in court, and view mediation as the best way to return children to their family. Key informants noted some differences in the use of collaborative processes among jurisdiction type/size. Some smaller communities have less uptake of mediation and family group conferences due, in part, to a lack of people available to facilitate these options (or a complicated process required to find someone to facilitate). In addition, some communities have a culture of support regarding collaborative options, and, therefore, use them more.

Barriers to participation in collaborative options

Key informants identified several barriers to the use of collaborative options.

- ▶ Some key informants said that clients who are suspicious or fearful of the Ministry may be reluctant to participate in a collaborative process with ministry staff. This hesitation is more evident when the person does not have legal representation. Key informants said, without a lawyer, clients have a harder time trusting that the mediation process will be independent of the Ministry.
- ▶ While some key informants said that clients are kept informed of collaborative options by Ministry staff, some expressed the opinion that, at times, the Ministry may be reluctant to engage in collaborative options — either due to resource concerns (as the Ministry is responsible for the costs of mediation), or due to reluctance to change their position.
- ▶ Some identified transportation issues, noting that getting clients to locations where collaborative options can be held can be difficult.
- ▶ Some mentioned that, in some areas, mediators or facilitators are not readily available, which means that collaborative options are either not possible, or the wait times for them are long.
- ▶ A few mentioned that the time-consuming nature of collaborative processes and limited hours of legal counsel can be limiting factors.
- ▶ A few mentioned that mental health issues can prevent some clients from being able to negotiate reasonably.
- ▶ A few identified communications issues; when clients are difficult to reach, organizing collaborative options is a challenge.

Helpfulness of collaborative processes to clients

Most clients who used collaborative processes reported them to be at least somewhat helpful, with mediation and traditional decision making considered most helpful by clients who used them (see Table 34). In terms of what made the processes helpful, most clients (survey and focus groups) said that they helped them decide some issues without going to court. Clients tended to prefer mediation to family group conferences. As one participant described it:

“I think mediation is an excellent option because it helps everyone to come together with a plan and there is someone there who goes — hey, that’s not fair. I don’t like the family group conference because there really isn’t anyone there moderating it. People just sort of chit chat, like family hanging out at the kitchen table, which doesn’t work for this — no progress.”

Clients (survey and focus groups) who did not find the collaborative processes helpful considered the process to be one-sided or biased (e.g., the mediator was not neutral, the Ministry was inflexible in its position), or that the level of conflict between family members made the process untenable. Accountability was important to clients and those who found it lacking were dissatisfied with the experience (both mediation and family group conferences received this criticism). A few clients commented that the process was lengthy. Some client dissatisfaction was tempered, however, by getting a good result.

Table 34: Helpfulness of collaborative processes to clients								
Q24. How helpful was (the service) to you?								
	Clients with legal aid referral				Clients without legal aid referral			
	n	Helpful	Somewhat helpful	Not helpful	n	Helpful	Somewhat helpful	Not helpful
Family group conference	84	37%	32%	31%	15*	33%	13%	53%
Mediation	102	56%	19%	24%	20*	45%	30%	25%
Traditional-decision making	17*	53%	29%	12%	2*	50%	50%	--
Source: Client survey.								
Note: Totals may not sum to 100% due to rounding.								
*Caution small number of respondents used this service.								

Service providers surveyed and interviewed generally agreed that collaborative options are helpful to CFCSA clients and their children.¹⁹ Many key informants made specific comments about the benefits of collaborative options/the specific attributes that make these options beneficial. Key informants believe these options offer effective alternatives to court. They pointed out that collaborative options (mediation, in particular) achieve high rates of agreement/resolution and allow opportunities for more creative solutions (as opposed to the court process). These processes allow clients to avoid going to court, and are less traumatic/adversarial than the court process.

Collaborative options also allow families to feel like they are more a part of the decision-making process; they give clients more of a voice (although a few key informants mentioned that, even in collaborative processes, the client’s voice is not equal to that of the ministry). Collaborative options also allow clients to involve others (family members, friends) who can offer support

¹⁹ Eighty-three percent of survey respondents reported that collaborative options are at least somewhat successful in assisting clients to reach a fair and timely resolution.

Some key informants said that collaborative options achieve a high level of satisfaction even when agreement is not reached: even when parties do not come to an agreement, collaborative processes can still foster better understanding of the circumstances, options, expectations, and disagreements. In addition, even if total agreement is not reached, these options can still produce some outcomes (e.g., plans for access, plans for services).

Aboriginal clients

In order to facilitate and encourage participation of Aboriginal clients in their cases, efforts must be devoted to increasing the number of Aboriginal service providers and training non-Aboriginal service providers. Many key informants noted the importance of having Aboriginal people (support workers, mediators, advocates, etc.) involved in collaborative processes to build the trust needed for Aboriginal clients to participate, and to ensure that these processes take place with adequate understanding of cultural and language issues. Some key informants mentioned that the number of Aboriginal mediators has increased in the past six years, due to efforts to train and mentor Aboriginal mediators (as well as mediators to work in rural areas). According to one key informant, there are now 17 new Aboriginal mediators available for mediation in the lower mainland. This has increased access to mediation for Aboriginal clients in the southern part of the province. Some key informants also indicated that having more Aboriginal support workers (like the ACLW) would make LSS services more accessible to Aboriginal clients and, therefore, would increase their comfort level and participation in their cases. For non-Aboriginal service providers, more training on Aboriginal communities/culture would be useful.

4.3.2 Effectiveness of services

Effectiveness of services focuses on the ability to provide legal aid clients with a timely and fair resolution of the CFCSA matter. Effectiveness does not include client satisfaction with the outcome of the CFCSA case, as clients may not receive their desired outcome for reasons unrelated to the quality of the LSS CFCSA services. The client's experience with legal aid services is discussed in Sections 4.3.2 (timely and responsive services) and 4.6.2 (satisfaction with LSS services).

7. How effective are LSS CFCSA services in assisting clients with a timely and fair resolution of their CFCSA legal matter?

The evaluation results indicate that LSS CFCSA services assist clients with a timely and fair resolution. When asked to what extent lawyers are able to provide legal aid clients with effective representation to help them achieve a timely and fair resolution of their CFCSA matter, over half (57%) of service provider survey respondents indicated a very high or high extent compared to one-third (34%) who believe a medium extent, and 6% a low extent. While over half of the respondents were, in fact, lawyers who handled CFCSA matters on a legal aid tariff, the results are not substantially different when considering only the other service providers as 53% still indicated a very high or high extent, 36% a medium extent, and 5% a low extent in response to the question.²⁰

²⁰

Six percent of respondents indicated don't know to the question.

The main factor limiting lawyers' ability to provide effective representation identified by respondents was insufficient tariff hours available to counsel for providing CFCSA services to their clients. Other factors included communication issues with clients; personal challenges faced by clients that impacted the ability to provide legal services; the lack of lawyers willing to accept CFCSA referrals (often connected by respondents to the low compensation rate under the tariff); the complexity and long wait times of the CFCSA process, which impacts timeliness of resolution; and difficulties with the Ministry (issues with cooperation, timely disclosure). See Table 35.

