



Richmond Family/Youth Court Committee

Annual Report

2004

RICHMOND FAMILY COURT COMMITTEE

2004 ANNUAL REPORT

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Background Information

The Family Court Committee is provided for in law under the Provincial Court Act and the Youth Criminal Justice 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.

2004 Membership

Richmond Family/Youth Court Committee

**Judy Assoon
Tracy Booth
Gerry Browne
Harpreet Burmy
Dianne Galasso
Maria Malewska-Majblat
Zarina Mosaheb
Janene Preston
Manjit Sandhu
William Shayler
Afeeza Sovani
Fred Ursel
Al Argue**

CHAIRPERSON'S REPORT

The Richmond Family and Youth Court Committee had 13 members in 2004 who contributed their energy and expertise to help achieve the mandate of continuing a court watch presence, and by keeping informed of existing and new resources for families and youth in Richmond.

Members also continued to be involved in the Richmond Community Advisory Committee (which is reconfiguring itself) and the Richmond Poverty Response Committee Advocacy Task Force. Our committee continues to assess and respond to the implications of the new Federal Youth Criminal Justice Act. We have spent considerable time considering expanding/refining our criteria/purpose for court watch. We continue to monitor the results of our combined Richmond Provincial Court.

Our guest speakers in 2004 were:

Ms. Angela Villela, Administrative Manager of the Richmond Provincial Court, shared her view of the year's achievements. We engaged in a very productive discussion, with suggestions for further improvements of process and communication. We are fortunate to enjoy a very respectful, mutual relationship with the Court staff and appreciate their cooperation. This appreciation was passed on to Ms. Villela.

Ms. Denise Coultts, Executive Director of Richmond Youth Services (RYSA), presented details of the new center, and the programs offered. Clearly RYSA has changed its mandate due to the funding cuts, and offers support to Richmond's youth in the form of a center and supervised activities. It is appreciated that the attending youth are involved in determining their needs and activities. Ms. Coultts distributed brochures and a recent newsletter. It was noted that there has been significant loss of support services for pregnant and parenting youth, as well as for those who are living independently, previously offered by RYSA. It is sincerely hoped that these services will be restored if not at RYSA, then at one of the other agencies serving youth in Richmond.

In March, Fred Ursel and I attended a meeting of the Delta Community Advisory Committee of which the Delta Family Court Committee is a sub-committee. We described the activities and purposes of the Richmond Family Court Committee (RFCC) and invited Delta to appoint representatives to the RFCC, as the Richmond court serves Delta families. It is in the RFCC mandate that Delta, therefore, be represented on the RFCC. In April, we had a guest from the Delta committee attend the RFCC meeting, and during the summer Mr. Al Argue was appointed to the RFCC. We are please to have Mr. Argue's expertise and representation on the RFCC and serving in court watch.

Also in March, I attended a meeting of the North Shore Youth and Family Court Committee as a guest. I was interested in their criteria, process and outcomes. This committee is remarkably different from Richmond's, with community and staff representation from West Vancouver, and both the city and district of North Vancouver. They have a large annual budget, with three

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employees, as several North Shore programs are under the committee's supervision. Their Court Watch employee is able to produce very informative statistics. Our committee discussed the opportunity for us to gather comparable statistics directly from the court reports to the Attorney General. We shall follow up on this, so that we can view trends and current issues, length of time for cases from charges to disbursement, and % of recidivism. We also are interested in the North Shore Committee's very close link with their city staffs in the area of programs, community services and goal setting. It is thought this could produce better communication and shared goals between the Richmond Family Court Committee and appropriate Richmond city staff, and we would like to explore this concept in 2005.

During the summer we lost our two younger committee members to Law School in Windsor/Detroit. Afeeza Sovani and Harpreet Burmy are missed and are wished the very best. Their contributions to Richmond through their participation on this committee as our liaison on the Richmond Poverty Response Committee were greatly appreciated.

We have worked hard to interview and select interested and appropriate new members to our committee. We invited prospective members to attend our meetings as guests and will be welcoming five new members in January 2005. Each new member will also be participating in court watch and will be mentored through the first few sessions by one of our experienced members.

At our December meeting, we said 'Farewell and Thank You' to two friends who have contributed so much time and energy to our community through this committee. Manjit Sandhu, who had served since 1992 (12 years) and Fred Ursel, who had served since 2000 (4 years). We also hosted and expressed our appreciation to Tripta Kurl who had not been able to attend our meeting when she retired several years ago after 10 years of service.

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 our recording secretary, who does such an excellent job for us for our monthly meeting and the preparation of our Annual Report. We send a special thanks to Deborah MacLennan and David Weber.

Respectfully submitted,
Judy Assoon

DELTA'S INVOLVEMENT

Historically the Delta Community Services Advisory Committee (CSAC) served as the District's Family Court Committee and Youth Justice Committee, devoting a portion of every third meeting to Family Court and Youth Justice issues and topics.

In 2003 the Provincial Government closed the Delta Courthouse and directed Youth Justice cases to the Surrey Court and Family Court cases to Richmond Provincial Court. After a period of time during which Delta Council was hopeful the decision could be reversed, the Delta CSAC approached the Surrey Family Court Committee and the Richmond Family Court Committee with regard to representation on these committees. Subsequently, the Delta Council appointed one representative to the Richmond Family Court Committee and one representative to the Surrey Family Court and Youth Justice Committee. The terms of appointment were for one year.

