



Richmond Family/Youth Court Committee

Annual Report

2003

RICHMOND FAMILY COURT COMMITTEE

2003 ANNUAL REPORT

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Background Information

The Family Court Committee is provided for in law under the Provincial Court Act and the Young Offenders' Act.

The Committee is community based and is accountable to the Mayor and City Council, as well as to the Attorney-General of British Columbia. The Richmond Family Court Committee is the longest established Committee with continuous service in the Province since its establishment in 1964.

The Family Court Committee acts as a link between the community and justice system by:

- > understanding and monitoring the legislation and court administrative practices
- > being aware of the needs and the resources of the community
- > recommending improvements to the City Council, the Attorney-General and others.

The Committee also gathers information with respect to problems raised by the community, the court, its officers, or clients. The Committee draws upon the support of the community and advocates for improvements in the justice system. Examples of meetings with relevant programs include: YIP (Youth Intervention Program), Restorative Justice Program, Victim Assistance Program, Family Maintenance Enforcement Program, Community Work Service Program, etc.

The Richmond Family Court Committee makes submissions to the Attorney-General and other Ministers on proposed changes in legislation and administrative practices which may have an effect on the delivery of family court services. The Richmond Family Court Committee actively liaises and works with other Family Court Committees on issues of mutual concern.

To achieve the mandate of "understanding and monitoring the legislation and administrative practices relating to the justice system", volunteer members of the Committee regularly attend both family and youth court. As impartial observers, they view cases involving applications made under the Family Relations Act, Reciprocal Enforcement and Maintenance Orders Act, Family Maintenance Enforcement Act, Family and Child Service Act, GAIN Act, and the Youth Criminal Justice Act.

Issues and concerns arising from court watch activities are reported to the Family Court Committee for follow-up action to effect improvements. These may include identified gaps in service, lack of adequate resources, or concerns regarding courtroom process.

Court watch volunteers make objective observations on courtroom procedures, while respecting and maintaining the privacy of individuals involved in the proceedings.

Richmond Family Court Committee

2003 Membership

Richmond Family/Youth Court Committee

**Judy Assoon
Tracy Booth
Christine Brodie
Gerry Browne
Jack Hyman
Maria Malewska-Majblat
Janene Preston
Cheryl Rehm-Latiff
Manjit Sandhu
William Shayler
Afeeza Sovani
Fred Ursel**

CHAIRPERSON'S REPORT

The Family and Youth Court Committee had 12 members in 2003 contributing their energy and expertise to help achieve the mandate of continuing a court watch presence and keeping informed of existing and new resources for families and youth and for restorative justice initiatives in Richmond. Members also continued to be involved in the Richmond Community Advisory Committee and the Richmond Community Action Team. Some also have experience working with youth and families. Our members share a variety of cultural and ethnic backgrounds, which helps us understand that same diversity of cultures which currently exists in Richmond and thereby better achieve our mandate. One of our new members represented our committee on the Richmond Poverty Response Committee Advocacy Task Force. Our committee also spent time looking at the new Federal Youth Criminal Justice Act and its many implications.

Our guest speakers in 2003 were:

- Constable Jennifer Freeman, of the Richmond RCMP detachment Youth Section made a very dynamic presentation on the work being done – primarily by Constable Carla Rivard, Richmond Detachment who was on leave at that time - to establish the Restorative Justice panels for youth.
- Randy Anderson, Supervisor, Vancouver Youth Probation Officers walked us through the new Youth Criminal Justice Act and outlined the anticipated implications and difficulties, given the recent, broad reaching provincial cuts to family and youth services.
- Constable Carla Rivard, RCMP detachment, spoke to us on her research and final recommendations for the Restorative Justice for Youth program.

The annual two day Family/Youth Court Committee Provincial Conference was held in New Westminster in October. We are proud that one of our members, Tracy Booth, worked on the conference steering committee and was one of the presenters. Her report is included later in this report. Our members Manjit Sandu, Tracy Booth, Cheryl Rehm-Latiff, and Afeeza Sovani attended the conference. Cheryl has prepared a report on the conference which is also included in this report.

Our annual social event for the Judges, Justice of the Peace, court clerical staff, probation staff and sheriffs, was held at the home of one our members, Jack Hyman, in June. It provided us an opportunity to bid farewell to and honour Judge Brian Davis who has left Richmond to serve solely in the Vancouver Court System. We shall miss Judge Davis, who has served the Richmond Community very wisely and very well for many years.