Table 35: Factors limiting effective representation	
Q57. What factors limit legal aid lawyers' ability to provide effective representation to clients and help them achieve a timely and fair resolution of their CFCSA matter?	
	(n=171)
No factors	3%
Insufficient tariff hours for CFCSA legal aid	39%
Clients and counsel unable to maintain contact/communicate	18%
Clients' personal issues/inability to comply with requirements	17%
Legal aid lawyers do not receive adequate compensation/not enough lawyers practicing legal aid	15%
Time-consuming, complex process (long waits for hearings, long trials)	15%
Lack of cooperation/disclosure from or communication with Ministry	14%
Unfair process/clients mistrusting of counsel or Ministry	6%
Lawyers' caseload – not enough time to maintain frequent contact	5%
Other	5%
Don't know	16%
Source: Service provider survey. Service providers with some or considerable knowledge of clients' experiences with representation through a referral.	

In interviews, service providers who could comment were also generally positive about the legal representation provided to clients through LSS. A few mentioned that legal aid lawyers are more effective for CFCSA cases than private lawyers because they have more knowledge of, and experience with, these issues. Many key informants — particularly those serving in smaller, remote, and/or northern communities — expressed concern about the time it takes to resolve CFCSA matters. These key informants noted several issues that contribute to delays, including the following:

- ▶ a lack of lawyers doing legal aid for CFCSA matters in these areas
- ▶ a lack of social workers and high rates of social worker turnover
- ▶ the infrequency of court hearings dealing with family matters (circuit courts, lack of judges)
- ▶ limited opportunities for in-person communications between clients and lawyers

In interviews, surveys, and focus groups, service providers emphasized the importance of legal representation for CFCSA clients. Similar themes appeared across these lines of evidence, in particular, the challenges that clients face understanding the process without the assistance of counsel, the greater risk that children will be taken away or placed in permanent care (when not in the best interest of the child), and cases take longer to resolve. In interviews, service providers believe that unrepresented clients do not know their legal rights, and do not think to ask for options and help to which they may be entitled. As a result, they may consent (or be coerced to agree) to things that they would not consent to if they had legal representation, which may mean that agreements reached are less achievable from the client's perspective and more likely to break down. Survey results are in Table 36.

Table 36: Differences in outcomes when unrepresented

Q63. What, if any, differences in outcomes or progression of the case exist when people with a CFCSA matter are not represented by a lawyer compared to when they are?

	(n=183)
No difference in outcomes	1%
The individuals/families have more difficulties in understanding the process	80%
Case takes longer to resolve	74%
Children apprehended for longer than they might have been	69%
Children are apprehended when they might not have been	50%
Self-represented parents receive less attention/encouragement or more negative attention – process more stressful	4%
Collaborative processes (mediation, etc.) not used or less effective	2%
Parents have less contact with their children	1%
Other	1%
Don't know	9%

Source: Service provider survey.

No differences in effectiveness of legal representation for Aboriginal or ethnic minority clients was found in any of the lines of evidence. However, in interviews and focus groups, service providers suggested that having more training for lawyers on Aboriginal communities/culture would be useful.

4.4 Comprehensiveness of LSS CFCSA services

This section considers the comprehensiveness and integration of LSS services to CFCSA clients, including the number of services available, how the services work together, and the extent that clients are receiving referrals to other services that might assist them with issues related to their CFCSA matter.

8. To what extent are CFCSA clients receiving an integrated and comprehensive array of services?

4.4.1 Comprehensive and integrated services

Key informants and service providers participating in the survey and focus groups were asked their opinion on whether the available LSS services provided CFCSA clients with an integrated and comprehensive array of services. While not all key informants could comment on whether services are comprehensive and integrated, some key informants believe that clients have various options to choose from for obtaining services beyond applying for a legal aid referral, such as accessing the LIOW or ACLW where available, making use of LSS publications, or obtaining legal assistance from duty counsel. Duty counsel is particularly helpful for those people who are not eligible for a referral to a legal aid lawyer. Other comments heard are that the services work well together and that LSS is making efforts to ensure other organizations are aware of the various services available from LSS.

Others, however, also qualified their comments. For example, a few observed that while clients residing in larger centres may have access to a variety of services, such options are limited in smaller centres and even fewer are available in isolated and remote areas. Several examples

related to lack of access in smaller centres are that family duty counsel are only available on certain days and may not be available when a CFCSA matter is in court, or that circuit courts travelling to isolated regions often only include a criminal duty counsel, and as a result, in both instances CFCSA cases will often get adjourned. Moreover, rural and remote areas have a lack of lawyers available for accepting CFCSA legal aid referrals. Service provider focus group participants also identified a lack of services in rural areas, or lack of access or of knowledge of the available services. For example, as noted previously, many of the participants in the service provider focus groups were themselves unaware of some of the CFCSA-related publications available from LSS, or even if they were aware of them, did not know how to access the publications. Another focus group comment was that the level of integration of the services was dependent on how well the various services work together, including those from outside of LSS. A greater level of integration was perceived as occurring when CFCSA clients could access LSS services from within their own community, because these services would have a greater understanding of other LSS and non-LSS services available.

LSS's Community Engagement Partnership Initiative started in 2010 was intended as a means to increase services and capacity in rural, remote, and Aboriginal communities that were not served by current LSS services. Community partners assist clients through providing them with legal information, including providing and distributing PLEI materials, informing clients about LSS services, acting as a link for clients who want to apply for legal aid, and performing community outreach on LSS services. A 2013 evaluation of the initiative found that overall the community partners were increasing the comprehensiveness of LSS services. The evaluation concluded that drawing on existing community organizations and providing them with additional financial resources increases their capacity to give needed face to face assistance in communities with a lack of available legal resources and where clients are often marginalized with limited resources for accessing services in other areas (Legal Services Society, 2013b).

A few of the key informants believe that LSS is providing as wide a range of services as possible given available resources, while others believe that lack of resources somewhat impede the provision of comprehensive services. Several examples given for the latter are lack of funding for such things as psychological reports, which are expensive, or that people are relying more on advocates for services, or that the tariff hours for CFCSA cases are not sufficient for providing comprehensive coverage. And a few key informants noted that CFCSA cases are often accompanied by family law issues, and that the client may have legal aid coverage only for the CFCSA case, yet the family law issues may be contributing to and exacerbating the CFCSA issue.

One aspect of an integrated and comprehensive service is whether clients are making use of multiple services to assist them in their CFCSA matter. Client survey respondents said they had used mainly two (31%) or three (29%) LSS services for their child protection matter, and one quarter (25%) of respondents said they had used four or more LSS services (Table 37). While the array of services offered by LSS is intended to offer clients with a range of service choices and formats, including providing some options for those clients that do not receive a legal aid referral, as was shown in Table 24, clients without a legal aid referral tended to use few LSS services beyond intake services.

Table 37: Number of LSS services that client survey respondents used for the CFCSA case Q4. Thinking of the legal services we just discussed, which of these services did you <u>use</u> during your child protection matter?	
Number of LSS services used	(n=293)
None	4%
One	11%
Two	31%
Three	29%
Four	17%
Five	7%
Six	<1%
Source: Client survey.	

Many key informants commented that the majority of people with CFCSA matters who apply for legal aid are eligible for a legal referral and so they rely mainly on their lawyer's assistance. While duty counsel is used, this would be mainly in the earlier stages of their issue, prior to either applying for legal aid or getting approved and referred to a lawyer.

Plus, as noted elsewhere, factors outside of LSS's control can limit the extent CFCSA clients can make use of available services, such as lack of a computer and/or Internet services to access online publications, or lack of a telephone to call the LSS call centre. As well, a few key informants again stressed that in-person assistance works best for CFCSA clients, for reasons already discussed in Section 4.2, and, therefore, assistance from in-person intake, or an outreach worker, advocate, or community partner is needed for guiding them to the appropriate LSS services and in how to use the service.

