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# FAMILY LAW MODERNIZATION

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PUBLIC ENGAGEMENT APPROACH

Phases 1 and 2 Report



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Manitoba Justice  
GOVERNMENT OF MANITOBA



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## INTRODUCTION

### Transforming the Manitoba Public Service – A Strategy for Action

The Clerk of Executive Council, as the head of Manitoba's Provincial Public Service has delivered a clear message to public servants:

“The world is changing rapidly, and that provides us with a unique opportunity to transform the Manitoba public service for the future. We are in a period of profound technological, environmental, and socioeconomic change that compels us to evaluate the nature of our work and the essence of our culture. We can no longer meet the needs of citizens and achieve outcomes defined by government if we continue to rely on our historical approaches to providing programs and services. While they have previously served us well, these approaches were not designed to meet the unprecedented challenges we now face” (*Transforming the Manitoba Public Service - A Strategy for Action*).

Evolving citizen expectations in a time of rapidly advancing technology, a complex policy environment and economic challenges have profound impacts on the delivery and sustainability of public services.

Manitoba Justice recognizes that in order to retain public confidence, improve outcomes and deliver excellent services sustainably we must approach our work and culture differently.

Manitoba's vision is of a public service that embraces challenges and places innovation at the centre of its work to improve outcomes for Manitobans every day.

“In some areas, modernization will transform our work. In other areas, we must dismantle and redesign what we do and how we do it. Innovation is an easy word to say. But it requires risk, which inherently includes failure... [We] must create space throughout the public service for innovation to be protected, incubated, tested, deployed, and valued. We cannot afford to incrementally improve; in every corner of the public service, we need to leap into the future” (*Transforming the Manitoba Public Service - A Strategy for Action*).

This Strategy, developed by the Public Service and endorsed by Premier Brian Pallister, provides a blueprint for how we get there.

## Methodology

Using Manitoba's [Public Sector Transformation Strategy](#) as a blueprint, the Family Law Modernization Initiative will demonstrate how Manitoba's Public Sector can improve outcomes for Manitobans by:

- Focusing on the Client
- Harnessing Manitoba's Talent
- Fostering Innovation
- Engaging Citizens
- Applying Balanced Scorecards
- Reporting Publicly

Design Thinking, Innovation Engineering and LEAN inform our approach. We will co-design solutions with and for the families who are impacted by divorce and separation.

Recognizing that diversity is a key driver of innovation, we will engage different types of people beyond our traditional stakeholders to generate creative solutions.

We will employ a whole of government, cross-sectoral approach. We will include the central agencies of Government on our team and leverage talent from our community.

Our government will rely on the expertise of North Forge Technology Exchange to assist with the Family Law Modernization Project. North Forge is an economic development agency and powerhouse community that helps fuel Manitoba's innovation economy. North Forge is interested in fostering innovation in the public as well as private sectors. As a strategic partner of Government, they will mentor Justice's Project Team in innovation processes and provide access to their network and resources.

Our focus is on action over perfection: trying, testing and refining as we go. We will prototype and test solutions before we pay to build them. This will reduce cost and improve our likelihood of success.

Looking at the challenge through a variety of perspectives (e.g. customer, financial, internal, employee learning & growth) will ensure alignment with Cabinet's Balanced Scorecard, which is a system that aligns actions with priorities. Developing clear goals, outcomes and targets will help us evaluate, adjust and report publicly on results. It will support continuous improvement.

This is the foundation for how we will improve outcomes for Manitobans as they move to make key decisions about their lives and provide a healthy environment for their children moving forward.

## Challenge

Couples and families who wish to separate or get a divorce, settle child custody, spousal and/or child support and property matters are heavily dependent on the courts. Our court-based system is adversarial and does not prioritize the needs of families. The court-based system is also complex, expensive and slow. In some circumstances, it can be harmful to families. For many it is inaccessible and unaffordable.

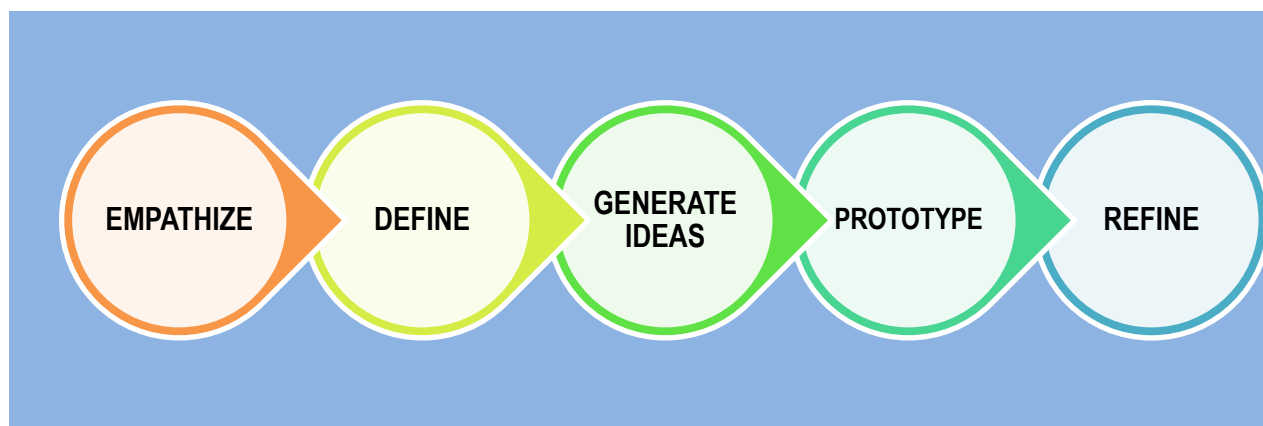
## Government's Commitment to Take Action

The Government of Manitoba is committed to providing sustainable public services that improve Manitobans' quality of life.