This year also saw the move from the combined family youth court at Gilbert and Granville to the new combined court facilities on Elmbridge Way. The combined court system has posed some complications for our Court Watch sub-committee, and with the help of the Acting

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Manager of the Richmond Courthouse, Ms. Angela Villella, we are working out our new process for court watch. We are fortunate to have many members actively serving on the Court Watch Sub-Committee, which allows us to fulfill our primary mandate of continuing a court watch presence.

In December, one of our members, Manjit Sandhu, hosted a brief social followed by our monthly meeting. This provided us an opportunity to honour and bid farewell to two of our long term and very hard working committee volunteers Cheryl Rehm-Latiff, who was appointed in Jan. 1995 and served as Committee chair for a number of years, and Chris Brodie, who was appointed in December 1995 and served as our liaison to both the Richmond Community Services Advisory Committee and the Richmond Community Action Team. We shall miss their energy, experience and wisdom and appreciate their contribution to our committee and the Richmond community.

This committee wishes to thank Mayor Malcolm Brodie and the Richmond City Council for supporting us with a place to meet, an annual budget, and support staff so that we can continue to provide service to the citizens of Richmond through our committee work. Special thanks also to staff members Deborah MacLennan and David Weber.

Respectfully submitted,
Judy Assoon

PROVINCIAL CONFERENCE OF FAMILY AND YOUTH JUSTICE COMMITTEES

A provincial conference was held in New Westminster on October 24th – 26th, 2003. The theme of the conference was "Achieving Justice – Involving Community with a focus on the new Youth Justice Act".

The steering committee for this conference included Richmond Family Court representative Tracy Booth who organized the speakers for the Aboriginal Circle Workshop and opening and closing prayers.

Judge Buller-Bennett (Cree Nation), opened the conference with a key note address focussing on her experience on the bench hearing family and youth issues.

The new Youth Criminal Act which replaces the Young Offenders Act as of October 2003 was the main focus for this conference along with restorative justice issues and Aboriginal Healing Circles.

Restorative Justice workshops included Abbotsford, Mission and Fraser-Burrard model presentations by those who are on the restorative panels. Aboriginal Circles Workshops were presented by Vancouver and Sto:lo 1st Nations workers who have developed programmes tailored to the needs of their communities but have principles which any restorative panel could apply to their particular situation.

The last session of the conference dealt with resolutions for the committees as a whole to take back to their committees for discussion. It was also felt that regional conferences held more frequently as opposed to one provincial conference might be a better fit for the very diverse interpretation which each committee gives to our mandate. This will certainly be debated by the next conference steering committee.

Richmond Family Court Committee will be involved in the steering committee for the next conference to be held in Surrey in 2004.

This years' conference attendees Tracy, Manjit, Afeeza and Cheryl wish to thank the committee and the Richmond City Council for sending them to the conference.

Respectfully submitted,
Cheryl Rehm-Latiff

SUBCOMMITTEE REPORTS

Court Watch Committee

Co-Chaired by Tracy Booth and Fred Ursel

Court watch duties were shared by Tracy Booth, Fred Ursel, Jack Hyman, Maria Malewska-Majblat, Gerry Brown, Janene Preston, Bill Shayler and Afeeza Sovani,

During the year, the Richmond Family Court experienced four significant changes. First, it moved to a new location at Elmbridge and Minoru. Second, court services in Richmond are now provided by using an integrated model of justice delivery in which family matters can be scheduled throughout a docket on any day of the week. Third, Judge B. Davis who presided over youth and family matters with both wisdom and fairness has accepted a job in the Vancouver Court system. Fourth, the Youth Criminal Justice Act (YCJA) which is federal legislation replaced the Young Offenders Act (YOA) on April 1, 2003.

Previously, at the Richmond Family Court, there were three court days for youth and family in the City of Richmond. The court sessions were held at the courthouse on Gilbert and Granville between 9:00 a.m. and 4:30 p.m. on Tuesdays, Wednesdays, and Thursdays. Tuesdays were for youth trials and some family matters, Wednesdays are for youth remands, 1st appearances and trials, and Thursdays were for family matters. These days were flexible in that if there are no youth matters then family matters were scheduled. Show cause youth matters or emergency cases may be heard on any of the three days.