The Delta CSAC continues to monitor Family Court and Youth Justice issues in their meetings and receives regular reports from the Family Court and Youth Justice representatives.

Respectfully submitted,
Al Argue

SUBCOMMITTEE REPORTS

Court Watch Committee

Co-Chaired by Tracy Booth, Fred Ursel and Janene Preston

Court watch duties were shared by Tracy Booth, Fred Ursel, Maria Malewska-Majblat, Gerry Browne, Janene Preston, Bill Shayler, Afeeza Sovani, Al Argue, Dianne Galasso, Harpeet Burmy and Zarina Mosaheb.

The Richmond Provincial Court address is 7577 Elmbridge Way, which is located at Elmbridge and Minoru. 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. The Richmond Court Watch Committee observes family and youth criminal justice matters. Family and youth matters are scheduled on Thursday and Wednesdays respectively. Given that this is an integrated model of justice delivery, all the judges in the courthouse preside over the all-judicial matters. Thus, no specific judge presides over Family and/or Youth Court matters.

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. These proceedings are not open to the public or to the Family Court Committee. After the 9:00 am list is completed the Judge handles all other cases scheduled for that day.

Wednesday morning court sessions are 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 day's proceedings. Without their co-operation our role as court watchers would not be possible.

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 (please see 'a' below), and trials. The number of Case Conferencing referrals from the Judge has increased. Unfortunately, this year saw brief periods in which scheduling wait times for a case conference were up to 3 months. By

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the end of 2004 it was estimated that wait times of six weeks were the norm. The Committee will continue to monitor this situation. The Parenting After Separation Program (please see 'b' below) is still not mandatory to a formal court appearance in Richmond; however, this 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 has continued to observe the negative impact of the cutbacks on Legal Aid to the community members of Richmond and Delta who are bringing Family matters to court. Parties are attending court without legal representation and representing themselves on a variety of matters: hearings, trials, and adjournments. As well, this consumes more of the presiding Provincial Court Judge's time and energy. However, the continued presence of the two (2) Duty Counsels on Thursday mornings continues to be an outstanding resource for the community. The Duty Counsels ensure that Family matters are dealt with expeditiously. This has significantly reduced the number of trials and adjournments. The Committee supported the continuation of the initial six month Pilot Project for Duty Counsels and fortunately this program has been extended for another year. The Committee will continue to strongly support this initiative.

(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 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.

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

(b) Parenting After Separation Program

This program 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. 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 organizing and conducting the sessions.

In conclusion, we wish to express our appreciation to the competent and courteous staff at the Richmond Provincial Court who provided continuity through the year. It is significant to note that

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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 from staff members. Furthermore, it is important to acknowledge the helpfulness and co-operation of the sheriffs and court staff, as without their co-operation our role as court watchers would not be possible.

Respectfully submitted,
Tracy Booth

Richmond Community Services Advisory Council

Liaison – Committee Member – Maria Malewska-Majblat

The Richmond Community Services Advisory Council (RCSAC) is an advisory body to Richmond City Council and its appropriate committees since 1987. It evolved from the Richmond Community Services Council founded in 1978.

The RCSAC plays an important role as a hub of voluntary collaborative of non-profit, government and private agencies and organizations in the field of social and related community services.

The Mission Statement of the RCSAC is: "to encourage and promote those social policies and community services which contribute to the general health, welfare and quality of life of the residents of Richmond."

This year the RCSAC worked on reorganizing its own structure, and redefining its functions and responsibilities to accommodate changes in our society and better serve the community. It has been a great pleasure for me to participate at the RCSAC meetings in representation of the Richmond Family Court Committee.

Respectfully submitted,
Maria Malewska-Majblat

Alternative Measures Sub-Committee Report

Touchstone Family Association has been contracted to deliver the Restorative Justice Program. They have been granted \$5,000. in Provincial funding. There will be a steering committee

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established soon and it is expected that a member (or 2) of the Richmond Family Court Committee will serve on this steering committee.

The Richmond Family Court Committee is delighted to see that after many year of investigation, research and planning by Cst. Carla Rivard of the Richmond RCMP, this program is up and running, and is being so very capably managed by Touchstone Family Association.

Respectfully submitted,
Judy Assoon

Richmond Poverty Response Committee - Advocacy Task Force

Liaison Committee Member – Afeeza Sovani/Gerry Browne

The Richmond Family Court Committee has been represented on the Richmond Poverty Response Committee – Advocacy Task Force since June 2003. This participation was as a result of a request from the Task Force to have the Richmond Family Court Committee assist in establishing access to legal services for people living in poverty in Richmond.

The Task Force was active in pursuing its objective of establishing an Advocacy Program which included funding sources, training of volunteer advocates and provision of a suitable facility. The members who represent organizations with a diverse background in the community worked diligently to reach their goal.

The Task Force became inactive as of June 2004. The work will be continued by the Richmond Poverty Response Committee as a full member of the Richmond Community Services Advisory Council. The program will be part of CHIMO Crisis Services who are developing a new approach to their crisis work which they have titled 'Listening, Reaching Out and Advocating'.

Respectfully submitted,
Gerry Browne

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 CRIMINAL JUSTICE ACT

The desirability of maintaining community involvement in the provincially-administered juvenile justice system is addressed in Section 157 of the Youth Criminal Justice 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 157 of the Youth Criminal Justice Act 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.