

Family law cases down by 7% in 2019/2020

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The number of active family law cases in civil courts fell 7% in 2019/2020—the largest year-over-year drop in five years. In 2019/2020, over 228,000 family law cases seeking to dissolve a marriage or to resolve issues resulting from a family breakdown proceeded through the Canadian civil court system.

While it is possible for some spouses and couples experiencing a marital or family breakdown to settle their issues privately, some families require the assistance of the courts. The *Juristat* article "[Profile of family law cases in Canada, 2019/2020](#)" is based on data from the Civil Court Survey.

The COVID-19 pandemic is likely to result in an even greater reduction of civil court cases because of stay-at-home orders and the closure of in-person hearings. Recent data on [criminal court cases](#) followed this pattern. While this present *Juristat* article profiles cases active in the Canadian civil courts largely before the pandemic (April 1, 2019, to March 31, 2020), it establishes a baseline of data to enable future analysis of the effect of the pandemic on the civil courts in Canada.

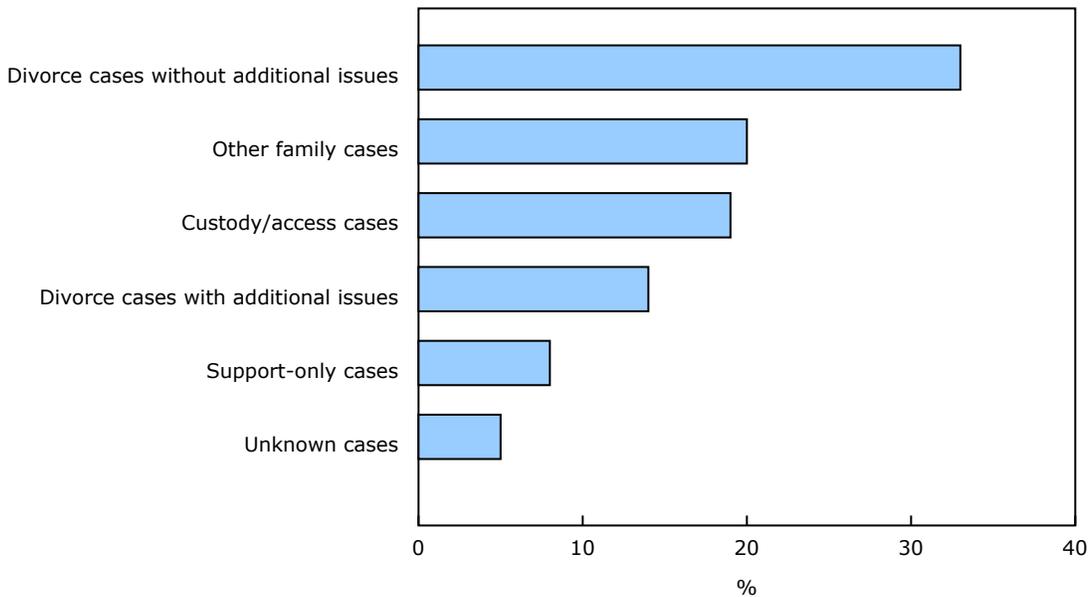
Divorces account for nearly half of the active family court caseload

Civil court cases are considered to be "active" in any year that activity, such as document filings or court appearances, is reported. After an order is issued, the parties to the agreement may return to court at any time to amend the terms of a court order or agreement. Almost half (47%) of all active family law cases in 2019/2020 were divorce cases. Of those active divorce cases, 71% sought only a divorce judgment to legally end the marriage, while the remaining 29% also needed the court to resolve custody, access or support issues.

A further 27% of the active family law caseload did not involve applications for divorce, but included cases with custody and access issues (19%) and cases with only support issues (8%). Other family case types such as adoptions and estate matters (20%) and cases with unidentified family issues (5%) represented the remaining one-quarter.



Chart 1
Distribution of active family court cases by type, selected provinces and territories, 2019/2020



Note(s): Child and family protection cases are excluded from the total active family caseload in 2019/2020. Additionally, Newfoundland and Labrador, Quebec and Manitoba are excluded as they do not report to the Civil Court Survey. Percentages may not total 100% due to rounding.
Source(s): Civil Court Survey (5052).