4.4.2 Referrals to other service providers

All key informant groups directly involved in providing LSS services spoke of providing referrals to CFCSA clients to other services, although most could only speak of the referrals that they or their service/organization provide. Key informants observed that families involved in CFCSA issues are often experiencing many other serious issues, many of which many be contributing to or are affected by their CFCSA matter. LSS's community partners observed they will provide referrals to clients for such matters, or that they themselves provide some of the needed services through their own programming. As well, LSS services involved in outreach, such as the LIOWs, ACLW, and community partners often not only inform clients about available services, but also take that further step of ensuring they are linked with the appropriate assistance. Some of the service provider focus group participants said that clients will at times mention they had been referred to them from LSS. In particular referring clients to an advocate that can provide them support through the process is viewed as valuable.

Many client survey respondents who used LSS services, other than intake and referral to a tariff lawyer, said the various LSS services they used had informed them of other LSS and/or community services (Table 38). In particular, over half of the client survey respondents that had used the ACLW, community partners, and PLEI materials said these sources had informed them of other available LSS services and other community services.

Table 38: Referrals that LSS services made to client survey respondents to other LSS services and other community services <i>Q39;43;47;51;55. Thinking of the help you received from (LSS services) did they ...</i> <i>Let you know about other legal aid services to help you with your child protection matter?</i> <i>Let you know about other services in your community that might help you?</i>				
LSS services	Informed them of other LSS services		Informed them of other community services	
	n	%	n	%
LLOW (n=3)*	2	67%	1	33%
ACLW (n=5)*	4	80%	4	80%
FDC (n=145)	70	48%	62	43%
Community partner (n=20)*	11	55%	13	65%
PLEI (n=70)	41	59%	36	51%
Source: Client survey.				
*Caution small number of respondents that used this service				

Of the 94 client survey respondents that had been referred to a community services, 47, or 50%, said they had made use of the referral, most frequently for counselling services (62%) or for assistance with legal issues (53%; Table 39). As well, the majority of these respondents said the referral was helpful or very helpful to them for their child protection matter.

Table 39: Types of services that CFCSA client survey respondents received referrals for. <i>Q58. What types of services were they? Did they assist with...</i> <i>Q59. Was the service helpful to you with your child protection matter?</i>			
Service areas	Service areas of referrals (n=47)		Proportion finding the referral helpful or very helpful
	n	%	
Counselling	29	62%	69%
Legal issues	25	53%	84%
Income assistance	14	30%	79%
Housing issues	12	26%	67%
Anger management	12	26%	75%
Addictions/substance abuse issues	11	23%	82%
Other	9	19%	67%
Source: Client survey.			
Note: Respondents could provide more than one answer; totals may sum to more than 100%.			

Of the CFCSA clients participating in focus groups several said their lawyers would refer them to other organizations for such things as to help them with parenting, housing, substance abuse, or mental health issues, and that they found these referrals helpful for resolving their child protection issues. A few said they had received referrals from duty counsel, while others spoke of getting referrals from other organizations or social workers.

Close to two thirds (63%) of service provider survey respondents said they will often or very often refer CFCSA clients to other organizations that can help them with other issues the client is experiencing, plus 10% of respondents said they always make such referrals. As shown in Table 40, most of these referrals are to assist clients with housing (79%), substance abuse (79%), or income assistance (73%) issues, or for counselling services (77%). Key informants also most commonly mentioned providing CFCSA clients with referrals for issues related to housing, income assistance, and substance abuse.

Table 40: Types of services that service provider survey respondents gave CFCSA clients referrals for. Q74. What types of services have you referred clients to? Was it to services that could help them with their...	
Service areas	(n=150)
Housing issues	79%
Addictions/substance abuse issues	79%
Counselling/support programs	77%
Income assistance	73%
Anger management	56%
Legal issues	46%
Parenting and children's programs/services	7%
Domestic violence/women's support programs/shelters	3%
Aboriginal organizations	2%
Other	5%
Don't know/not applicable	4%
Source: Service provider survey.	
Note: Respondents could provide more than one answer; totals may sum to more than 100%.	

Close to three quarters (74%) of service provider survey respondents believe that CFCSA clients use these referrals often or very often and another 2% said clients always use the referrals. As well, 34% of survey respondents believe that clients find these referrals useful to a high or very high extent, and 32% of respondents said clients find them useful to a medium extent. A few key informants observed that clients will often make use of referrals because it is necessary for regaining custody of their children, while a few also commented that it depends on whether the client is ready to accept help with their issues.

Half (51%) of the lawyers responding to the service provider survey said they make use of the tariff item available for assisting clients with collateral issues often or very often, and 8% said they always use that tariff item. A few of the interviewed lawyers that said they regularly make use of this tariff item commented that this assistance is very helpful for addressing some of the barriers clients are confronting while trying to resolve their CFCSA matter. Most (89%) lawyer survey respondents said providing this assistance helps clients in starting to make some of the required changes for regaining custody of their children (Table 41). As well, just over half of respondents said the assistance helps clients get their children back (54%), or to get their children back faster (54%).

Table 41: How lawyer assistance with collateral issues helps CFCSA clients Q53. How does helping clients with their collateral issues assist them with respect to their CFCSA matter?	
	(n=78)
It helps to put them on the path to making the needed changes for getting their children back	89%
It helps them get their children back	54%
It helps them get their children back faster	54%
Provides limited assistance (hours are not sufficient)	4%
Other	6%
Don't know	1%
Source: Service provider survey.	
*Only includes tariff lawyers that have used the tariff code 3209.	
Note: Respondents could provide more than one answer; totals may sum to more than 100%.	

Although, as noted above, 59% of the lawyers responding to the service provider survey said they often/very often (51%) to always (8%) use the tariff item for collateral issues, LSS billing data over the 2009–10 to 2013–14 period shows only about 14% of CFCSA clients received assistance with collateral issues from their lawyer (Table 42). However, the survey sample for lawyers was comprised of the 50 lawyers that had taken the most CFCSA cases over the prior two years and, therefore, these lawyer could be more aware of and more likely to use the collateral tariff item than the overall population of tariff lawyers that accept CFCSA cases.

Table 42: Proportion of CFCSA clients receiving assistance from lawyer on collateral issues, by region, 2009–10 to 2013–14

	2009	2010	2011	2012	2013	Average
Interior/East Kootenays	11%	12%	11%	14%	11%	12%
North	5%	11%	10%	10%	12%	10%
North West	4%	10%	17%	11%	7%	10%
Okanagan/West Kootenays	5%	9%	12%	13%	13%	10%
Out Of Province	8%	13%	22%	23%	8%	15%
Surrey/Fraser Valley	8%	10%	14%	12%	10%	11%
Vancouver Island	14%	19%	20%	23%	19%	19%
Vancouver/Sunshine Coast	12%	16%	20%	15%	17%	16%
Grand Total	10%	14%	16%	16%	14%	14%

Source: Calculated from LSS data.