Wednesday Youth Sessions

The Wednesday morning sessions were divided into two parts. The Justice of the Peace presides over the 9:00 a.m. to 9:30 a.m. session for initial/1st appearances, confirmation of proceedings, status of court cases, age and notice by parents, notification of further appearances, diversion applications and other related cases. After the 9:00 a.m. list is completed the Judge handles all other cases scheduled for that day.

Wednesday morning court sessions continue to be busy yet competently and efficiently handled by court staff, officials, the Justice of the Peace, and the resident Judge. Youth Crown Counsel appeared well prepared for cases and court proceedings were expeditiously handled.

The court staff and sheriffs have been very helpful and co-operative in providing youth lists and informing us of changes in the days proceedings.

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Tuesday Youth Sessions

Tuesdays were reserved for youth trials and in-custody matters. However, this year saw an increase of Family matters being dealt with on this day. This could be attributed to either an increase in the number of cases within the Richmond or the presence of Delta Court matters.

Thursday Family Court

Thursdays are very busy court days in Richmond for family appearances (FRA -Family Relations Act, FMEA – Family Maintenance Enforcement Act), child welfare matters (Child, Family and Community Service Act), family case conferences, and trials. Case conferencing continues to reduce the number of trials, however, if a trial is necessary it can be longer and a more complicated matter. Unfortunately, this year saw an increase in the scheduling time for case conferences. They now appear to be being booked about 3 to 4 months in advance. The committee will continue to monitor this situation. Effort continues to be made by the staff of the Family Maintenance Enforcement Programme to attempt to resolve problems prior to court appearances and to improve channels of communication. The Parenting After Separation Programme is still not mandatory to a formal court appearance in Richmond, however, it is strongly recommended to those who appear before the court. This committee will continue to lobby the Ministry of the Attorney General to include Richmond on their list of mandatory communities.

(a) Family Case Conferences

It should be noted that members of the Family Court Committee do not sit in on the conferences.

Family Case Conferences may be held at a Provincial Court in an informal setting. If the conference is successful a consent order can be drafted and approved by the participating judge, thus eliminating the necessity of conducting a formal trial.

The objective of the conference is to have all the parties involved in the matter to reach consensus on all or at least some of the issues: custody, access, guardianship, maintenance etc. The conference allows for participation of all involved parties: parents, extended family members, older children where it is appropriate, lawyers, social workers, family justice counsellors, etc. A Provincial Court Judge is responsible for supervising and facilitating the conference.

(b) Parenting After Separation

This programme consists of a three (3) hour information session held prior to a court appearance with its primary objective being to assist parents in adjusting to separation.

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These sessions are free and are available in more than 50 communities in British Columbia. The local offices of the Department of the Attorney General are responsible for organising and conducting the sessions.

(c) *Location Change*

On March 3rd 2003, Richmond Family Court moved to Elmbridge and Minoru to become a part of Richmond Provincial Court. The Richmond Provincial Court hears the following matters: adult criminal, youth criminal, family, small claims, and traffic. These court services are provided via an integrated model of justice delivery. With the exclusion of small claims, traffic court, and Youth 1st appearances; family and youth matters are scheduled throughout a docket on day of the week. There is no longer a set time or day for family or youth Justice matters. Furthermore, Family and Youth Justice matters were no longer presided over by one Judge.

The committee has observed the following implications to service:

- The lack of continuity of the Judge proved mixed results in matters before the court consuming more of the family, legal counsel, and Court's time as Judges needed to familiarize themselves with the matter before them; Judges needed time to familiarize themselves with a variety of statutes, at times Judges did not agree with their colleagues remarks and changed case decisions on matters.
- Family and Youth Justice matters are now heard with adult criminal or immigration matters in open court.
- Initially, the integrated docket proved to be quite chaotic for all participants in the Court process.
- Lack of funding to Legal Aid has resulted in an increase of parties being before the Family Court not represented by legal counsel. This delays the judicial process and increases the frustration levels of the all the participants to the proceedings.

Since November 2003, the court has been scheduling family matters on Thursday in order to address the chaos and lack of continuity. This has proven to be very successful for all the parties involved. As well, the Legal Services Society has funded the Family Duty Counsel Project for six (6) months. This Project provides two (2) Duty Counsels on Thursday in order for family to be dealt with expeditiously. It should be noted that the funding for this project is designated to end in February 2004.