Family law cases reach a first disposition in under three months

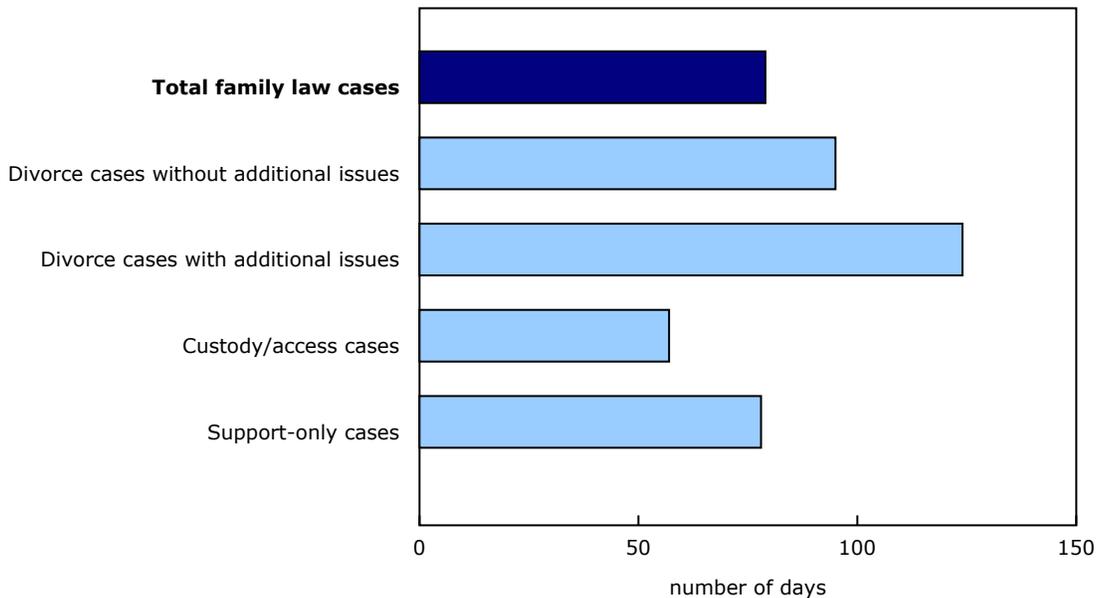
It is common for family law cases to receive one or more decisions, or "disposition events," from the court. There are many types of disposition events, including judgments, settlements and dismissals, which dispose of one or more of the issues.

The median number of days for a family case to reach a first disposition varies by case type and complexity of the issues requiring resolution. In 2019/2020, the median number of days it took family cases to reach a first disposition was 79, compared with 81 days in the previous year.

Divorce cases without additional issues reached a first disposition in just over three months (95 days), while divorce cases with additional issues took 124 days.

Cases with custody and access issues (57 days) and those with only support issues (78 days) reached a first disposition faster than divorce cases, doing so in under three months.

Chart 2
Median time to first disposition, by active family court case type, selected provinces and territories, 2019/2020



Note(s): Child and family protection cases are excluded from the total active family caseload in 2019/2020. Additionally, Newfoundland and Labrador, Quebec and Manitoba are excluded as they do not report to the Civil Court Survey.

Source(s): Civil Court Survey (5052).

Custody and access cases are more active than other family law cases

Activity in the civil courts can be measured by the number of court events that take place throughout the life of a case. Family law cases, particularly custody and access cases, reported more court activity than non-family cases in 2019/2020, which may be an indication of the amount of time and court resources they require.

Overall, family cases active in 2019/2020 reported an average of 11 court events per case, 9 of which were process events, such as a document filing or hearing, that moved the case forward through the court system.