Budget 2017 and 2018 and Throne Speech 2018 highlighted government's commitment to being a Canadian leader in family law reform, making the system more accessible, efficient and effective for families and children.

## THREE PHASE PUBLIC ENGAGEMENT APPROACH

**Design thinking** is an approach that starts with the people you are designing for and ends with new solutions tailor made to meet their needs. It was developed by Stanford University and is being taught in Manitoba's very own Asper School of Business. It includes **five key steps**:



This is what successful entrepreneurs do before launching a new product or service. It is what architects and designers do before translating their client's specifications into a vision and then physical form.

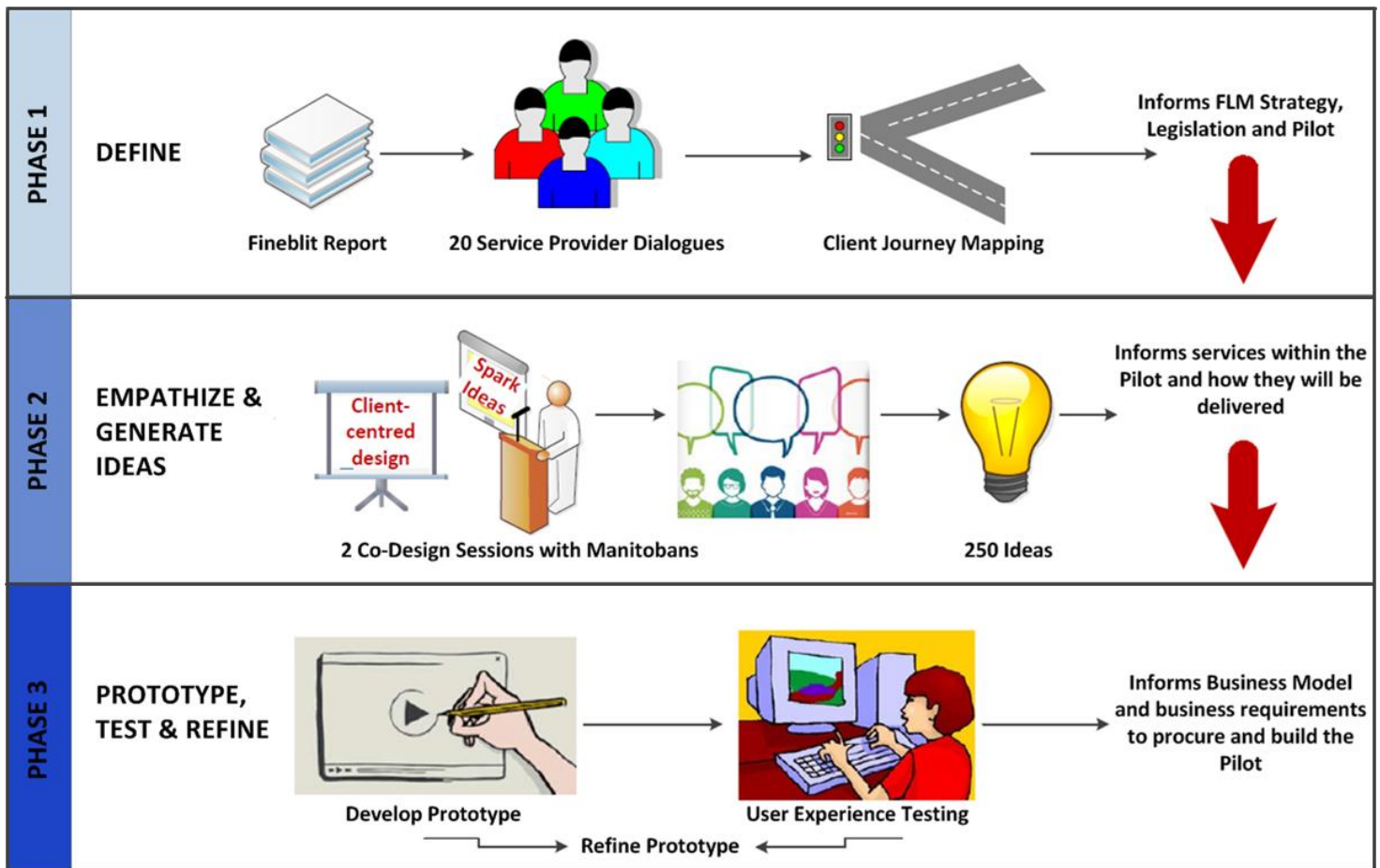
Leading government organizations observe, listen, understand their client's experience, and use this information to guide the design and operation of services that work better

and cost less. Design thinking helps us empathize with our potential clients. This is critical to improving outcomes for families.

**To stay innovative you need to stay inspired. You also need to take risks.**

Recognizing that we cannot and should not have all the answers, we developed a Three Phase Engagement Approach to help us chart a path forward.

Each Phase informs our next steps.