Many key informants could not speak on whether any differences existed in the referrals made and use and helpfulness of these referrals for Aboriginal clients or those from an ethnic minority population. Many of the key informants provide assistance primarily to Aboriginal clients and therefore have no other client base on which to make comparisons. Any differences that do exist would be primarily in that Aboriginal clients will often be referred to organizations that focus on providing services to Aboriginal communities, such as, Friendship Centres, or native court workers. From Table 43, the proportion of CFCSA cases in which tariff lawyers billed for providing assistance on collateral issues was almost the same between clients that did (14% on average) and did not (13% on average) self-identify as being of Aboriginal ancestry.

Table 43: Proportion of CFCSA clients receiving assistance from lawyer on collateral issues, by Aboriginal ancestry, 2009–10 to 2013–14

Applicant has Aboriginal ancestry*	2009	2010	2011	2012	2013	Average
Yes	11%	15%	14%	15%	14%	14%
No	9%	11%	17%	15%	13%	13%

Source: Calculated from LSS data.

*Includes only applicants that said yes and no to Aboriginal ancestry in their applications.

4.5 LSS services complement other available services

9. Do CFCSA services provided by LSS and non-LSS programs and services complement or duplicate each other?

Those key informants and service provider survey respondents that could speak on whether LSS services available to CFCSA clients complemented services provided by other organizations generally believed they did and that no duplications in services existed. Just over one third (41%) of service provider survey respondents said that LSS services complement services provided by other organizations to a high or very high extent and 26% said to a medium extent, while 29% said they did not know. Close to two thirds (63%) of service provider survey respondents said LSS services duplicate those provided by other organizations to a low or very low extent, while close to one third (30%) said they did not know. Key informants said that while LSS provides legal services to assist clients in resolving their child protection matter, other organizations provide support services to help clients resolve other issues that may be affecting their child protection issue. A few key informants observed that although there may be some overlap in services with other organizations, these are viewed more as providing clients with alternative options. For example, organizations such as Access Pro Bono might provide some legal assistance to clients that are not eligible for a legal aid referral from LSS.

4.6 Service needs, satisfaction and suggestions for improvement

This section considers stakeholders' input, through the key informant interviews, surveys, and focus groups, on any perceived service needs, suggestions for improvements, and overall satisfaction with LSS services.

4.6.1 Service needs or gaps

10. Are there any service needs or gaps in LSS's CFCSA services?

A few of the client focus group participants did identify areas in which there were some gaps in the services they received, such as that the lawyer carried a high caseload and therefore was sometimes too busy, or that the court date had to be moved back for 1.5 to two months when the lawyer did not attend court, or that because the other party was not represented by a lawyer this negatively affected their child protection matter.

Key informants also identified where they saw service needs or gaps in services, as summarized below.

- ▶ An area of concern is in providing services to small, or rural and remote communities that do not have as many services and where the residents are not as aware of the services and how to access the available services or cannot access services due to lack of telephones or transportation.
- ▶ Family law matters are often very complex and, as noted in Section 4.4.1, if CFCSA cases are accompanied by family law issues in which the client does not have lawyer representation, this can complicate the CFCSA matter.

- ▶ While many key informants said most people applying for legal aid for their CFCSA case receive coverage, when clients do not receive a referral it is seen as a significant gap. Key informants observed that it is often what are termed the “working poor” who are not eligible for a referral but also cannot afford to hire a lawyer. CFCSA issues are considered complex and lawyer representation is viewed as essential, particularly given the serious consequences of potentially having children taken away.
- ▶ As also identified in Section 4.4.1, the lack of family duty counsel on circuit courts is viewed as a gap, as these courts then rely on criminal duty counsel, who either do not give assistance for family matters, or cannot give appropriate assistance.

4.6.2 Satisfaction with LSS services

11. Overall, how satisfied are clients and other stakeholders with the LSS CFCSA services and referrals received?

A high proportion of LSS clients that received a referral were either satisfied or very satisfied with the services provided by their legal aid lawyer (67%), as well as with the overall legal aid services (64%) received for their child protection matter (Table 44). Those clients that did not receive a referral were not as satisfied however, with close to half (47%) indicating they were unsatisfied or very unsatisfied overall with the legal aid services they received. Over half of the service provider survey respondents (55%) were either satisfied or very satisfied with LSS services provided to CFCSA clients, and one quarter (25%) were neutral; few were unsatisfied or very unsatisfied (14%).

Table 44: Client and service provider satisfaction with LSS services to CFCSA clients

Q27. (Clients) Thinking of all the assistance provided by the lawyer, in court or non-court processes, please rate your satisfaction with the services you received from your legal aid lawyer in helping you deal with your child protection matter?

Q66. (Clients) Overall, how satisfied are you with the legal aid services you received for your child protection matter?

Q79. (Service providers) Overall, how satisfied are you with LSS services provided to CFCSA clients?

Level of satisfaction	Client satisfaction with legal aid lawyer (n=217)	Client satisfaction with overall LSS services		Service providers satisfaction with LSS services (n=183)
		Received a referral (n=217)	Did not receive a referral (n=66)	
Satisfied/very satisfied	67%	64%	26%	55%
Neutral	13%	18%	24%	25%
Unsatisfied/very unsatisfied	17%	16%	47%	14%
Don't know/no response	2%	1%	3%	7%

Source: Client and service provider surveys.

Note: Columns do not sum to 100% due to rounding.

Most Aboriginal and non-Aboriginal clients participating in the focus groups expressed satisfaction with LSS services received, although most seemed to be referring primarily to services from the legal aid lawyer. Clients said the lawyer was supportive, or that they represented them well, or that the legal aid services are essential for people with CFCSA issues.

Most interviewed key informants were satisfied with the services provided to CFCSA clients. Several key informants commented that LSS provides good coverage for child protection matters, with most people receiving a referral to a lawyer. Several key informants commented

that LSS does as much as it can with the resources available and strives to improve and make their services accessible to those in need of legal assistance.

Suggestions for improvements

While one-third (33%) of client survey respondents had no suggestions for how LSS could better serve its legal aid clients, others had a variety of responses, although as shown in Table 45 no single suggested improvement was identified by a majority or even a substantial number of respondents.

A few client focus group participants mentioned several of the same suggestions as survey respondents, such as the lawyers increasing their knowledge of Aboriginal culture, or clients being provided with more information. With regard to the latter, several participants said it would have been helpful to have received the relevant PLEI material, with one suggestion being to mail publications to CFCSA clients to allow them to inform and prepare themselves prior to meeting with the lawyer and their court date.

Another suggestion from client focus groups was for LSS to advocate for improvements to the family justice system to assist families in staying together. A similar suggestion made in key informant interviews was for LSS to advocate for legislative changes so that the emphasis is on providing the necessary supports to avoid apprehension. Many stakeholders, in general, identified that separating families is not good for the children or the parents, and spoke of the need for child protection system improvements to assist families in staying together.

Table 45: Clients suggestions for improvements to LSS services	
Q67. Thinking of all the legal aid services you received, do you have any suggestions for how the Legal Services Society of British Columbia could better serve its legal aid clients?	
Suggestions	(n=283)
No suggestions/happy with services	33%
Improve information provided (more, clearer, more helpful)	10%
Improve communication skills (listen to and empathize with client more)	9%
Improve suitability of lawyers (e.g. Aboriginal lawyers, lawyers with more experience in CFCSA matters)	8%
Raise income threshold	8%
Improve hours (e.g. at offices, courthouse)	7%
More lawyers/more access to lawyers	7%
Improve services from lawyers (time on case, investigate cases more thoroughly)	7%
Extend services/coverage/help (e.g. help with protection orders, custody orders, across jurisdictions)	7%
Improve communication (e.g. return calls, update files)	6%
Advertise services more (e.g. provide pamphlets at community locations)	4%
More and/or more experienced Duty Counsel	3%
More locations, more accessible locations	3%
Quicker process	3%
Other	5%
Don't know	4%
Source: Client survey.	
Note: Respondents could provide more than one answer; totals may sum to more than 100%.	

