

Action Recommended

CBABC recommends that the B.C. government:

- Provide sufficient funding for family law legal aid to help families who cannot afford a lawyer access legal representation.
- Expand the scope of coverage to allow more B.C. families to access legal representation for routine family law matters such as divorce, parenting arrangements, child and spousal support, and division of assets and debts.
- Ensure family law legal aid funding fully covers both in-court and out-of-court resolutions.

Issues

Legal aid is an essential public service. However, legal aid funding still falls drastically short of meeting the needs of low-income British Columbians, especially those navigating family disputes. Right now – as has been the case for over 20 years – a person of modest or no income cannot receive legal aid to get child support to put food on their child’s table or negotiate a parenting agreement unless they fall into a narrow category of qualification. They cannot receive legal aid assistance to secure spousal support or fairly divide up debts and assets. All other provinces provide regular coverage for divorce, parenting disputes, and spousal and child support.

With very few exceptions, legal representation in family law cases is available only in circumstances involving actual or threatened safety or violence issues, or to resolve a serious denial of access to children. Due to these restrictions, only 65% of British Columbians who applied for legal aid to address a family law problem in 2023-24 were approved for representation services. This lack of family legal aid is particularly concerning given that 68% of the people who received family legal aid services in B.C. identify as women, who typically face more systemic barriers, making them more vulnerable when family law problems occur.

In February 2024, the government announced a \$29.1 million investment over three years to improve legal aid services for survivors of intimate partner violence in a new multi-disciplinary trauma-informed clinic model. This investment does not provide legal aid services for families where intimate partner violence is absent.

In 2023-24, the B.C. government contributed \$122.4 million in revenue for the \$142.1 million Legal Aid BC budget, while \$13.4 million came from the federal government and \$6.3 million came from other funders like the Law Foundation of BC.

In 1993, the BC government began collecting PST on private legal services on the promise to direct the funds to legal aid. Today, it is estimated that \$230 million is paid by British Columbians each year, creating an annual shortfall of over \$100 million in what is directed to legal aid.

Legal Aid BC's Annual Report highlights the differences in funding, requests and service levels between its two primary areas of criminal and family law services:

Item	Criminal	Family	All Legal Aid
Expenses	\$64.9 million	\$36.8 million	\$120 million
Contracts for Representation Services	23,039	7,865	38,118
Service Requests	22,021	9,087	38,969
Percentage approved	86.8%	65.4%	--
Duty Counsel Client Assists*	66,384	25,143	

*"Client assists" represents the number of times clients have been assisted, not the unique number of clients. An individual client can receive services multiple times.

In its 2023-24 Annual Report, the Provincial Court of BC reported that 40% of family law appearances involve a person who is not represented by legal counsel. In contrast, the rate of self-representation in criminal justice matters in that court is 7%. The availability of legal aid is a key factor contributing to these statistics. Insufficient family law legal aid funding brings an increased reliance on self-representation – and people who self-represent take up more court time and more taxpayer-funded resources (including attention from judges and judiciary staff). Those who struggle to progress through the family justice system without legal guidance as self-represented litigants often end up requiring aid from other government programs. Any money "saved" by restricting funding for legal aid is often lost through other government expenditures.



Why It Matters

The end of a spousal relationship involves complex considerations about housing, finances and care responsibilities for children, animals and elders. It is an emotional time. Those involved may have feelings ranging from disappointment, anger and loss to hope and happiness. Within this context, it is critical that people have legal advice and representation to make the best decisions possible. They must have access to representation in court when agreements cannot be reached, and those decisions need to be made by a judge.

The promises made by the B.C. government to seriously examine the legal aid system with a view to expanding eligibility and coverage, and improving the compensation provided to those who deliver legal representation, have only been partially met. More is required to avoid the further deterioration of access to justice for those who need these supports. Without increased coverage for routine family legal aid, public confidence is lost.

Key Resources

[*The Impact of the Lack of Legal Aid in Family Law Cases \(Appendix 2\)*](#), Department of Justice Canada (Jul 2022)

[*Legal Aid in Canada 2021-22*](#), Research and Statistics Division and Legal Aid Directorate, Department of Justice Canada (2023)

[*Legal Aid BC: Strategies & Stories*](#), Legal Aid BC (Jan 2020)

[*The Impact of the Lack of Legal Aid in Family Law Cases – Family legal aid in Canada: coverage and eligibility guidelines*](#), Department of Justice Canada (Jul 2022)

[*Foundations for Change: Report of the Public Commission on Legal Aid in British Columbia*](#), L.T. Doust (Mar 2011)

[*Reaching Equal Justice Report: An Invitation to Envision and Act*](#), Canadian Bar Association (2013)

[*Roads to Revival: An External Review of Legal Aid Service Delivery in British Columbia*](#), J. Maclaren, QC (Jan 2019)

[*External Review of Legal Aid Service Delivery in British Columbia*](#), CBABC Submission (Nov 2018)



CANADIAN
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[*Serious family problems*](#), Legal Aid BC website

[*Do I qualify for legal representation?*](#), Legal Aid BC website

[*Legal Aid BC Annual Reports*](#)

[*Provincial Court of BC Annual Reports*](#)