## PHASE 1 - DEFINE

Our first phase defined the challenge more clearly and explored a potential solution.

### Family Law Advisory Committee

In October 2017, Government announced and tasked an advisory committee, led by Allan Fineblit, to review the family law system and make recommendations to improve wellness and outcomes for families.

This Family Law Reform Committee undertook a review and engaged families, service organizations, lawyers, mediators and other stakeholders to provide advice on a new out-of-court model to address deficiencies.

Their [Modernizing Our Family Law System Report](#) (June 2018) recommended:

- a three-year pilot project to direct more Winnipeg-based family law matters into non-adversarial systems outside of court, with the goal of reducing complexity, time and expense;
- the creation of an administrative office to more quickly triage and find the appropriate way to resolve disputes related to child custody, access, child/spousal support; and
- expanding the quality and amount of information available to Manitobans including rights and obligations written in plain language and focused on collaborative resolutions.

### Stakeholder Dialogues - Client Journey Mapping

Following the Family Law Reform Committee's report, our Justice Project Team engaged public, private and community stakeholders in focus groups and one-on-one dialogues to gain a better understanding of the current system.

We met with over 20 direct service providers in the public, private and community sectors including front line workers and subject matter experts. We explored:

- What questions do clients ask at each stage of separation and divorce?
- Who are their key touchpoints in the public, private or community sectors?
- What resources - human, online, paper - are available?
- What actions must clients take at each stage?
- What are the common challenges that clients face? Where do they need assistance?
- What are potential solutions to the common challenges clients face?

We used this data to map the client journey through the current system. These discussions helped us gain a more granular understanding of specific barriers, challenges and opportunities for improvement (see **Appendix A - Client Journey Map**).

### What Did We Learn?

Client Journey Mapping highlighted how we might improve services to clients. Key themes emerged:

- Many tools and resources exist. **Necessary supports are difficult to locate and use.** You have to know where to look to find what is available. Pieces of information are out there - it is hard to understand the complete picture. Tools are not user friendly. Clients have to learn a complex system to navigate it successfully, which is difficult for self-represented litigants.
- Manitoba has a diverse range of committed professionals supporting families. **Approximately 20 non-governmental (NGO), private, and public service providers deliver supports** at various stages of separation or divorce, or to specific demographic populations or in specific formats (online or in person or phone). **Yet gaps remain** in some areas and **service providers duplicate efforts** in others. Smooth and continuous service is lacking (see **Appendix B**).
- **Free supports have capacity constraints** which can result in long wait times, prolonging a family's decision. **Public support often comes too late in the process**, after conflict has ramped up. **Private support is out of reach for many.** People who can afford it rely on private support (e.g. lawyers, financial advisors) to navigate the system which can become expensive.





A strong consensus emerged that there is a need to better align service providers' efforts and support families in accessing the multidisciplinary assistance they require. Services need to be accessible, easy to use, timely, and affordable to reduce the social cost of conflict on families and in particular children. A process of identifying strengths and supports should be undertaken to improve efficiency and effectiveness.

### What Did We Do About It?

Phase 1 informed the development of a Family Law Modernization (FLM) Strategy and draft legislation. [Speech from the Throne 2018](#) committed to

“introduce legislation to pilot a first-in-Canada family resolution service in Winnipeg over the next three years. The objective of this new service is to provide timely dispute resolution, and to support healthier, stable, long-term family relationships, reduce mental and physical illness associated with conflict, and support family members dealing with domestic violence. It will include a one-stop, guided process with early triage, assessment, and follow up. There will be mandatory facilitated resolution to help families reach consensus, referral services tailored to individual couples and families, support to finalize and file an agreement, and the assistance of an adjudicator to make prompt and fair decisions.”

Manitoba also committed to enhancing supports for victims of domestic violence.

“The Family Support Worker Program will assist complainants who have been in an abusive relationship to navigate through our family court process. It will complement the Family Law Modernization Strategy and provide a full range of services to victims of domestic violence”.

Our Family Law Modernization Strategy aims to improve Manitobans' quality of life by helping families resolve their disputes in a fair, economical, expeditious and informal manner. It will deliver enhanced supports to families, including:

- Three-year pilot to test a new family dispute resolution model;
- Family Resolution Service (FRS) to enable family disputes to be resolved outside of court;
- Expanded support for those experiencing Domestic Violence; and
- Out-of-court options that simplify child and spousal support.

## PHASE 2 – EMPATHIZE AND GENERATE IDEAS

### Co-Design Sessions with Manitobans

Government's commitments meant that we needed to develop a wider range of services to support a greater number of clients. The services we design must also be sustainable.

With this mandate in mind, we moved to our next phase of engagement.

We took everything we learned from Phase 1 and used this to articulate our challenge. We used an Innovation Engineering tool called a “Blue Card” to describe the scope of the challenge we are solving for (**see Appendix C**). Innovation Engineering is an approach that helps us accelerate innovation while reducing the risk of trying new approaches.

Our “Blue Card” helped us communicate our parameters to participants so we did not waste their time and energy developing ideas that would not be considered.

Our goal being that anyone could pick up our Blue Card and contribute. Phase 2 focused on empathizing with our client and generating as many ideas from as diverse a group as possible about how we might better serve our client.