The majority of service provider survey respondents had no suggestions for improving the various LSS services, or they said they did not know how to improve the services (Table 46). Of those that had suggestions, respondents most frequently mentioned that the service could use more funds for the following:

- ▶ increase the hours and staff at the call centre, in-person intake locations, LIOWs, ACLWs, and family duty counsel
- ▶ increase the number of locations offering the service, such as in-person intake, Aboriginal band outreach, LIOWs, ACLWs, and community partners

Table 46: Service provider main suggestions for various LSS services								
Suggestions	Call centre (n=93)	In-person intake (n=148)	Aboriginal band outreach (n=55)	LIOW (n=43)	ACLW (n=52)	FDC (n=169)	Community partners (n=87)	PLEI (n=123)
No suggestions	36%	48%	46%	54%	50%	54%	52%	49%
More funds for the service	9%	26%	9%	9%	12%	22%	6%	-
Increase training/tools	14%	-	7%	-	6%	2%	5%	-
More promotion of the service	1%	5%	6%	9%	4%	1%	9%	11%
Have intake available at courthouse	-	6%	-	-	-	-	-	-
Develop more material	-	-	-	-	-	-	-	7%
Don't know/not applicable	30%	12%	35%	28%	23%	14%	25%	13%
Source: Service provider survey; respondents who indicated that they have considerable or some knowledge of the clients' experiences with each service								
Note: Respondents could provide more than one answer, and not all responses shown; columns do not add to 100%.								

Key informants also provided many suggestions of where they believed services could be improved, with some of these similar to and elaborating on suggestions made by survey respondents, and some suggestions in response to identified gaps in services outlined in the previous section. Some suggestions made are summarized below.

- ▶ Some key informants believed that opportunities existed for improving communications on the available LSS services, and particularly for conducting outreach to rural and remote communities where many people do not have good awareness of LSS services and how the services can assist them. Plus, a few key informants suggested involving the MCFD more in informing people with CFCSA matters of LSS and that they can access a legal aid lawyer. As well, one suggestion was that all LSS publications should clarify that LSS is not associated with the MCFD or with social workers.
- ▶ A few key informants suggested more funds for professional assessments, such as psychological assessments.
- ▶ Increasing the tariff and/or the allowable time allocations was viewed by some as a means to attract more lawyers to take on CFCSA matters and to give lawyers more time to adequately represent their CFCSA clients. As well, a few commented that LSS could simplify the process for applying for extended CFCSA services, as many lawyers currently do not want to bother going through the process.

Some key informants, as well as service provider focus group participants suggested it would be valuable to increase the availability of advocacy and support workers, such as the ACLW, LIOWs, or other advocacy workers. These stakeholders reported that because CFCSA clients are often experiencing many other issues, they need additional assistance and support in understanding and navigating through the child protection process, as well as in completing the

legal aid application process. Another suggestion heard from the service provider focus groups was to better inform community organizations of the publications available for ordering, rather than place the onus on organizations to inform themselves of available PLEI materials.

Key informants had few suggestions for improving services specifically for Aboriginal clients or clients from an ethnic minority group, commenting that their suggestions applied to all client groups. The few suggestions were mainly similar to the general suggestions, in that there is a need for improved education and outreach into Aboriginal communities and for more advocates or support workers (such as more ACLW around the province). A few key informants observed that all stakeholders providing LSS services, including lawyers, could benefit from cultural training. Most service provider survey respondents either had no suggestions for how to improve services to Aboriginal clients (57%) or clients from an ethnic minority group (59%), or said they did not know how to improve services for these groups (19% and 20%, respectively). The most frequent suggestions for improving services to Aboriginal clients was to employ Aboriginal staff or staff with knowledge and experience with Aboriginal cultures (7%), or to expand in-person services to Aboriginal communities (5%). The most frequently mentioned suggestion for improving services to ethnic minority populations was to increase the number of staff that speak minority languages or improve translation services (9%).

5.0 Conclusions and recommendations

This final section of the report presents conclusions based on the findings presented in the previous sections. The information is structured along the main evaluation issues and questions.

5.1 Awareness of LSS CFCSA services

Awareness by type of service. Evaluation results indicate that CFCSA clients have a high level of awareness of several core LSS services, in particular in-person intake for legal aid applications, family duty counsel, and legal representation. The high level of awareness of these services was confirmed by both surveys, as the majority of those responding to the client survey reported being very aware of in-person intake, family duty counsel, and legal representation, and the majority of those responding to the service provider survey agreed that CFCSA clients are aware of these services. Focus group findings offered further support, as participating clients commented on the high visibility of legal aid at the courthouse (intake and family duty counsel), and pointed out that those who have been through the child protection system before — either as children or parents — are more knowledgeable about the process and services available (including how to apply for legal aid).

Evaluation results (surveys and focus groups) indicate less awareness among CFCSA clients of other LSS services — namely, the call centre, Aboriginal band outreach services, the ACLW, community partners, PLEI, and LIOWs. The lower level of awareness of the call centre and PLEI are particularly noteworthy, as these are province-wide services. Clients are using other available options besides the call centre for intake. For PLEI, the lower levels of awareness may indicate a need to make materials more accessible to both CFCSA clients and service providers.

Sources of information about services. All lines of evidence indicate that clients are receiving referrals to legal aid services from a variety of sources. Client survey results identified family and friends and legal aid representatives at the courthouse as the most common referral sources — a result that reflects two themes arising in other lines of evidence: 1) that clients with CFCSA issues who have past experience with the system are aware of legal aid; and 2) that many clients (particularly those without prior experience in the system) do not seek legal aid assistance until they have to attend court. While clients responding to the survey also identified MCFD social workers as a common referral source, this was the subject of conflicting evaluation findings.

The client survey findings indicate that CFCSA clients do not typically find out about LSS CFCSA services through forms of LSS outreach, which would include the LSS website, the formal or informal relationships with community organizations, and distribution of posters or pamphlets.

Awareness of when legal aid is available for CFCSA matters. Evaluation evidence indicates that most potential clients do not seek out legal aid services until after their children have been removed, despite the fact that LSS CFCSA coverage extends to the threat or risk of removal by the Ministry. The client and service provider survey results point to clients' lack of awareness (about at what stage in the process they can seek legal services; about the seriousness of the situation and what they need to do; and about how to access legal services) as a major factor preventing clients from seeking legal services at an earlier stage.

The evaluation also raised the issue of potential clients not being encouraged to seek legal assistance as a (less commonly-identified) reason for delays in contacting LSS. In almost all incidents, the social worker was identified as either counseling clients against involving lawyers or not referring parents to LSS. However, while this issue was raised in several lines of evidence, in each line of evidence, it was brought forward by a minority of those responding. At most, the evaluation can conclude that this issue is experienced by a minority of parents with CFCSA matters.

The service provider survey identified major impacts to clients when lawyers are not involved early enough in their case, including: the case taking longer to resolve (80%); the children being apprehended for longer than they might have been (67%); and the children being apprehended when they might not have been (57%).