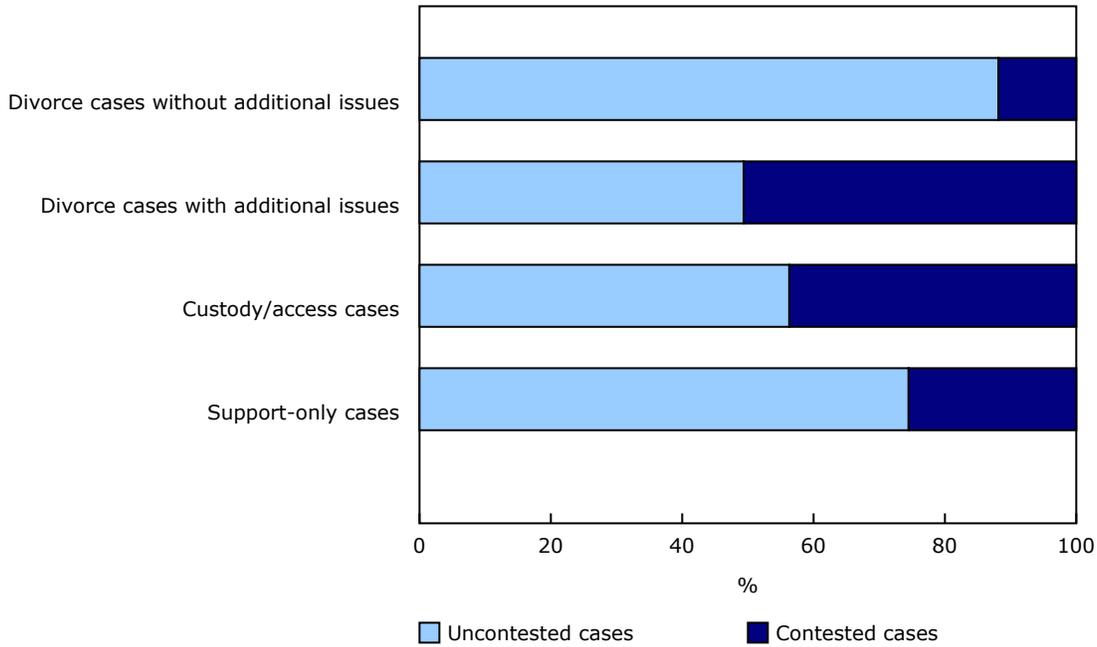
With an average of 18 events, custody and access cases had the highest number of events per case among all family law cases. This was 8 more events than divorce cases (10), and 6 more events than support-only cases (12).

Divorce cases without additional issues and support-only cases are largely uncontested

Three-quarters (75%) of family law cases active in the courts proceeded without contest in 2019/2020. The most common types of family cases to proceed uncontested were divorce cases without additional issues (88%) and support-only cases (74%).

Divorce cases with additional issues were almost evenly contested (51%) and uncontested (49%), while custody and access cases were more likely to be uncontested (56%) than contested (44%).

Chart 3
Proportion of uncontested and contested active family court cases by type, selected provinces and territories, 2019/2020



Note(s): Child and family protection cases are excluded from the total active family caseload in 2019/2020. Additionally, Newfoundland and Labrador, Quebec and Manitoba are excluded as they do not report to the Civil Court Survey.
Source(s): Civil Court Survey (5052).

Note to readers

The Civil Court Survey (CCS) excludes data from Newfoundland and Labrador, Quebec, and Manitoba, jurisdictions not yet reporting information to the survey. Active child protection cases and family cases involving a civil protection application are excluded. Criminal court cases are out of scope for this survey.

The active family law case types examined here are defined as follows:

Divorce cases: include applications to the court by one spouse or both spouses to dissolve their marriage.

Divorce cases without additional issues: include cases involving an application to the court to dissolve a marriage where no issues of custody, access or support have been identified.

Divorce cases with additional issues: include cases involving an application to the court to dissolve a marriage and resolve custody, access or support issues.

Custody and access cases: include cases in which custody or access have been recorded as matters requiring resolution. They do not include applications for divorce but may involve other issues such as requests for support.

Support-only cases: include cases in which child or spousal support issues were identified and do not include applications for divorce.

Other family cases: include issues of parentage, non-parental guardianship matters, enforcement of court orders, estate matters, adoptions, other family-related disputes and cases where issues have not yet been recorded.

Uncontested cases: include cases that did not report the filing of a responding document such as an answer to the original application.

Contested cases: include cases that reported the filing of a responding document, such as an answer, to the original application.

There are factors that may influence case length that are out of the scope of the CCS. The CCS does not have information available on the reason for any scheduling changes, adjournments or delays in court activity. Some jurisdictions are able to report information on referrals to services outside of court, such as alternative dispute resolution programs, mediation or other family justice services, which help parties come to an agreement outside of court or help them through the court process (e.g., parent information and education programs). However, it is not possible to determine if the programs were completed or successful.

Definitions, data sources and methods: survey number [5052](#).

The article "[Profile of family law cases in Canada, 2019/2020](#)" is now available as part of the publication *Juristat* ([85-002-X](#)).

For more information, or to enquire about the concepts, methods or data quality of this release, contact us (toll-free 1-800-263-1136; 514-283-8300; STATCAN.infostats-infostats.STATCAN@canada.ca) or Media Relations (613-951-4636; STATCAN.mediahotline-ligneinfomedias.STATCAN@canada.ca).