### Our goals were diversity and creativity of thought.

We invited people to two half-day Engagement Sessions including:

- Subject matter experts, community stakeholders and Manitobans from various backgrounds and demographics, who have or are currently experiencing separation or divorce.
- Individuals from organizations that represent clients with unique access needs.
- Manitobans with no connection to the topic to challenge assumptions and bring their own personal experiences to the table.

Forty-five individuals were given an opportunity to shape what services should be delivered. We made follow up appointments with those who were unable to attend.

Creative approaches used to generate ideas:

**Innovation Engineering**<sup>1</sup> is based on the stimulus response method, which increases the speed and success of innovation while reducing risk.

**Design Thinking**<sup>2</sup> is important for building empathy with clients.

Working within our constraints and assumptions, participants were invited to generate as many possible ideas as they could.



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<sup>1</sup> To learn more about Innovation Engineering please visit their website by clicking [here](#).

<sup>2</sup> More information can be found in [An Introduction to Design Thinking Process Guide](#) by the Stanford d.school

A variety of activities helped skim conceptual ideas off the top without being constrained by analysis. Our facilitator helped participants travel off the beaten path and spark new ideas by building on initial thoughts and innovation ideas from around the world. Participants worked individually and in teams to enhance each other’s ideas.

**The Gauntlet**, for example, helps participants build on an initial idea quickly by drawing upon and incorporating multiple unique perspectives in a short timeframe.



Participants wrote ideas for how client services could be improved. They had 30 seconds to pitch their idea to a partner, and then another minute to listen to feedback. Feedback was provided from a “yes and” perspective that built on their partner’s idea.

Participants moved through the Gauntlet every three minutes building on their initial idea as they gained the insights of others up and down the Gauntlet line up.

The two Engagement Sessions generated nearly **250 ideas.**

These ideas fell into three broad themes: **legislative & policy changes, resources, and finances.** Other ideas described the qualities and characteristics of the **ideal future state.**



### Most Common Themes

#### Legislative & Policy Changes

- Mandatory timelines
- Robust guidelines for service providers
- Operational suggestions

#### Resources (Services/Tools)

- Navigator, coach, mentor, guide, expert
- Roadmap/Dashboard/Steps in process
- Online tool with centralized info and resources in plain language
- Trained counselors
- Support for parents & children

#### Finances

- Set fee structure
- Financial disclosure improvements
- Enforcement
- Financial incentives /disincentives

**Over two thirds** of the idea cards focused on improving access to online supports and services.

## 6 BIG IDEAS

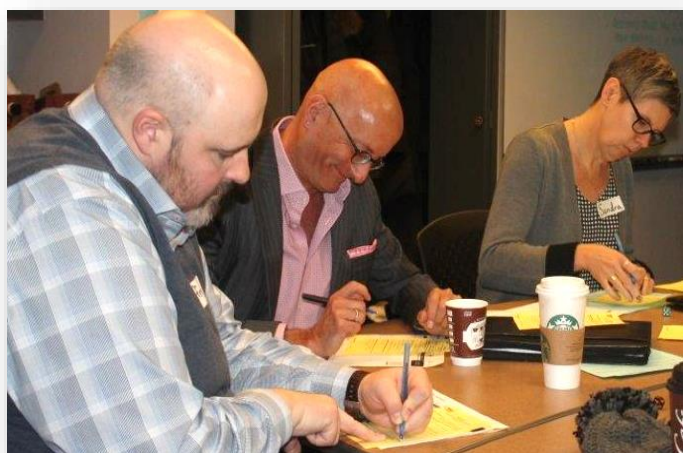
Each idea is a piece of the puzzle that together contribute solutions to the challenge outlined in the Blue Card. Our Justice Project Team took the 250 ideas generated, themed them and combined them into **6 BIG IDEAS**.

What follows are the critical recommendations that emerged and the problems that participants felt were most important to solve.

We also describe what participants told us it will look like when we **get it right**.

### **BIG IDEA 1: Responsive Web Application**

Imagine that any client, anywhere in Manitoba using any form of technology could have all the information they require at their fingertips to make important decisions. All the correct information, processes, templates, resources and service providers listed in one convenient location. The client only needs to tell their story once and with their consent, key information could pass to appropriate service providers as they move through the separation or divorce process. Some ideas include:



- A smart app that would allow me to access information 24/7 from the comfort of my home, if I choose.
- This virtual hub or “one stop shop” would navigate me through every step of the process from start to finish.
- Inform me where I am in the process, what my spouse and I had completed and what remains to be done.
- When and if I chose, this app would connect me directly to well trained, supportive service providers who could assist me in moving to the next step.
- If I had completed a requirement and was waiting for a response from my spouse or service provider, I would know who needed to get back to me.

- This app could connect me to an online community of other clients whom I might draw on for emotional support, to answer questions, or for self-help.
- Service providers could advertise their services to clients and access up-to-date information from clients and colleagues.
- This smart app could use a decision tree to adapt to clients' needs depending on circumstances: safety concerns/none, marriage/co-habitation, separation/divorce, children/no children, assets/no assets, low, medium or high conflict.

**“Involve communities (friends, family) in supporting outcomes.”**

Participants described additional desirable functions of an online service:

- Offer central intake and information.
- Provide the opportunity to create a client profile.
- Deliver tailored support based on needs, similar to 311.
- Offer the ability to phone/text/email my question and have the right person connect with me rather than me needing to find the right person.
- Include a chat function so I can connect with specialists right away.
- Provide the possibility of sharing documents/notes with my spouse, lawyer or other service providers.
- Connect me to tailored referral services/ provide seamless support/information.
- Create a community by providing mentorship opportunities for those who have experienced separation/divorce to guide others going through the process.

