

SUMMARY OF DESCRIPTIVE ANALYSIS
OF ACTIVE ENFORCEMENT ORDERS
OF FIVE ALBERTA FAMILY COURTS

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Nov. 1977

123-164
17P.

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INTRODUCTION

The following is a brief summary of descriptive analysis research of active enforcement orders of Family Court in five Alberta jurisdictions - Calgary, Edmonton, Fort McMurray, Grande Prairie and Lethbridge. The research was conducted jointly by the Alberta Insititute of Law Research and Reform and the Research and Planning Department of Alberta Social Services and Community Health.

While reading the summation of data the reader is cautioned to bear several points in mind:

(1) Data obtained from the five regions did not appear to be collected in any systematic manner that could be common to all districts on a province-wide basis; i.e. there are no common data collection forms that collect identical information. As a consequence of this, in some areas there is a good deal of information missing. Some areas collect the age of the wife, some do not, some collect current marital status, some do not, etc. As a further consequence, data that is available also tends to be out-of-date. Again there does not seem to be a common manner in which districts up-date their available information. As a result a good deal of information which can be seen as important - both to the courts and our study - was not accurate. For example current marital status of the spouses was almost never available, also those reporting social assistance as a source of income - reported income below the current schedule of social assistance allowances; this leading the researcher to believe information on files were out-dated.

Calgary appeared to have the most detailed information and seemed to award the highest maintenance payments (it had the highest maintenance order - \$500/month - also 17.5% of its

orders were for \$200 or more.

Edmonton, in contrast, awarded almost 1/2 (45%) of its orders to the Maintenance Recovery Unit of the Social Assistance Department. Only 5% of its orders were for \$200/month or more and the largest order found was \$350/month. Edmonton also reported 8,000 active files compared to Calgary's 900. To sum up, there appears to be a considerable difference in the two cities, both approximately the same size. Why the difference in numbers of active files, in amounts of awards and in the recipients of awards? This may be a question worth further pursuit.

In the three rural areas - Grande Prairie, Fort McMurray, and Lethbridge - data tended to be less adequate and accurate - more information was missing and in all regions only a small number of the actual number of active cases was sampled (eg. 40 of the 8,000 in Edmonton.)

(2) Random sampling selection of data was done in only 3 of the 5 areas (Grande Prairie, Fort McMurray and Lethbridge) and therefore can be considered representative of only those 3 areas. Despite this, again, the sample size was small.

(3) Two more judicial districts of the province - Red Deer and Medicine Hat - are yet to be included in the research.

Despite the above a number of questions can be posed as possible leading to further study, showing some common characteristics of Family Court orders:

(1) Characteristics of Those Separated/Divorced

(a) Average Length of Marriage This varied from 12.7 years in Calgary to 5.8 years in Fort McMurray (however average length of marriage in Fort McMurray was based on insufficient data - 5/15 cases).

From the research data, length of marriage can be viewed as varied depending on the origin - in Calgary and Edmonton (the 2 metropolis') most marriages were in the 5 - 9 year range; in the rural areas of Grande Prairie and Lethbridge a large number of marriages in the 15 - 19 years range had the spouses either separated or divorced. Fort McMurray's average length of marriage was, as previously stated 5 - 8 years.

The above brings a number of questions to mind re: the "boom-town" atmosphere in Fort McMurray and its effect in the stability of the marriage? Are a number of long-standing "rural" marriages ending in divorce/separation? In general, however, other than Fort McMurray average length of marriage was in the 10 year bracket.

(b) Characteristics of the Wife

(i) Age - Only in the metropolitan areas was this data kept and in keeping with the average length of marriage (5 - 9 years), the average age of the wife tended to be under 35. Those in Edmonton, tended to be older than those in Calgary (70% in Calgary were under 30 - 57% in Edmonton were under 35 years), (average ages were 28.9 years and 37.3 years respectively).

(ii) Children - For wives who had children, the average was between 2 - 3 children per family in all areas.

(iii) Welfare Status - In 3 areas, Edmonton, Grande Prairie and Lethbridge at least 50% or more of those separated/divorced reported being on welfare (37.5% in Calgary - 33 1/3% in Fort McMurray). In spite of this Edmonton was the only region which recorded a significant part

of its orders made payable to the social assistance branch of the government - is this a function of the different methods of maintenance and recovery workers? Family Court Worker? Judges? different methods of collection? Is Calgary's lower rate of social assistance recipients a function of higher average court awards?

(iv) Occupation of Wives - In all areas 65% to 85% of wives were either unemployed or reported no occupational history. This leaves a large number of families depending upon either regular maintenance payments and/or social assistance as a source of income. Of those wives reporting income, most came from social assistance (again this tended to be seen as outdated as minimal allowance coverage today is higher than those reported on file.

Of those wives who reported having an occupation most were in the clerical/sales/service field.

(c) Current Marital Status of those Separated/Divorced

In all 5 areas there was no adequate, up-to-date information on the current marital status of the spouses; this can be seen to be unfortunate as this would seem to be relevant information for the court to possess when making maintenance order amicable and realistic to both sides.

(d) Occupation of Husbands and Earnings

In 3 areas, Edmonton, Calgary and Grande Prairie there was no concentration of orders against blue vs. white collar occupations of husbands. In Fort McMurray and Grande Prairie, however, there was a heavier concentration of orders against blue collar occupations.