Barriers to awareness. Findings indicating low awareness among clients and potential referring agencies/organizations of the availability of legal assistance prior to children being removed point to a need for outreach and awareness-raising in this area.

Surveys, interviews, and focus groups identified other barriers to awareness of LSS services, including: a lack of Internet access, which limits the ability of people with CFCSA issues to learn online about the child protection process and LSS services; literacy issues, which means that some CFCSA clients cannot effectively use the PLEI materials created by LSS; language issues, particularly for newcomers to Canada; and personal issues created by substance abuse issues and mental illness.

5.2 Accessibility of LSS CFCSA services

Applying for full legal representation. Evaluation results indicate that full representation from a lawyer is generally accessible to individuals with CFCSA issues. However, the evaluation did not gather information directly from individuals with CFCSA matters who did not apply for legal aid to determine if eligible individuals are not applying. The information available to the evaluation on this issue is from service providers, and most service providers (interviews and survey) believe that individuals with CFCSA matters who are eligible for full representation apply to legal aid for assistance. Furthermore, evidence indicates that legal aid coverage is provided to most of those who apply; close to 80% of applicants were approved for a referral in each of the years covered by the evaluation, and only a small proportion (only 6-8%) of applications were refused.²¹

Service providers (interviews and survey) offered multiple reasons to explain why some eligible parents do not apply for legal aid, including: belief that they do not need a lawyer; lack of awareness that they can obtain a lawyer through LSS to assist them; lack of understanding about what they need to do to apply for legal aid; and difficulties providing proof of income. Key informants pointed out that those who are frightened and overwhelmed by the child protection process may attempt to reach agreements with the Ministry without legal assistance in the hopes that their child will not be removed. As a result, some people do not apply for legal aid until the matter reaches court or they appear in court with a signed consent order without having received any legal advice.

²¹ The remaining approximately 13% of applications in each evaluation year were abandoned by clients.

Many of these issues related to accessibility could potentially be addressed by promoting the availability of legal aid based on the threat of removal; however, considering that the number of investigations/family development responses (FDRs) is considerably greater than the number of legal aid applications, the potential increase in applications resulting from such an approach could overwhelm the legal aid system. LSS needs first to gain a better understanding of the situation and legal aid eligibility of these individuals involved with the Ministry who are not applying for legal aid. LSS might then want to place parameters related to when individuals involved with the Ministry should apply for legal aid to ensure that limited resources are appropriately targeted to serve individuals with the greatest need of legal assistance.

Options for making applications and their availability (i.e., accessibility of intake services).

LSS offers several options for making legal aid applications, including its call centre, which operates province-wide, LSS-run offices serving four locations (Vancouver, Port Coquitlam, Terrace, and Prince Rupert), local agents who have offices in 29 communities, and band outreach to 17 First Nation communities.

Evidence indicates that clients consider all of these options to be accessible. Results from the client survey show general satisfaction with the accessibility of the call centre, the legal aid office, and intake staff at the courthouse (the three main intake options), as the majority of respondents agreed that: they did not have a long wait; staff spoke to them in a way that they could understand; information provided to them was clear and easy to understand; they were comfortable using the service; the hours of the service were convenient; the service was easy to find (not applicable to the call centre); and they did not have trouble with getting transportation to the service (not applicable to the call centre). In addition, client focus group participants were generally positive about the application process by telephone and in person. Results from the service provider interviews, focus groups, and survey confirmed these findings.

The evaluation, however, found some evidence of accessibility issues, particularly with regard to the call centre. Interview, survey, and focus group results indicate that in-person intake options are considered to be somewhat more accessible to clients and that clients generally prefer in-person intake. In addition, LSS data shows that the CFCSA clients applying by telephone have a higher tendency to abandon their applications. (Nevertheless, LSS data showed an increasing proportion of applications done by telephone over the evaluation period.) The evaluation also provided evidence of divided perspectives on the accessibility of expanded Aboriginal intake services through band outreach, as less than half (44%) of the service provider survey respondents with knowledge of this service considering it to be accessible. Some key informants also suggested that, for a few locations where intake is only offered in legal aid offices, having intake workers attend family list days/remand days would expedite the application process.

Family duty counsel. Family duty counsel was considered an accessible service across all lines of evidence. Results from the client survey and client focus groups provided evidence that duty counsel services are easy to find, and that duty counsel often serve as a first point of contact, referring clients to intake workers at the courthouse or to the local legal aid office. In addition, the majority of client survey respondents agreed or strongly agreed that they were comfortable using family duty counsel services, that the family duty counsel spoke to them in a way that they understood and provided them with clear and easy to understand information. Service providers confirmed the accessibility of duty counsel services.

Some clients and service providers, however, identified some challenges for clients in connecting with duty counsel. In interviews and focus groups, some noted that the volume of clients and numbers of duty counsel can lead to clients feeling rushed as duty counsel work to meet demand.

PLEI. LSS has a variety of PLEI material available to assist people with child protection matters, and this material is available online, as well as through legal aid offices, courthouses, and through a variety of government and community services. From 2012–13 to 2013–14, a total of 92,621 publication materials were ordered from LSS.

Evaluation results raised some questions about the accessibility of PLEI materials to clients. While service provider survey, interview, and focus group results indicate that LSS PLEI materials are well known among many service providers, during interviews, service providers were divided on whether the materials were accessible to clients — with several noting literacy issues and language barriers as limiting clients' ability to effectively use these materials. While the client survey and the focus groups with clients provided some evidence that clients find these materials to be helpful, only a minority (approximately one-fourth) of clients surveyed indicated that they used public legal information materials or looked at the website.

LSS's recent work to gather feedback on the PLEI materials was commended by service providers, as was offering options of detailed materials for clients who desire more information and shorter flyers/pamphlets for those who want more streamlined information. A potential area for improvement involves the provision of CFCSA PLEI materials to community organizations that work with clients who have CFCSA issues but are not directly involved with LSS or with assisting clients with the court process.

Other legal aid services. Other legal aid services, specifically the LIOW and community partners are only available in certain areas of the province, and, therefore, the evaluation was able to gather limited evidence on the assistance provided by these services. As well, accessibility of these services are limited to the communities where they operate, with the LIOWs in three, and community partners in 33 communities.

While some of the LIOWs do little work with CFCSA clients, and few stakeholders could speak on LIOWs, those that could considered them accessible and helpful to CFCSA clients. As well the outreach work conducted by LIOWs contributes to increased awareness of LSS services, thereby also assisting with accessibility.

Community partners are generally located in communities with few to no other LSS services and so they fill a gap in information services. Community partners contribute to accessibility by informing and educating residents and other organizations in their area of LSS services, and with linking CFCSA clients with the appropriate service, including facilitating the application process.

Aboriginal clients. Based on available information, the application process does not appear to present major barriers for Aboriginal people, although clearly some accessibility issues exist. LSS data shows that:

- ▶ a slightly higher proportion of CFCSA applicants indicating they were of Aboriginal ancestry received a referral (81%) and a slightly lower proportion were refused (5%) compared to those applicants indicating they were not of Aboriginal ancestry (76% and 9%, respectively);
- ▶ Aboriginal applicants were no more likely than non-Aboriginal applicants to abandon their legal aid applications; and
- ▶ a higher proportion of proportion of Aboriginal people with CFCSA issues are applying for legal aid than those who are not of Aboriginal ancestry.