#### *Problems these ideas solve:*

- Decrease frustration in searching for resources.
- Eliminate out-of-date information provided by scattered resources.
- Decrease duplication of efforts by current service providers.
- Decrease the time clients need to take off work to travel to in-person appointments or access services between 8:30a.m.-4:30p.m.
- Reduce the financial impact to clients in accessing services or paying for private services.
- Improve accessibility for clients with different abilities.
- Provide clients with the opportunity to translate content into their preferred language.
- Help clients gain faster service and improve referrals to service providers.



## Online Profiles

Create profiles that enable clients to address individual needs through tailored resources and referrals. Help clients track progress through the steps of a separation/divorce, ensuring they know what to expect. Some ideas include:

- Create a profile that captures my story once, without having to repeat the details to every new professional I come into contact with throughout the process.
- Build my profile as I travel through each step answering specific questions at each one. Save my work as I answer questions.
- Have answers to questions self-populate any required documentation or forms needed for the Family Resolution Service or court.
- Include a feature that allows me to consent to specific people accessing my file by providing a secure PIN. This would enable a range of service providers to share information and communicate to deliver a tailored service based on my individual needs, including making referrals and following up with me.

“Eliminate non-value added steps; carry forward information so client does not have to repeat their story”



### *Problems these ideas solve:*

- Clients save time and do not need to feel the hurt repeatedly.
- Conflict is reduced between spouses.
- Misinformation about what to expect and how long the process may take is minimized.
- Duplication of services is minimized.
- Clients receive seamless service from a full range of professionals.
- There is improved continuity of service as clients move through the whole process.

## Financial Disclosure/Decision Planning Tool

We heard that determining your financial assets and calculating the division of them is difficult and confusing. Imagine if a tool made it easy to gather the appropriate information and refer to resources that would help clients understand how financial calculations for child/spousal support are done. Some ideas include:

- Create an online tool for me to enter all my financial information, assets and let the tool do estimated calculations.
- Educate all parties on the obligations of paying child and spousal support and their importance.
- Provide free support for financial disclosure orders and routine child support orders.



### *Problems these ideas solve:*

- Right now a client's lawyer has to chase the other party for information and this can result in long delays and exchanges of letters back and forth that cost money.
- The legal system is expensive and finding and paying for good legal representation is difficult for many.
- A tool like this could support clients and decrease processing time for service providers assisting clients.

## Online Forms

Separating families can become overwhelmed by the complexity of the current process. Court forms are difficult to understand and not user-friendly especially for a self-represented client. Some ideas include:

- Use simple language, with legal definitions and question and answer sections.
- Have the form stop me, pop up a suggestion, or connect me to help (chat bot) if I enter incorrect or incomplete information.
- Provide up-to-date templates online, give control of the process back to the client.
- Consider a "formless process". Have the tool pre-populate required forms behind the scenes where the information I enter in response to questions automatically populates a form required by court or another party.

*Problems these ideas solve:*

- Address accessibility challenges. Online materials can be easily translated into many languages by users. Software can support people with different abilities (e.g. blind, hearing impaired).
- Improve client's understanding of what is being asked of us.
- Right now if I submit a form with incorrect or incomplete information, I get it back later and have to make corrections. Ensuring forms are completed correctly at the beginning will save clients and service providers' time and resources.

## **BIG IDEA 2: Timelines, Incentives, Penalties**

The absence of timelines is especially challenging. This adds cost and fuels conflict and frustration. Manitobans told us there is a strong need to assist both parties and their service providers to stay on track and be accountable. Imagine if a system of incentives and/or disincentives motivated participants to resolve matters quickly and kept service providers responsible for meeting specified turnaround times. Some ideas include:

- Have all parties (clients and service providers) commit up-front to meet timelines, collaborate, and acknowledge penalties.
- Set standard timelines for each stage of the process (disclosure, negotiation, support payments) that apply to all: client, lawyer, service provider.
- Offer a sliding scale for services combined with the ability to pay.
- Offer incentives to improve speed and movement through the process.
- Clients who meet guidelines receive free service. Those who do not comply with guidelines pay a fee for service or a financial penalty.
- Provide clear guidelines for non-compliance, such as financial penalties (e.g., where a payer increases child support amount if they are not complying or pays more for services).





*Problems these ideas solve:*

- Decrease delay.
- Decrease the number of drawn out proceedings, and psychological frustration and stress.
- Help decrease debt and the burden disproportionately borne by lower-earning parties.
- Decrease barriers to accessing child and spousal support.
- Eliminate one person controlling the whole process.

### **BIG IDEA 3: Support & Training for Parents**

It is challenging for parents to navigate their separation/divorce matters. It is even more difficult for children. The importance of ensuring children's interests are at the centre of the decisions parents make throughout the process is crucial. Many recommended that a children-first approach be taken. Support and training for parents was key. Some ideas include:

- Offer parental information sessions to determine what service will best meet their needs and the needs of their children.
- Clearly define high conflict to ensure understanding.
- Provide training for parents to recognize how the children involved may be affected by the changes.
- Work with parents to improve their understanding of child development, attachment, trauma and how to support children through this difficult time.
- Provide supports to facilitate ongoing co-parenting.
- Work with the client to prepare parenting plans, cross-jurisdictional parenting, and ensure grandparents can maintain access to grandchildren.
- Offer additional therapeutic supports for all involved in domestic violence and high conflict incidents, including children.
- Have a requirement that children and victims of domestic violence stay in the family home while perpetrator is required to leave.
- Put the mandatory "For the Sake of the Children" parenting program online.



