



Voice of the Child Programs and Services in Canada

Voice of the Child Reports are well-received by the courts across jurisdictions, and provide a quick turnaround of independent information for parents involved in family law disputes.

This document presents findings from a study that was conducted to understand how children's views are included in family law disputes in Canada, including through the use of Voice of the Child Reports (VCRs). VCRs, also called Views of the Child Reports or Hear the Child Reports, are increasingly being used in a number of Canadian provinces and territories as a means of obtaining the child's perspective in parenting disputes between parents and/or guardians. These reports provide information about the child's perspective on their lives and the matters in dispute based on one or more interviews with a professional.

What we found

- VCRs are the most common approach used to obtain a child's perspective, with these reports representing approximately two-thirds of all approaches designed to include children's views in jurisdictions. VCRs are also used in all but five jurisdictions.¹
- Other ways for including children's voices in family law matters include child legal representation, parenting assessments, and judicial assessments.²
- In the majority of jurisdictions where VCRs are available, the reports are publicly funded and prepared by professionals who have a background in mental health.

¹ These jurisdictions include Manitoba, Quebec, the Yukon, the Northwest Territories, and Nunavut. While the Brief Consultation Reports offered in Manitoba are similar to VCRs, the Brief Consultation Reports extend beyond a VCR by including interviews with both parents and children, and resulting in a parenting recommendation. Quebec may not do VCRs but they do provide child legal representation, parenting assessments and mediation. Note that the Policy Manual in the Northwest Territories specifies that VCRs will be provided in the future.

² The examples of other ways of including children's voices are not exhaustive. The other methods of including children's voices vary by jurisdiction.

- VCRs are generally court-ordered and lawyer-referred upon consent, according to the majority of the interview participants.
- VCRs generally involve two interviews with the child, and confidentiality is not guaranteed. There is no follow-up with the child or youth after the VCR is submitted to the court.
- The average age of children at the time of the court decision is 12 years.
- Courts consider the child's age and maturity when including the child's views in their decision, and the child's views are not determinative.
- Most jurisdictions use a standardized template to report the child's views and preferences when preparing a VCR.

Overall, courts report that VCRs are very helpful in family law disputes, as the reports i) allow parents to hear the child's perspective from a neutral, third-party professional; ii) help the courts to obtain information about the child's perspective; iii) provide missing information that otherwise would not be presented; and iv) provide a quick turnaround time. The VCRs are also more cost-effective than other methods of including children's voices.³

Half of the interview participants report a lack of diverse representation among the professionals who provide VCRs. To address this feedback, jurisdictions have adapted the reports to better suit the needs of children from different backgrounds, for example, by asking specific questions about their culture, religion and/or diversity; trying to match a culturally specific social worker with the child and consult with a local cultural centre where possible; and by offering diversity training to report writers. VCR teams also report exploring how to diversify their membership through hiring practices. The majority of survey respondents report difficulties in providing services to children in rural, urban and remote communities.

Study Method

Justice Canada contracted Dr. Rachel Birnbaum⁴ to explore how Voice of the Child programs and services and other ways of hearing directly from children and youth (e.g., parenting assessments, child legal representation, child inclusive mediation, judicial interviews) are incorporated into family disputes across the country. The project included the following methods:

³ Based on the data from Alberta, British Columbia, Nova Scotia and Ontario, the average cost of a VCR was \$1,951. In comparison, a parenting assessment cost an average of \$5,086 based on data from Alberta, Ontario and Nova Scotia.

⁴ Rachel Birnbaum, Ph. D; RSW; LL.M. is a Professor, cross-appointed to Childhood & Youth Studies and Social Work, King's University College, Western, London, Ontario.

- A **case law review**,⁵ which included 312 family law decisions about the different ways children are heard in court (e.g., VCRs, child legal representation, parenting assessments) between January 2018 to March 2022 across Canada.⁶
- An **online survey**,⁷ through which data about how VCRs and other ways of including children's views and preferences are used in each jurisdiction were collected. A total of 33 participants, including policy and program government officials and court staff, completed the online survey.⁸
- **Virtual interviews** with professionals (e.g., lawyers, mental health professionals, policy advisors). Interviewees were asked about the processes and procedures in place for VCRs or other ways of hearing a child's views as well as the challenges and barriers in hearing directly from children and youth involved in family disputes. In total, 27 professionals (24 females and 3 males) were interviewed.⁹ Interviewees had between 6 to 20 or more years of experience in family justice.

*For more information, please refer to the full report:
Voice of the Child Programs and Services in Canada by Province and Territory.*

⁵ The Westlaw database was used, as it is the most comprehensive database for family law cases and materials in Canada. Similar to other legal databases, however, it only includes a fraction of all cases in which judges render decisions, and there are many "unreported decisions".

⁶ Only English family law cases were reviewed, and no family law cases from Nunavut were found.

⁷ The survey and interview participants were identified through purposive and snowball sampling.

⁸ There were no survey respondents from Yukon, Quebec, Newfoundland and Labrador, and New Brunswick.

⁹ There were no interview participants from Yukon, Nunavut, and Quebec.