

January 31, 2003

File: 0100-20-RFCO1-01

Mr. David Weber, Acting City Clerk
City Clerk's Office
City Hall
Richmond, B.C.

Dear Mr. Weber:

Re: Delegation Request – February 24th, 2003

We would like to request to attend as a delegation to Council on February 24th, 2003 in order to present the 2002 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,

A handwritten signature in black ink, appearing to read 'Judy Assoon', with a stylized, cursive script.

Judy Assoon, Chair
Richmond Family Court Committee

JA/dm



Richmond Family/Youth Court Committee

Annual Report

2002

RICHMOND FAMILY COURT COMMITTEE

2002 ANNUAL REPORT

Table of Contents

- 1. Background information**
- 2. 2002 Membership**
- 3. Chairperson's Report**
- 4. Subcommittee Reports:**
 - a) Court Watch Committees**
 - b) Richmond Community Services Advisory Board**
 - c) Alternative Measures Sub-Committee – *J. Assoon***
 - d) Richmond Community Action Team – *C. Brodie***
 - e) Legal Resource Enhancement Committee – *B. Dyal***
- 5. Mandate – Family Court Committee**
- 6. Young Offenders Act (YOA) Mandate**

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: 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 Young Offenders' 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.

2002 Membership

Richmond Family/Youth Court Committee

**Judy Assoon
Tracy Booth
Christine Brodie
Carol Chappell
Sanjiv (Bob) Dyal
Eva Flintoff
Tripta Kurl
Ian Muter
Cheryl Rehm-Latiff
Marina Reino
Manjit Sandhu
Renata Steele
Fred Ursel**

CHAIRPERSON'S REPORT

The Family and Youth court committee had 13 members in 2002 contributing their energy and expertise to help achieve the mandate of continuing a court watch presence and keeping informed of existing and new restorative justice initiatives in Richmond. Members also continued to be involved in the Richmond Community Advisory Committee and the Richmond Community Action Team, and some also work, or have in the past worked, with youths or families. Our members share a variety of cultural and ethnic backgrounds which help us understand that same diversity of cultures which currently exists in Richmond and thereby better achieve our mandate.

Our guest speakers in 2002 were:

Mr. Jim Pawsen, of the Richmond Mental Health Unit, who provided information on the various resources available for children and youth and their families.

Ms. Ruth Hahn, a counsellor for the Richmond Youth Intervention Programme, who explained the services offered by this programme.

Ms. Tracey Michell and Ms. Lucy On, of the UBC Law Students Legal Advice Programme, who explained the operation of their service which is offered out of the South Arm Community Center. This programme offered free legal advice to 240 clients in 2001.

A two day Family/Youth Court Committee Provincial Conference was held in Victoria in October. The focus of the conference was the new Youth Justice Act, provincial budget cuts to existing programmes, court closures, restorative justice initiatives and the family court mandate. Guest speakers included Honourable Judge Justine Saunders, Provincial Court of BC, Mr. Steve Howell, MCFD, Ms. Jane Howell, MCFD, Inspector Gordon Gummer, Victoria Police Department, and various representatives from provincial government agencies. Committee members Tracy Booth, Manjit Sandhu and Cheryl Rehm-Latiff attended the conference. Past members Taz Virani and Maureen Sanderon also were present. The conference was both informative and interesting plus it also gave our committee an opportunity to meet with provincial ministry officials and other Family Court committee members. This annual conference provides a venue for the Family and Youth Committees to keep informed and in touch with the federal and provincial representatives to better achieve our committee mandate and to network with other committees from around the province.

Our annual social event for the Judges, Justice of the Peace, court clerical staff, probation staff and sheriffs, was held at Richmond City Hall and honoured long term committee members Taz Virani and Barry Freeman who were leaving the committee after several years of volunteer service. There were many former committee volunteers present along with Richmond Mayor Malcolm Brodie and City Councillors McNulty and Barnes.

Richmond Family Court Committee

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.