- Offer education/supports for parents through various contact points, including shelters, schools, community centres – “go to where people are”.

*Problems these ideas solve:*

- Both parties working together decrease the adversarial nature of separation/divorce.
- Shift from the current “winners/losers” approach to ensuring all family members can move on successfully.
- This will minimize the significant negative long-term mental health impacts on all family members involved and focus them on how to work together effectively.



## **BIG IDEA 4: Support & Education for Children**

The importance of a child’s experience is a critical gap in today’s approach. Participants highlighted the need for legislated/policy standards to be developed about when it is appropriate to have a child’s voice heard.

Preventative measures were proposed to better support healthy relationship development and assist children in coping with the negative effects of family restructuring. Effective conflict resolution and communication skills and the importance of emotional awareness and control were key themes.

## Preventative Measures In Childhood

Some ideas include:

- Province wide K-12 education initiative as part of curriculum. Teach children about healthy relationships, conflict resolution, stereotypes and how to part ways using healthy methods.
- Look after children’s emotional needs by equipping them with the skills they need to have healthier disagreements, build empathy and compassion, recognize and address self-blame.
- Teach children about respect, boundaries, and healthy communication.

## Resources For Children As Parents Move Through Separation or Divorce

Some ideas include:

- Offer counselling resources for children, especially in high conflict situations.
- Ensure children are aware of counselling resources offered at schools and post secondary education facilities.

*Problems these ideas solve:*

These ideas may decrease anxiety and minimize conflicts by understanding oneself and others and the effects of conflict on all involved.

### **BIG IDEA 5: Mandatory Mediation**

Research suggests that working together collaboratively improves long-term outcomes for all members of the family. Many service providers believe that better dispute resolution and increased likelihood of long-term success are achieved when families attend mediation or conciliation.

“Children can become invisible during separation or divorce because they do not want to disrupt and increase conflict between their parents. This can lead to acting out, mental and physical illness and even drug addiction and suicide. The invisibility of children in separating and divorcing families needs to be more visible to society so we can better support them.”

Some ideas include:

- Require all parties attend a mandatory meeting to assess their case and determine where to go next.
- Help identify points of agreement through mediation.
- Provide incentives for participation in mediation/ conciliation.
- Include consequences for non-participation.
- Partner with educational institutions to increase the number of mediators and family counsellors available to support timely, accessible and low cost service.

“Rather than family mediation supporting the litigation process- have the mediation be the process to resolve issues.”

*Problems these ideas solve:*

- Mandatory mediation will decrease costs, delays and psychological harm.
- It gives people a chance to resolve matters early with assistance from professionals.

## **BIG IDEA 6: Improved Service Coordination**

### **Collaboration Table**

Staying connected with others, working within the field of family law, is important to service providers in every sector. There was strong interest in finding ways to build stronger relationships and work together to improve client service. Some ideas include:

- Improve coordination amongst existing service providers - identify who does what well and focus. Identify where we are duplicating.
- Create a network of service providers from all sectors to collaborate and provide seamless service.
- Establish an ongoing meeting/mechanism to share lessons learned, updates, and move improvements forward collectively.

*Problems these ideas solve:*

- Improve the range and type of services available to clients.
- Decrease overlap and duplication of services.
- Ensure information provided about other available resources is accurate and current.

## Multidisciplinary Team

Individuals from different professional backgrounds told us that they see the same situation differently and that those different perspectives add value. Multidisciplinary teams could assist family members and provide a more holistic approach. Some ideas include:



- Meet with a social worker/ lawyer/ psychologist/ counsellor/ mediator to resolve issues and come to an agreement.
- Look at the interests of all involved using a family healing process to move forward.
- Reconsider children’s safety in the process.
- Ensure mental health supports at different tiers are available for any family members affected.
- Focus on process (information/education) and allow clients to make decisions (empowerment).
- Parents set goals, get information on supports and services available. Track the family’s progress through members of a multidisciplinary team, making active referrals and following up.
- Provide help navigating the grief, loss, hurt and pain of separation or divorce. By dealing with their own issues first, parents are better equipped to work through family issues.
- Offer a therapeutic/supportive environment throughout the process.
- Focus on emotional impact on families.
- Provide additional training for professionals to ensure understanding of child development, attachment, and trauma; as well as further training for those working with high conflict families.

“The current family law system was designed with the rule of law at the forefront, which made lawyers the gatekeepers of the process. Lawyers need to adapt to a new system where the consumers’ needs are at the forefront”.

### *Problems these ideas solve:*

- Ensure families’ needs are cared for.
- Improve both physical and mental health.
- Allow practitioners to be more aware of underlying challenges.
- Provide more informed services to clients.

## THERE IS . . .

We asked participants to tell us what it would look like when we got it right.

How would we know when Family Law was “there”?

The qualities and characteristics participants described set our North Star as we continue to design and build.

They are the test we will use to know if we are moving in the right direction.