Qualitative and survey results indicate that Aboriginal people prefer in-person intake options, although these options also have barriers related to transportation issues, restrictive hours, and insufficient service points.

Other legal aid services designed for Aboriginal clients, specifically the ACLW and Aboriginal band outreach are only available in certain areas of the province. One finding of particular interest is the strong support for the ACLW, which is considered a key resource for Aboriginal CFCSA clients in the areas served. Clients find the ACLW a helpful resource who is approachable and responsive, and who assists them in navigating the child protection system. Plus, service providers in other communities said they believe an ACLW position would be helpful for assisting Aboriginal clients in their community. The few stakeholders who could comment were divided on the accessibility of expanded Aboriginal intake services through band outreach, as less than half of the service provider survey respondents with knowledge of this service considered it to be accessible.

Interviews and focus groups outlined several issues with accessibility to LSS services for people living in rural and remote areas, which also apply to Aboriginal clients, as many live in rural and remote areas. These barriers include: lack of lawyers in these areas, which affects lawyer-client communications; lack of telephone/Internet access, which affects access to intake, obtaining PLEI, and lawyer-client communications; lack of family duty counsel on circuit courts; lack of knowledge of LSS services due to limited service providers to direct potential clients to LSS services; issues in trusting service providers who do not share their clients' background or experiences.

Ethnic minorities. Evidence related to differences in accessibility of LSS services for minority demographic populations was limited by a couple of factors: currently, LSS does not currently collect administrative data that enables a determination of accessibility of LSS services for ethnic minorities; and very few clients from ethnic minority populations participated in the evaluation.

While the service provider survey identified some barriers to services for minority populations (including language barriers, cultural sensitivity issues, information not provided at appropriate reading/verbal comprehension level, services are intimidating/lack of client comfort, location of services/transportation issues, and insufficient number of service points), neither survey conducted for the evaluation (service provider and client) provided evidence of any significant accessibility issues for clients from ethnic minority populations.

5.3 Providing services to help clients meet their legal needs

Extent to which clients receive LSS CFCSA services. Most people who apply for legal aid for their CFCSA matters receive a referral to a lawyer, which is one indication that LSS is providing services that help clients meet their legal needs. In addition, most of these individuals who receive legal aid also access other LSS services, such as the family duty counsel, the ACLW, and community partners.

Individuals who do not complete their application or do not receive a legal aid referral are also LSS clients who can access other LSS services. The evaluation found that LSS may not be helping these non-referral clients meet their legal needs. Only a minority of these individuals had used those services that would provide some information or brief assistance, such as family duty counsel, community partners, and PLEI. These results must be treated with caution given the inconsistencies between self-reporting and LSS administrative data on whether the respondents had received a legal aid referral. However, this potential service gap raises an important issue for LSS that is deserving of further study.

Timely and responsive services. In general, LSS services were considered timely and responsive, and effective, but the evaluation findings offered several potential areas for improvement.

- ▶ **Intake services** are providing prompt and timely eligibility decisions on applications involving CFCSA matters, which is important given the other evaluation findings that clients are often waiting to apply until they are already into the court process and so likely need a quick determination of eligibility.
- ▶ **Family duty counsel** is generally considered a timely and responsive service, although in some locations service providers mentioned that there are not enough duty counsel, which leads to long lines for clients and can cause adjournments. While most clients consider the service helpful, the time pressures faced by duty counsel are reflected in evaluation findings related to clients wanting more time/explanations/information from duty counsel.
- ▶ **ACLW** services are limited in terms of the geography covered as well as the capacity of the single ACLW. As a result, few service providers or clients could directly comment on the ACLW's services but those who could, praised the services provided. By providing a service that provides in-person supports to help Aboriginal people navigate the child protection system, the ACLW helps fill long-identified service gaps. Several service providers suggested that, given the number of Aboriginal clients with CFCSA matters and the fact that many of these clients live in areas without many services, the ACLW program should be expanded.
- ▶ **Community partners** provide needed in-person assistance in areas with fewer service options. However, whether the service is timely, responsive, or effective is difficult to determine with the available evaluation evidence. Few clients (survey and focus groups) had used community partners. Those that had found them a useful source of information about legal aid and the child protection process.
- ▶ **PLEI** is a key resource that LSS provides service providers and clients to build awareness of LSS services and to assist them with understanding the child protection system. The evaluation findings generally support the need for PLEI but also emphasize

the importance of having options in terms of topics, level of detail, and type of presentation (e.g., written, video, hard copy, online, information relayed by service provider or provided directly to client).

- **Legal representation** is generally considered to be a timely and responsive service for LSS clients, although the responsiveness varies among lawyers. Most clients surveyed reported that their lawyer contacted them within a week after they received legal aid, which is important given that many clients apply for legal aid once they have a court date set. The majority of client survey respondents also strongly agreed or agreed that their lawyer had effective communication with them on a number of issues, including helping them understand their legal issues and options, answering their questions, explaining the child protection process to them, keeping them informed about the progress of their case, and explaining possible outcomes of their case. Service providers who reported receiving complaints from some clients about their lawyer's responsiveness also recognized that the client's dissatisfaction with the outcome of their case can influence their view of their lawyer. The most common complaint expressed by clients was that their lawyer did not have time for them or seemed aligned with the Ministry.

Extent of client engagement in resolving their legal issues. Clients should receive sufficient information so that they can be actively engaged in the resolution of their legal issues. The ability of clients to do so is dependent on their having some support – legal counsel, a family support worker, or an advocate – according to service providers. Without that support, clients are more likely to feel coerced into particular decisions.

The evaluation considered the use of collaborative processes (mediation, family group conferences, and traditional decision making) as methods by which clients can be more engaged in the decision making related to their case. The evaluation found that the proportion of LSS clients engaged in mediation/consensual dispute resolution has been steady at about 44% since 2009. Based on the client survey results, clients with a legal aid referral are more likely to know about the available collaborative processes than clients without a legal aid referral. They are also more likely to believe that they were given sufficient information to understand what the processes are so that they can make an informed decision on whether or not to participate.

Most clients who engaged in these processes found mediation and traditional decision making to be helpful. They were less positive about family group conferences. Clients (survey and focus groups) who did not find the collaborative processes helpful considered the process to be one-sided or biased, or that the level of conflict between family members made the process untenable. Accountability was also important to clients and those who found it lacking were dissatisfied with the experience.

Service providers believe that collaborative options (mediation, in particular) achieve high rates of agreement/resolution and allow opportunities for more creative solutions (as opposed to the court process). Collaborative options allow families to feel like they are more a part of the decision-making process; they give clients more of a voice. Most clients (survey and focus groups) said that these processes helped them decide some issues without going to court.

Timely and fair resolution of clients' CFCSA legal matters. The evaluation found that LSS CFCSA services assist clients with a timely and fair resolution. Most service providers

(interviews and survey) believe that lawyers are generally able to provide legal aid clients with effective representation to help them achieve a timely and fair resolution of their CFCSA matter. The main factors limiting lawyers' ability to provide effective representation are insufficient tariff hours available to counsel to provide CFCSA services to their clients; communication issues with clients; personal challenges faced by clients that impacted the ability to provide legal services; the lack of lawyers willing to accept CFCSA referrals (often connected by respondents to the low compensation rate under the tariff); the complexity and long wait times of the CFCSA process, which impacts timeliness of resolution; and difficulties with the Ministry (issues with cooperation, timely disclosure).