Cheryl Rehm-Latiff
Chairperson

SUBCOMMITTEE REPORTS

COURT WATCH COMMITTEE

Court watch duties were shared by Tracy Booth, Christine Brodie, Carol Chappell, Bob Dyal, Ian Muter, Cheryl Rehm-Latiff, Marina Reino, Renata Steele and Fred Ursel.

There are three court days for youth and family in Richmond. The court sessions are held at the court house on Gilbert and Granville between 9 am and 4:30 pm on Tuesdays, Wednesdays and Thursdays. Tuesdays are for youth trials, Wednesdays are for youth remands, 1st appearances and trials, and Thursdays are for family matters. These days are flexible in that if there are no youth matters then family matters can be scheduled. Show cause youth matters or emergency cases may be heard on any of the three days.

Wednesday Youth Sessions:

The Wednesday morning sessions are divided into two parts. The Justice of the Peace presides over the 9:00 am to 9:30 am 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 am 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. Richmond Court is very fortunate to have Judge B. Davies presiding over youth matters with both wisdom and fairness, and Justice of the Peace S. Talmy's competent and knowledgeable handling of the Initial Appearances. 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. Without their co-operation our role as court watchers would not be possible.

Tuesday Youth Sessions –

Tuesdays are reserved for youth trials and in-custody matters. Family matters are also dealt with on this day if time is available. Since Richmond now handles Delta Court matters this time has been particularly well used.

Thursday Family Court -

Thursdays are very busy court days in Richmond for family case conferences, initial family appearances, and trials. The success of case conferencing has reduced the

number of trials, however, if a trial is necessary it can be longer and a more complicated matter. Case conferences, unfortunately, are now being booked 2 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 appearance and to improve communications channels. The Parenting After Separation Programme is not yet 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 Department of the Attorney General to include Richmond on their list of mandatory communities. The committee will continue to monitor the impact on the court staff and court time and efficiency with the inclusion of Delta Family Court Matters.

(a) Family Case 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 the parties involved come to a mutual agreement on all, or at least some, of the matters; i.e. 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 has the responsibility for supervising the conference.

The continuing success rate of the conferences is very encouraging.

It should be noted that members of the Family Court Committee do not sit in on the conferences. It is the opinion of this member that it should not be part of our 'Court Watch' responsibility as it is an informal procedure which is not open to the public and could therefore be perceived as infringing on the privacy rights of parents.

(b) Parenting After Separation

This program consists of a three hour information session held prior to a court appearance with its main objective being to assist parents adjust to separation. These sessions are free and are available in more than 50 communities in BC.

The local offices of the Department of the Attorney General are responsible for organizing and conducting the sessions. There has recently been a small increase in the staffing of Family Justice Counsellors at the local Richmond office and in view of this we may hopefully see an increase in the participation of Richmond parents.

Richmond Family Court Committee

In conclusion, we wish to express our appreciation to the competent and courteous staff at the Richmond Family Court. A good portion of their daily tasks and responsibilities involves dealing with individuals who are under varying degrees of emotional stress. The consistent patience and kindness of staff members is a very positive factor.

Richmond Community Advisory Council

Liaison – Committee Member – Christine Brodie

Alternative Measures Sub-Committee Report

Liaison – Committee Member – Judy Assoon

The responsibility for establishing the Restorative Justice process for youth in Richmond has been fully assumed by the Richmond RCMP. Constable Carla Rivard, who has received specific training in 'Restorative Justice', is the primary organizer.

Our Richmond Youth and Family court Committee received a visual presentation on the planned program on February 5th, by Constable Jennifer Freeman. (Constable Rivard is currently on leave). The presentation was very comprehensive and Constable Freeman was very well informed, answering our many questions.

We – as a committee – are eager to see the program begin, and perhaps to find our position in the process. It has been suggested that members of our committee could serve as volunteer advocates/mentors for youth/families. Some of our committee are interested in being trained as facilitators and therefore could serve in that capacity.

Also, it is our hope that the second position, currently open, at the Youth Intervention Program would be filled in order to provide a professional Counsellor as the Co-ordinator for the Restorative Justice Program. It appears to us that the success of the Restorative Justice program will depend, to a large extent, upon the skills, ethics and professional training of the Co-ordinator. We certainly would not expect this position to be filled by a 'volunteer'.