Participants told us Family Law will be “**there**” when:

- ✓ I only have to tell my story once.
- ✓ Children’s needs come first.
- ✓ Child support is prioritized and simplified.
- ✓ There are no winners and losers.
- ✓ I know what to expect every step of the way.
- ✓ The services I require are easy to locate, convenient and accessible when I need them and available online in one central place 24/7.
- ✓ Services are set up for distance so anyone living anywhere can access them.
- ✓ All service providers are a part of a virtual portal/online network so I can find who I need when I need them easily.
- ✓ I am able to drive my own process based on my needs.
- ✓ Steps are broken down in plain language so that everyone can understand.
- ✓ Information is easily translatable to multiple languages.
- ✓ An intuitive layout makes online services easy to navigate.
- ✓ Costs are minimized.
- ✓ I get quick, reliable and fair service.
- ✓ My family and I decide what is best for us and we can meet our needs independently.
- ✓ Support is tailored to individual family’s needs.
- ✓ Mandatory upfront mediation is required and court is the last resort.
- ✓ Mandatory legal information keeps couples out of court.
- ✓ Early triage helps me understand what services best meet our needs.
- ✓ Lawyers are used only when they are needed.
- ✓ Everyone is accountable for progress and meeting deadlines.
- ✓ I feel supported.

## PHASE 3 – PROTOTYPE, TEST AND REFINE

What is the minimum thing we can do to learn something new about better meeting our clients' needs? How will we know if it will work if we do not test it?

We want to make something our clients can interact with, refine and improve on.

Our unit of progress is about learning because we recognize that it is 100 times cheaper to tweak it before you pay to build it.

Our Prototype 1.0 was a whiteboard drawing.

Our next four drafts were drawn and refined on paper.

Now we are in the process of building a simple click-through prototype to test a variety of the ideas we heard.

Direct service providers from all three sectors will test these ideas and then we will refine them based on their input.

A diverse group of Manitobans from various backgrounds who have or are currently experiencing separation or divorce will test and refine these ideas. We will invite stakeholders and clients to answer a series of critical questions about how we move forward with key components of our new service.

Our ongoing engagement efforts will test each component of our Business Model and inform for how we deliver and operate the Pilot. We will build a model of the Pilot before we launch it so we can test the process and refine it further prior to launch.



## CONCLUSION

We learned something new from each Phase and each participant. Our understanding of the problem deepened the more people we spoke with. Putting our client front and centre illuminated gaps we were not aware of initially. Solutions we considered were broadened and validated because of engaging a wider variety of people.

We are incredibly grateful to those that participated and continue to offer us their advice and suggestions. We look forward to continued dialogue to build a better system for Manitoba families.

A Collaboration Table of key stakeholders was launched by Minister of Justice and Attorney General Cliff Cullen as a result of the feedback we heard from participants. This will provide one venue for ongoing dialogue to inform how the Project Team moves forward.



## Appendix B - Current Service Delivery Model<sup>3</sup>

SECTOR	ENTITY/ORGANIZATION	INFO PROVISION GENERAL/ LEGAL	NAVIGATION	TAILORED REFERRAL SERVICES	FACILITATED RESOLUTION	AGR. DEVELOPMENT	SUPPORT TO FINALIZE & FILE AN AGREEMENT
Public	Family Justice Resource Centre	X					
Public	Manitoba Justice Family Law Section	X	X	X	X	X	X
Public	Victim Services	X		X			
Public	Status of Women (Sustainable Development)	X	X	X	X		
Public	Legal Aid Manitoba			X		X	X
Public	Maintenance Enforcement Program	X		X			
Public	Child Support Recalculation Service	X		X			
Public	Family Conciliation Services	X	X	X	X	X	X
Public	Court of Queen's Bench Family Division	X	X				X
Public	Winnipeg Police Service	X		X			
Public	Faculty of Law, University of Manitoba	X					
NGO	Legal Help Centre	X	X	X	X	X	X

<sup>3</sup> The Government of Manitoba committed in Throne Speech 2018 to “introduce legislation to pilot a first-in-Canada family resolution service in Winnipeg over the next three years. The objective of this new service is to provide timely dispute resolution, and to support healthier, stable, long-term family relationship, reduce mental and physical illness associated with conflicts, and support family members dealing with domestic violence. It will include a one stop, guided process with early triage, assessment and follow up. There will be mandatory facilitated resolution to help families reach consensus, referral services tailored to individual couples and families, support to finalize and file an agreement, and the assistance of an adjudicator to make prompt and fair decisions.”

A range of service providers as outlined on the left deliver the above services today under the current Family Law model. Yet, gaps exist and service providers duplicate efforts. This summary will be refined by the Collaboration Table to help align efforts and develop advice about how to deliver a more seamless continuum of services to Manitoba families.