5.4 Comprehensive and integrated services

Comprehensive and complementary services. LSS provides a range of services to assist clients with their CFCSA matters. Clients can access intake services for applying for a legal aid referral through either in-person intake services where available or the call centre, plus LSS offers band outreach to some Aboriginal communities. Community partners have been established in a variety of communities to provide information on legal aid and to facilitate linking clients to LSS services. Duty counsel lawyers are available at courthouses to assist clients that either do not have a lawyer or who have not yet applied for a lawyer, and to direct people to LSS to apply for a referral. A few communities have LIOWs and ACLWs who provide additional legal information and support services beyond what intake staff can offer, and PLEI materials are available through a range of formats. Those clients that qualify can receive a referral to a legal aid lawyer for representation. As well, LSS continues to take steps to improve the comprehensiveness of their services, such as the community partner initiative that was implemented in 2010 to increase services to rural, remote, and Aboriginal communities. Furthermore, LSS services complement the assistance that community partners and other organizations provide to CFCSA clients, with LSS providing legal services and other organizations providing clients with needed supports for resolving other issues that may be affecting their CFCSA matter. The evaluation did not identify any duplications in services between LSS and other service providers.

Some stakeholders believe LSS services are comprehensive and integrated in that LSS strives to ensure there are a variety of options available and also believe that these options work well together. The majority of CFCSA clients report using from two to three LSS services, although clients who do not receive a referral appear to use few services beyond intake. The latter may suggest that further efforts are required to reach these clients to inform them of and to facilitate their use of the other available services. Concerns with comprehensiveness of services are mainly with respect to the difficulties in offering and accessing the full range of available services in smaller communities and particularly in rural and remote areas. And regardless of the other LSS services available, there is widespread opinion that given the complexity of CFCSA matters and the potential impact on families, legal representation from a lawyer is essential for these clients.

Linkages with other needed services. Families involved in CFCSA issues often also have to contend with other life issues, such as poverty, mental health issues, or substance abuse. One component of comprehensive and integrated services is to assist clients with such challenges that may be contributing to or impacting their child protection matter. The evaluation found that many CFCSA clients are receiving referrals from some LSS services to other needed supports to assist them with these other issues that may be affecting their child protection matter, particularly for

matters around housing, income assistance, substance abuse, and for counselling services. Plus there is some indication that clients are making use of these referrals and finding them helpful.

5.5 Overall satisfaction and suggestions for improvements

Satisfaction with services. The evaluation found that there is a relatively high level of satisfaction with LSS services provided for CFCSA clients. A large proportion of CFCSA clients that received a legal aid referral were satisfied or very satisfied with both their legal aid lawyer and overall with LSS services they received for their child protection matter. Many clients that received referrals report positively that their lawyer was supportive and represented them well. Other stakeholders are generally satisfied with the services provided and believe that LSS strives to make their services accessible to those in need of legal assistance.

Gaps in services and suggestions for improvements. The evaluation identified several gaps in services. With respect to rural and remote communities, challenges exist both to LSS in providing services and to residents in accessing available services in terms of their lack of communication tools (telephones, Internet services, computers) and lack of access to transportation. However, LSS has made efforts to address these gaps, such as through the call centre, online publications, and community partners. Another identified gap is where a CFCSA client does not receive a legal aid referral because, as noted above, legal representation is considered essential for CFCSA cases, although it would appear that most CFCSA clients completing an application are approved for a legal aid referral.

Clients provided a variety of suggestions on how LSS could better serve its legal aid clients, although only a small proportion of respondents made each suggestion. As a result, no real trends in suggestions could be identified other than for improved or increased efforts in certain areas, such as in the information provided to clients, the communications skills of staff, and improved skills in representing CFCSA clients and Aboriginal clients. Any suggestions from service providers were mainly to address identified gaps, such as for improved communications on the available LSS services, particularly for outreach to rural and remote communities. While the evaluation revealed that there is widespread recognition that there are limited resources available it was also believed that increasing the tariff or the allowable time allocations would attract more lawyers to accept CFCSA cases and would also give lawyers more time to provide the level of service required to address CFCSA matters. Also recognized was that families experiencing CFCSA issues are usually in need of additional supports, not only to address other issues that affect their CFCSA matter, but also in navigating themselves through the legal aid application and child protection process, and that it would be valuable to these clients to increase the availability of advocacy and support workers, such as the ACLW, the LIOW, and other support workers. Most suggestions for improving services to client were applicable to all client groups, with few suggestions specifically for Aboriginal clients or clients from an ethnic minority group other than to employ more Aboriginal staff or increase service providers' knowledge of Aboriginal cultures, and to improve translation services.

5.6 Recommendations:

Recommendation 1: LSS should consider methods of increasing awareness of its PLEI materials, particularly for rural and remote areas and First Nations communities that do not have access to other LSS services, such as intake offices or community partners. The available PLEI materials for CFCSA matters are viewed as valuable sources of information for clients as well as for other organizations providing services to the same client population; however there is a perceived lack of knowledge of the availability of this information. One possibility would be for LSS to work with its current partners to develop a comprehensive contact list and to send regular communications (email or letter) to inform organizations of the available PLEI materials and how to access the information online or to order copies.

Recommendation 2: LSS should, in general, increase communications to rural and remote communities on available LSS services and how these services can assist people with CFCSA issues. The evaluation heard that people in rural, and particularly remote and isolated, communities, are often either unaware of the available LSS services or do not have capacity for accessing services. One possibility would be for LSS to continue to develop their network of community partners and to work with partners to identify the most effective methods for communicating and establishing relationships within their communities so that residents are aware of LSS services and are also comfortable in approaching and accessing services.

Recommendation 3: LSS should consider the potential of expanding the availability of ACLWs to other areas of the province. Stakeholders widely identified that families experiencing CFCSA issues are often in crisis and require additional supports to assist them with understanding and navigating through the legal aid application and child protection process and with linking them to other needed services. Given the overrepresentation of Aboriginals experiencing CFCSA issues, ACLWs have the potential to develop the essential trust relationship for effectively providing that needed additional support. Another possibility would be to expand the availability of LIOWs to other areas of the province and to ensure these staff members are experienced in working with Aboriginal communities.

Recommendation 4: LSS should consider reviewing the effectiveness of its Aboriginal band outreach services. The evaluation was unable to fully assess this service but given the findings that Aboriginal clients prefer in-person services and assistance by Aboriginal people, the Aboriginal band outreach services should be a centrepiece of the LSS's services for Aboriginal clients. Given the (albeit limited) evidence of potential accessibility issues of this key service, its accessibility and effectiveness is worth further exploration by LSS.

Recommendation 5: While parents can apply for legal aid as soon as they are aware the MCFD has opened an investigation, the evaluation found that most people do not do so until the child is removed. As a result, only a small proportion of people involved in CFCSA investigation and FDR cases seek out LSS assistance. If parents in all or even a substantial proportion of these cases were to apply for legal aid, it would place an unsustainable demand for services on LSS. In addition, this would further tax the already short supply of lawyers willing to take CFCSA cases. Given the potentially large number of unserved people with CFCSA matters, LSS should consider several issues related to its policy on CFCSA coverage, such as when in the CFCSA process parents should apply for legal aid, what affect that may have on demand for legal aid, how to promote its CFCSA coverage so that parents are aware of when they can and should apply for legal aid, and how to meet the projected demand.

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