After many years of discussion, meetings and planning we are very excited to see Restorative Justice Panels being made available to the youth and families of Richmond.

Respectfully submitted: Judy Assoon

Richmond Community Action Team

Liaison – Committee Member – Christine Brodie

The team, whose mandate is to raise awareness and support for youth being exploited, is comprised of professionals who work with 'at risk' youth. A grant application will be made for Provincial funds to assist youth that have been sexually exploited. A 'Stop Sexual Exploitation Week' is planned for the second week of March.

Legal Resource Enhancement Committee

Committee Member – Bob Dyal

There has been much discussion within our committee this past year about affordable legal resources. In last year's report, I included an article on proposals for changes to family law which would, hopefully, make that type of litigation less costly to taxpayers and more accessible to court users. However, it is worth looking at existing legal resources within the community to see what is presently available for Richmond residents.

I. Finding a Legal Advisor

There are many ways to find a good lawyer. Asking friends or family is usually a good way to start. If that approach doesn't pan out, the Lawyer Referral Service can arrange a half hour consultation with a suitable lawyer for \$10. The Canadian Bar Association provides this service. Finally, the Yellow Pages are an old "tried and true" resource.

For the computer literate, there are several online legal directories available via the Internet. One example: www.martindale.com. This website enables people to search lawyers by name, firm, area of practice or location. The results should be double-checked on the Law Society's website to ensure the lawyer's contact information is still current: www.lawsociety.bc.ca This website also provides tips on how to better prepare for discussing a case with a lawyer.

If a person cannot afford a lawyer, he/she may be eligible for legal aid through the Legal Services Society. If the application for legal aid is declined, then there are two other resources available. One resource is the pro bono advice available through the Salvation Army. Eligible applicants will receive free summary advice from actual lawyers and may book repeat appointments for the same legal problem. By contrast, the UBC Law Students' Legal Advice Program (LSLAP) provides both advice and representation for eligible applicants. However, all of these programs are restricted as to the type of law covered and financial condition of the applicant.

II. Finding Legal Resources

If one is caught in the unfortunate position of being ineligible for free legal assistance and cannot afford a lawyer, then a "do-it-yourself" approach may be the only option left. Fortunately, there are some resources available right in Richmond itself.

The Richmond Public Library has a small legal reference shelf and various computers with Internet access. By far, the best resource is the **UBC LSLAP Manual**. This is a thick binder with loose-leaf inserts. It contains very practical information on a variety of legal topics. It provides a step-by-step approach to most matters and cites the relevant law (case law and legislation). The procedures and custom of courts and tribunals are also explained in clear terms. If the physical manual is not available, there is an online version at www.lslap.bc.ca.

The Chief Justice of British Columbia maintains a legal compendium at www.courts.gov.bc.ca. This provides good education on a variety of legal topics. However, they deal more with matters that are heard by the superior courts. Nevertheless, this site has a number of links to other useful legal websites.

If a person is merely looking for a brief overview of the law governing his problem, then the following websites are recommended: www.cba.org/bc, www.duhaime.org, www.acinet.org. The second site contains, among other things, a law dictionary and is maintained by a lawyer in Victoria.

For the serious legal "do-it-yourselfer", there is the website of the Canadian Legal Information Institute: www.canlii.org. Case law, legislation and other online legal resources can be located using that one Internet portal.

III. Summary

Some resources are available to deal with the issue of unmet legal need in the community of Richmond. In keeping with the times, much of those resources are online but some are available in our own public library. Incidentally, all the online resources can be accessed through the Richmond Public Library as well. Regardless of a person's circumstances, it is generally a good idea to educate oneself about the law surrounding his problem. This makes for a more fruitful discussion with a legal advisor.

For those who do qualify, legal advice and representation are available. The Law Student Legal Advice Program and the Salvation Army's Pro Bono Program both apparently have clinics in Richmond. In addition, the legal aid program is still available to help those of very modest means. Residents should check with each of these programs to determine their eligibility.

Respectfully submitted,
Bob Dyal
Vice Chair

Richmond Family Court Committee

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.