The Committee has observed that the level of frustration amongst the Judges and Court Staff has decreased. This can be attributed to parties being provided with legal representation, rather than appearing before the Court unrepresented. The Richmond

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Provincial Court also provides two (2) Duty Counsels on Thursday so that matters are dealt with expeditiously. This has significantly reduced the number of trials and adjournments.

It should be noted that the committee has observed the impact of the cutbacks on Legal Aid and the provision of Duty Counsel to Provincial Courts, as negative. Parties are attending court without legal representation and representing themselves on a variety of matters: hearings, trials, and adjournments. The result is more adjournments and matters being stood down. As well, this consumes more of the presiding Provincial Court Judge's time and energy. Thus the committee questions the cost savings.

In conclusion, we wish to express our appreciation to the competent and courteous staff at the Richmond Family Court and now the Richmond Provincial Court who have provided continuity through a year of change. It is significant to note that a good portion of their daily tasks and responsibilities involves dealing with individuals who are under varying degrees of emotional stress. This was done with consistent patience and kindness of staff members. Furthermore, it is important to acknowledge the helpfulness and co-operation of the sheriffs and court staff. Without their co-operation, our role as court watchers would not be possible.

Respectfully submitted,
Tracy Booth

ALTERNATIVE MEASURES SUB-COMMITTEE REPORT

This committee is very happy to report that the Restorative Justice program has been established for youth in Richmond. This diversion (alternative measures) program will take the form of a community justice forum: a safe, controlled environment in which an offender, victim and their families or supporters are brought together under the guidance of a trained facilitator. Together they discuss the offence, how they have all been effected, and jointly develop a plan to correct what has occurred.

Constable Carla Rivard of the RCMP Richmond Detachment carried out a very thorough research of principles, process and programs currently underway in B.C. She submitted her findings, and recommendations which included that Touchstone Family Association would be the appropriate organization to run the program. Subsequently those recommendations were approved and Touchstone was selected to run the program. Three counsellors at Touchstone have been trained in the process – three Richmond RCMP constables have also been trained – and at the present time eight different “cases” have been very successfully processed.

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The Richmond Youth and Family Court Committee is very pleased with the selection of Touchstone Family Association, a highly respected, professional, non-profit counseling agency, to run the program. We are also very impressed with the depth and vigor of Constable Rivard's research and subsequent report.

By all accounts, the program is extremely successful and this committee has suggested that many of our members would be available to act as mentors, or advocates for youth, should there be a need. Several of us would also be willing to be trained as volunteer facilitators.

There was also a recommendation in Constable Rivard's report, that a Community Steering committee be established to monitor the implementation and progress of the program. It was suggested by Constable Rivard that one or two members of our committee should be on the Steering Committee. There is an expectation that a longitudinal study of the program results would be undertaken, and apparently Constable Rivard is looking forward to carrying out that study.

We understand that many Restorative Justice programs in other cities receive funding from their city governments. We would anticipate that the discussion of Richmond City taking part in the funding of the program, has already taken place.

Respectfully submitted,
Judy Assoon

Richmond Community Action Team

Liaison – Committee Member – Christine Brodie

The Richmond Community Action Team is an integrated, multidisciplinary group working in collaboration to stop the sexual exploitation of children and youth in our community. We bring a wealth of expertise from the areas of Corrections, Education, Health, Social Services, and various levels of government. Our mandate is to identify issues related to sexual exploitation in our community and to develop resources and supports to address these issues.

The Richmond Community Action Team has been active this year with 3 projects:

1. Developing a Resource Manual for Richmond youth – in a youth friendly format. This will combine information about community resources as well as information about sexual exploitation of youth.
2. Producing a brochure for the public, including youth serving professionals and youth and families, describing the mandate of the Richmond Community Action Team Against Sexual Exploitation of Children and Youth as well as relating facts about

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sexual exploitation. This project was done in collaboration with interested Richmond youth.

3. Developing strategies to build awareness amongst our Richmond business community about the signs of sexual exploitation of youth.

During Youth Week, in March, 2003, our Team distributed information on Sexual Exploitation to youth at a number of scheduled events.