Question: Is this because of the higher concentration of blue-collar type employment in the Grande Prairie, Fort McMurray area? Grande Prairie and Fort McMurray also reported having a higher monthly income for those husbands reporting income - 47% and 33 1/3% respectively reported having monthly income of \$600 - \$700 or more. In the other 3 areas this percentage was down considerably, 15 - 17% in Lethbridge, Calgary and Edmonton reported having incomes of \$800 or more. (Again, the researcher had reason to believe this information was too low and out-dated, for reasons stated previously.)

Those reporting no income, or were unemployed or with no occupational history varied drastically throughout the province, as can be seen from the data below.

Calgary - 70% reported having no income - 35% of these were unemployed or no occupational history.

Edmonton - 45% reported no income - 15% of these were unemployed or had no occupational history.

Fort McMurray - 40% reported no income - 33 1/3% of these were unemployed or had no occupational history.

Grande Prairie - 75% reported no income - 20% of these were unemployed or no occupational history.

Lethbridge - 68% reported no income - 10% of these reported being unemployed or no occupational history.

(2) Characteristics of Court Orders

(a) Originating Source of the Court Order

Family Court was the originating source of orders in two areas, Fort McMurray and Grande Prairie. Lethbridge and Calgary had a large percentage of orders originate

in Supreme Court. This was especially notable in Calgary with 62% of the orders coming from Supreme Court. This figure fit with the general overall pattern of Calgary, since most orders come from Supreme Court. Can this be seen as one reason Calgary has a higher award order - one needs better financial resources to go to Supreme Court, i.e. lawyer fees, etc. Lethbridge fits almost the same pattern, it has the second highest average amount of awards.

Unfortunately, the originating service of the court order was unknown in 42% of the cases in Edmonton, Otherwise Family Court was the highest originating source.

Easier access to Family Court in terms of the financial, legal and social context may account for some of its widespread use?

(b) Average Monthly Payments

These varied greatly from area to area. Calgary, as previously stated - recorded the highest average (\$157.85/month) , as well as the highest single award - \$500/month. Lethbridge followed closely behind Calgary (\$122.29/month) and both areas had approximately 18% of awards payable for \$200/month or more. Can this be seen as following the case of Supreme Court as originating sources of these orders - do these first applying in Supreme Court have greater resources therefore higher awards are made?

Generally all areas had approximately 50% (Calgary had the lowest - 42.5%) of their orders made for under \$100/month.

(c) Who Payments Are Awarded To

Edmonton was the only area where the greatest amount of payments (45%) were awarded to the Social Assistance

Department. All other areas gave the highest percentage of awards to children only. (Over 50% in all cases). Can different court processes, discretion of workers, judges account for the Edmonton data, as Edmonton does not have a significantly higher rate of women on social assistance vs. other areas?

(3) Characteristics of Arrears For Enforcement

(a) Number of Orders in Arrears

The sample size was too small to draw any conclusive relationship between number of arrears and those on social assistance (this was especially true in Grande Prairie). Generally whether status was unknown or whether the wife reported being or not being on social assistance, over 50% of orders were in arrears.

(b) Relationship to Debt of Husbands

There was information on this in only 2 areas - again Edmonton and Calgary - which both showed (85% and 92% respectively) conclusively that being in debt bore no relationship to being in arrears with maintenance payments.

(c) Relationship of Arrears to Occupations

With respect to payments being in arrears it is interesting to note that in 2 of the rural areas - Lethbridge and Fort McMurray - where the wives were employed, the husband was less likely to be in arrears. The opposite was true for Edmonton.

Question: Can we make some statement ie. the relationship of rural working wives to husband being in arrears vs. metropolitan arrears - is there a "social" factor operation - city vs. rural?

In Calgary there was found to be no relationship between arrears and occupations, while in Edmonton and Fort McMurray those unemployed or those employed in

blue-collar areas tended to have the highest arrears - the opposite was true for Lethbridge - blue-collar workers were in arrears far less than white-collar occupations.

No data for Grande Prairie.

(d) Amount of Arrears

Average amounts of arrears varied widely in all areas. Calgary had the highest (note, it also had the highest average monthly payments) - \$3,204. Lethbridge had the smallest average - \$567.12.

Generally in all areas the largest payment size group (\$100 or less in all areas) were also the largest group in arrears. (In Edmonton \$50 or less.)

Question: Can we say that even though orders tend to be low, they still are likely to be in arrears?

Percentage of Nil Arrears:

Calgary - 20%

Edmonton - 45%

Fort McMurray - 53%

Lethbridge - 34.2%

No information, again, on Grande Prairie.

Summary

As mentioned in the introduction a large amount of information was unavailable to the researcher. Calgary seemed to possess the most adequate information. It also tended to make the highest award payments, use Supreme Court the most as the originating source of a Family Court order. In contrast, Edmonton seemed to have a larger amount of information missing, also a distinctly larger active file list (8,000 compared to 900). One would wonder why two cities so closely located to each other differ so much - is it financial differences, differences in discretion re: clerk's record keeping, judicial, family court worker's, etc.?

Rural areas appear to possess certain distinct differences from metropolitan areas (i.e. long-standing marriages ending in separation/divorce, working wives-husbands tending to be less likely in arrears. Fort McMurray seems to possess the "boom'town" characteristic - short-duration marriages, higher concentration of blue-collar workers.

Generally all awards tended to be small (in terms of allowing the family to be financially self-sufficient), wives tended to be unemployed or have no occupational history, having to rely on social assistance as a source of income.

In summary, Family Courts tended to make orders/enforce orders, husbands could not/would not pay, possibly leaving social assistance as the only alternative for a large percentage of families.