

Research Snapshot

Early Dispute Resolution in Family Law Disputes Report

What is this about?

The Social Sciences Research Lab (SSRL) surveyed 143 Saskatchewan residents: 71 had participated in a family law process and 72 had not. The survey aimed to understand Saskatchewan residents' perspective on family law justice processes. Survey results were intended to inform process changes by the Saskatchewan Ministry of Justice.

What did the researchers do?

SSRL researchers recruited individuals via EKOS, an online panel vendor. Panel vendors provide researchers access to a pool of community members who participate in surveys.

SSRL researchers polled respondents who reported participating in a family law process on their experiences. Specifically, researchers asked respondents about family law dispute resolution and court processes. The survey defined dispute resolution processes as "negotiation between parties; negotiation between parties and lawyers or other service providers; family law coaching; private mediation; Family Matters Program; collaborative law services; or Government mediation". Respondents provided three words that described their experience with the dispute resolution and/or court process they went through.

Researchers asked all survey respondents to what extent they would support or oppose a mandatory dispute resolution process for family-related matters and what that should include.

Researchers collected basic demographic information of respondents (employment status, gender, and income). This study did not ensure respondent demographics matched Saskatchewan demographics or adjust data based on demographics. This represents a limitation with survey results.

What do you need to know?

The survey results revealed negative associations with Saskatchewan's family law dispute resolution and court processes. No respondent with family court experience used positive affect words to describe the process. Respondents used some positive words while discussing dispute resolution.

The survey demonstrated widespread support for the implementation of a mandatory dispute resolution process, prior to a traditional court process taking place, for family law matters. The majority of respondents indicated support for the introduction of counselling and negotiation (with or without a lawyer present) as mandatory dispute resolution process options.

What did the researchers find?

Interesting findings include:

- Among the sample reporting family law experience (n = 71), more than half (57.7%; n = 41) reported participating in a dispute resolution process related to a family matter in Saskatchewan. When asked to list three words to describe their experience, the majority of respondents (68.3%; n = 28) used negatively-valenced words. A large majority of the sample (86.0%; n = 123) indicated that they strongly support a mandatory dispute resolution process.
- Researchers asked the 123 respondents who indicated they “strongly support” or “somewhat support” mandatory dispute resolution why they felt this way: 81 (65.9%) selected “to avoid or reduce the cost of litigation”, 85 (69.1%) selected “I believe it would result in a better outcome”, 47 (38.2%) chose “It sounds less stressful”, and 21 (17.1%) individuals specified another reason.

About the researchers:

The SSRL, which lead this research, was founded in 2011 and contains 8 different research laboratories. The organization has three main objectives:

1. provide researchers access to shared research infrastructure and technical and administrative support;
2. enable hands-on research training opportunities for undergraduate and graduate students in the social sciences; and
3. enable and support investigator-driven and community-engaged research.

Citation:

A full copy of the report can be found on the Centre for Research, Evaluation, and Action Towards Equal Justice (CREATE Justice) [website](#).

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Key words: “mandatory dispute resolution”, “family law”, “perceptions of justice”

How can you use this?

This survey provides analytical foundations for reimagining Saskatchewan’s family law justice system. The data gathered demonstrated negative associations to the current processes and strong support for the introduction of mandatory out-of-court solutions. Justice stakeholders can use this research to justify and support family law projects. Residents of Saskatchewan going through family law related issues may find solidarity in this report: many others feel negatively towards family law processes, and you are not alone in your experience.