Respectfully submitted,
Chris Brodie

Richmond Poverty Response Committee - Advocacy Task Force

Liaison Committee Member – Afeeza Sovani

The Richmond Poverty Response Committee Advocacy Task Force was added to the list of committee/meeting reports of the Richmond Family Court Committee, in June 2003. The Richmond Family Court Committee was contacted at the April 2nd 2003 meeting, in a correspondence letter from the chair of the Advocacy Task Force, Karen Martin. The correspondence, presented in the April 2003 minutes, regarding the "Richmond Advocacy Task Force; Community Collaboration for Development of Advocacy in Richmond," invited members from the Richmond Family Court Committee to join the Advocacy Task Force of the Richmond Poverty Response Committee to assist in establishing access to legal services for people living in poverty in Richmond. Upon further discussion in the following June 7th 2003 meeting of the Richmond Family Court Committee, it was decided that a member would assume the responsibility for representing the committee at meetings and related initiatives of the Richmond Poverty Response Committee Advocacy Task Force.

The Richmond Community Services Advisory Council (RCSAC) established the Poverty Response Committee, under which the Advocacy Task Force subcommittee was developed. The Advocacy Task Force was formed in September 2001, comprising of volunteer agency representatives and concerned Richmond residents. The Advocacy Task Force made its first public appearance in a workshop forum in June 2002, to provide a resource for frontline workers to access information regarding changes to programs under Family Law in British Columbia. These programs included BC Benefits, Landlord/Tenant Rights, Housing, Social Assistance, and Disability Benefits.

In spring of 2002, the Advocacy Task Force hired a researcher to produce a report entitled Advocacy and Legal Services for People Living in Poverty in Richmond, which was subsequently presented to City Council in April 2003. Among the key recommendations of the January 2003 report, it was established that: 1) the City of

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Richmond implement a hands-on approach by developing a direct, frontline advocacy and legal service for Richmond residents living in poverty; 2) the service be delivered in a collaborative, community-based manner, with collaborative funding; and 3) the services be easy accessible. According to the report, "in 2001, community agencies in Richmond helped 71 citizens compared to 5,000 in Surrey and 30,000 in Vancouver," even though Richmond, like Burnaby, has a higher percentage of poverty (23%) than Surrey and the GVRD (18.7%). Further, in a November 2000 study revealed through the report, over 1/5 of all Richmond families and 1/3 of all children were living in poverty, putting a shocking 34,400 number to individuals living in poverty in 2002. In all, Richmond's depth of poverty, measured as a poverty gap of family incomes below the low-income cut-off (LICO), is one of the highest in Canada, at 22.9%. Few services exist to help Richmond residents access resources such as financial assistance/benefits, legal services, health and social services, and supportive/subsidized housing. After reading this report, the Richmond City Council agreed to support the continuation of the Advocacy Task Force, in collaboration with the City Planner.

The Advocacy Task Force essentially works to serve low-income Richmond residents who are in need of legal advocacy services. The committee meets the first Thursday of every month at City Hall, from 4:30-6pm. Participants in the committee reflect a diverse background and include: the Richmond Women's Resource Centre, The Salvation Army Resource Centre, The Salvation Army Richmond Community Church, the Advocacy Centre, Seniors Peer Counselling, and the Canadian Mental Health Association, in addition to the Richmond Family/Youth Court Committee, and a number of concerned citizens.

Advocacy Task Force volunteers have spoken about their agencies, and looked at the models and resources of advocacy services in other municipalities. These services include the Newton Advocacy Group, Active Support Against Poverty in Prince George, the BC Coalition for People with Disability's Advocacy Access Program, the Downtown Eastside Resident Association's advocacy program, and Calgary Legal Advice. Current services available to Richmond residents do not provide client representation, but only legal advice through a lawyer or under lawyer supervision. These services include: the UBC Law Students Legal Advice Program, the Salvation Army Pro Bono Lawyer Consultation Program, the Canadian Bar Association (CBA) Lawyer, the Law Line, Dial-a-Law, the Canadian Mental Health Association, the Women's Resource Centre, and Coastal Health Authority. Some of these programs have specific areas of concentration, and strict criteria for legal aid qualification, while others are pre-recorded messages or telephone services.