SECTOR	ENTITY/ORGANIZATION	INFO PROVISION GENERAL/ LEGAL	NAVIGATION	TAILORED REFERRAL SERVICES	FACILITATED RESOLUTION	AGR. DEVELOPMENT	SUPPORT TO FINALIZE & FILE AN AGREEMENT
NGO	Community Legal Education Association	X	X	X	X	X	X
NGO	InfoJustice Manitoba (French legal information centre)	X					
NGO	Family Law Access Centre- Law Society of MB	X	X			X	
NGO	Family Mediation Manitoba	X	X	X	X	X	X
NGO	Mediation Services Winnipeg		X	X	X		
NGO	MB Centre for Families in Transition		X	X	X		
NGO	Domestic Violence Supports	X	X	X			
NGO	Non-FL Service Providers who assist in improving access to justice for all Manitobans	X					
NGO	Alternative Dispute Resolution Institute of Manitoba	X	X		X		
NGO	Winnipeg Children's Access Agency	X	X				
Private	Collaborative Practice Manitoba – Family Bar	X	X	X	X	X	X
Private	Financial Advisor, Accountant, Debt Service				X		
Private	Mediation, Conciliation or Arbitration Service Providers	X	X	X	X		

## Appendix C - Family Support Challenge Blue Card

### CHALLENGE

***Couples and families who wish to separate or get a divorce, settle child custody, spousal or child support and property matters are heavily dependent on the courts. Our court-based system is adversarial, complex, expensive and slow. For many it is inaccessible and unaffordable.***

Our Family Law system is legally based. Delivering legal, often adversarial, responses to what are primarily social, relationship and financial needs, causes harm to families. We need to untangle the social, relationship and financial issues clients face from the legal ones. Families need pathways to access the social, relationship and financial assistance that they require, outside adversarial legal processes and away from the courts.

We have a wide range of committed professionals supporting families. Public, private and nongovernmental (NGO) service providers deliver a range of support, yet gaps remain. Many tools and resources exist, but support is challenging to locate and use. Free supports have capacity constraints. Front end and navigation support are insufficient to meet the need. Public support often comes too late in a family's experience after conflict has ramped up. Private support is out of reach for many.

This leaves the majority of families on their own, forced to learn a complex legal system to move through it.

We want ideas that help Manitobans make and finalize decisions so they can move forward with their lives.

***We can advance quickly but we need your help!***

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**MISSION:** *We need to vastly improve families' experience. The Province of Manitoba wants to provide sustainable public services that improve Manitobans' quality of life. We want to partner with others to offer a continuum of affordable support. That may include creative new tools or resources or the means by which supports are delivered.*

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### WE NEED YOUR HELP

We will involve Manitobans in decisions that impact them. We will listen and understand our clients' experience, and use this knowledge to guide the design and operation of services that work better and are more sustainable. Our clients are family members who have or are experiencing separation or divorce and their service providers.

Entrepreneurs, industry, post-secondary educational institutions, artists and designers and the broader community also have insights that may enhance support to families for the greater good of our province. Our approach will engage them too.

***We need to work within the following:***

- Improve access to justice
- Offer a continuum of support from information to navigation, facilitated resolution and agreement development, tailored referral services, and support to finalize and file an agreement
- Expand support for those experiencing domestic violence
- Address a range of needs (i.e. no to high conflict and low to high complexity) while respecting diversity (e.g., gender, age, various faiths, indigenous, immigrant, same-sex etc.)
- Pilot a new three year Family Resolution Service in Winnipeg
  - Serve between 3000-5000 clients per year
  - Operational within approximately one year
  - Deliver a continuum of free and affordable supports
  - Seamlessly respond to unpredictable demand
  - Test something new without investing in permanent resources or infrastructure
  - Be flexible enough to adapt and continuously improve
  - Cost the same (or less) time or money than existing processes

***We would like to hear ideas that...***

- Reduce the social cost of conflict for families in time, money and/or the hardship they endure.
- Require modest upfront investment if they demonstrate high return on investment within the pilot.
- Leverage collaboration across all three sectors (i.e. public, private, nongovernmental/community).
- Leverage technology to deliver a robust 24-hour online presence.
- Enable self-service for those who choose it.

***We are not interested in ideas that...***

- Are urban-focused – ideas must be scalable to all Manitoba communities following a three-year Winnipeg pilot.
- Respond to current client needs only. We need to be mindful that needs evolve.
- Improve one stakeholder's interests to the exclusion of others'.

## APPENDIX D - Family Law Engagement Participants

Numerous Manitobans shared their personal and often challenging experiences related to separation and divorce matters and provided insight as part of the process to modernize family law. Many professionals working in family law also provided expertise to help inform this work.

During the process to develop the Modernizing Our Family Law System report and subsequent consultations held by Manitoba Justice, input was provided by several other government departments and the following organizations and stakeholders:

- Collaborative Practice Manitoba,
- Facilitated Solutions,
- Family law lawyers from across Manitoba,
- Law Society of Manitoba,
- Private mediation services representatives,
- Association des juristes d'expression française du Manitoba,
- Community Legal Education Association,
- Family Mediation Manitoba,
- Immigrant and Refugee Community Organization of Manitoba,
- Legal Help Centre,
- Ma Mawi Wi Chi Itata Centre,
- Manitoba Association of Women's Shelters,
- Manitoba Bar Association – A Branch of the Canadian Bar Association,
- Mediation Services (Winnipeg),
- Manitoba Centre for Families in Transition,
- Ndinawemaaganag Endaawad Inc.,
- North Forge Technology Exchange,
- Nor'West Co-Op and A Woman's Place,
- Relish Branding,
- Red River College,
- Support group for fathers who have had experience with custody and access disputes,
- Support group for women who are victims of intimate partner violence,
- Manitobans who have experienced separation or divorce and adult children of family breakdown,
- Individuals from diverse professional backgrounds who shared their expertise,
- Court of Queen's Bench - Family Division, and
- Judges from Manitoba and other provinces.