The Advocacy Task Force is working to implement the recommendations of the January 2003 report, including funding for an advocacy centre and the training of advocates and volunteers. Among considerations for an advocacy program location in Richmond, is newly purchased land at Granville and No 3 Road, where a shelter for homeless people will be built; other agencies will be sharing this building as well. The Richmond Women's

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Resource Centre office has been assigned as a temporary base for the Advocacy Task Force's activities. The Advocacy Task Force has also applied for funding from the Law Foundation of BC and the United Way. Other possible funding sources include BC Housing, Coast Capital Foundation, the Legal Services Society, the Ministry of Health, Adult Mental Health Services, the Ministry of Human Resources, and the City of Richmond.

Among current and pressing concerns, are the lack of funding and support of the Advocacy Task Force. The short timeline given by the RCSAC to the Advocacy Task Force, makes it difficult to secure funding, develop an advocacy centre, train advocates, and implement the recommendations of the January 2003 report to City Council. The RCSAC has instructed the Advocacy Task Force to wind down and phase out by June 2004. Thus, if the Advocacy Task Force volunteers wish to continue their service they must do so on their own and in a different forum. Therefore, funding is critical and the support of other agencies and individuals is paramount. The Advocacy Task Force is an important program, which carries unparalleled potential as a legal resource for Richmond residents living in poverty.

Respectfully submitted,
Afeeza Sovani

Having our members serve on the above Committees as well as the Family Court Committee provides us with more information so we can all work together and share ideas and avoid duplication.

MANDATE OF THE FAMILY COURT COMMITTEE

Municipal authority to appoint Family Court Committees and the mandate and duties of persons appointed are set down as mandatory requirements in section (4) of the Provincial Court Act, Chapter RSBC 1996.

- (1) *A municipality must have a family court committee appointed by the municipal council in January of each year.***
- (2) *The members of a family court committee must include persons with experience in education, health, probation or welfare.***
- (3) *The members of a family court committee serve without remuneration.***
- (4) *If a court facility in which family matters are dealt with serves more than one municipality or area not in a municipality, the family court committee must be composed of representatives from each area served.***
- (5) *The municipalities involved must appoint one member of the family court committee as chair, and another as vice chair.***
- (6) *The family court committee must do the following:***
 - (a) *meet at least 4 times a year to consider and examine the resources of the community for family and children's matters, to assist the court when requested and generally, to make the recommendations to the court, the Attorney General or others it considers advisable;***
 - (b) *assist the officers and judges of the court, if requested, to provide a community resource or assistance in individual cases referred to the committee;***
 - (c) *report annually to the municipalities involved and to the Attorney General respecting their activities during the past year.***

MANDATE OF THE YOUTH OFFENDERS ACT (YOA)

The desirability of maintaining community involvement in the provincially-administered juvenile justice system is addressed in section 69 of the Young Offenders Act which allows for the discretionary establishment of Youth Justice Committees in place of Juvenile Court Committees which had been serving a useful function.

Section 69 of the Young Offenders Act states that:

The Attorney General of a province or such other Minister as a Lieutenant-Governor in Council of the province, may designate, or a delegate thereof, may establish one or more committees of citizens to be known as Youth Justice Committees, to assist without remuneration in any aspect of the administration of this Act or in any programs of services for young offenders and may specify the method of appointment of committee members and the functions of the committee.

This section of the Act is now replaced by Section 157 of the Youth Criminal Justice Act which states that:

The Attorney General of Canada or a minister designated by the lieutenant governor in council of a province may establish the following types of community-based programs:

- (a) programs that are an alternative to judicial proceedings, such as victim-offender reconciliation programs, mediation programs and restitution programs;
- (b) programs that are an alternative to detention before sentencing, such as bail supervision programs; and
- (c) programs that are an alternative to custody, such as intensive support and supervision programs, and programs to carry out attendance orders.



City of Richmond

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January 14th, 2004

File: 0100-20-RFCO1-01

Mr. Richard McKenna, City Clerk
City Clerk's Office
City Hall
Richmond, B.C.

Dear Mr. McKenna:

Re: Delegation Request – February 9th, 2004

We would like to request to attend as a delegation to Council on February 9th, 2004 in order to present the 2003 Annual Report for the Richmond Family Court Committee.

Please notify us as soon as possible with regard to the time for this presentation.

Yours truly,

per: Manjit Sandhu, Acting Chair
Richmond Family Court Committee

MS/dm