

March 22, 2000

File: 0100-20-RFC01-01

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

Dear Mr. McKenna:

Re: Delegation Request – March 27, 2000

We would like to request to attend as a delegation to Council on March 27, 2000 in order to present the 1999 Annual Report for the Richmond Family Court Committee.

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

Yours truly,

Cheryl Rehm-Latiff, Chair
Richmond Family Court Committee

SK/sk

Richmond Family/Youth Court Committee

Annual Report

1999

RICHMOND FAMILY COURT COMMITTEE

**1999
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: 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.

1999 Membership

Richmond Family/Youth Court Committee

**Judy Assoon
Christine Brodie
Eva Flintoff
Barry Freeman
Tripta Kurl
Cindy McMullen
Sylvia Palmer
Cheryl Rehm-Latiff
Maureen Sanderson
Mangit Sandu
Margareta Symons
Muntaz Virani**

CHAIRPERSON'S REPORT

In 1999 the Committee welcomed three new members, bringing the total number to 12. Traditionally, new members are introduced at the Annual Social Event for Court Staff and Family Court Judges in January. This year's Social was the first year at which the Judges were not in attendance because of prior commitments. This social evening allows Judges, Justices of the Peace, sheriffs and clerical staff to acquaint themselves with our committee and for us to thank them for their support. This year, the event was held at Taz Virani's home and we thank her for her hospitality.

There were a number of guest speakers on the agenda at our monthly meetings, including: Mike Redding and Donna Welsh from the Family Justice Programme; Roger McMeons, Crown Counsel; Vicky Erickson of Youth Probation; Bonnie Gallagher of Youth Intervention; and Chris Brodie of Sexual Exploitation of Youth.

Two tours were organized: one to the Maples Adolescent Treatment Centre and the other, to the Youth Correctional Facility (YDC) in Burnaby.

Our main focus continues to be the Court Watch Programme and Restorative Justice Programmes. Further details will be presented later in this report.

The annual Provincial Convention for Family Court Youth Justice Committees was cancelled this year due to low registration. In the past, this committee has sent delegates to the Provincial conference to share information and liaise with other Committees around the Province. The conference usually draws staff from the Ministry of the Attorney-General, City Councillors, lawyers, judges and committee representatives. This committee appreciates the funding provided for this conference.

Our committee is fortunate to have a group of members who actively work with youth and families and who sit on a variety of other committees in Richmond enabling us to liaise with the RCMP, probation services, schools, mental health organizations and youth intervention services.

Thanks go to Richmond City Council; Desiree Wong and Fran Ashton of the City Clerk's Department for their support services in 1999; and for the 1999 Civic Appreciation Dinner.

Cheryl Rehm-Latiff
Chairperson

SUBCOMMITTEE REPORTS

COURT WATCH COMMITTEE

The Court Watch Program is co-ordinated by Taz Virani and Cheryl Rehm-Latiff.

The Richmond Family/Youth Court is in session three days per week at the Court Building on the corner of Granville Street and Gilbert Road. Tuesdays are reserved for trials and sentencings; Wednesdays for first appearances, show/cause hearings and short trials; and Thursdays are for family court care conferences and trials.

This past year has seen some changes in daily court proceedings. There have been numerous changes in the Young Offenders Act and the Family Services Act. The committee has noticed a drop in the number of cases going to trial and the number of individuals appearing on the Wednesday list. There is often enough court time for family matters to be dealt with on youth days. There are more youth being diverted, thus freeing up time which is normally used for lengthy trials. Richmond has an excellent and effective Youth Intervention Programme which will be addressed in our report on the Alternative Measures Sub-Committee.

Richmond is very fortunate to have had a consistent team of Judges presiding over the past several years. Crown Counsel has seen a number of staff changes this year but there now seem to be two regular Counsels. The Committee continues to have good relations with court clerical staff and sheriffs which enables us to maintain consistent records of the proceedings. The year 2000 will keep court watch a priority for this committee.

The following report by Barry Freeman, Family Court Monitor, will attempt to summarize the positive changes or factors that have been instituted or continued during the 1999 year in the Family Court system as well as an area where, in our opinion, changes are needed.

1) Family Case Conferences

There has been a noticeable increase in the setting of Family Case Conferences prior to holding formal trials. The case conference is conducted in a less formal setting and is usually held in a Judge's chamber.

The objective of the process is to reach a consent agreement through discussion and mediation which involves all concerned parties, i.e. parents, Social Workers, Family Justice Counsellors and a presiding Judge. There has been a good percentage of success in reaching consent agreements which are then registered in the Court.

Richmond Family Court Committee

One positive factor of this process is that a difficult case may be resolved in one or two hours of discussion rather than a time span of two or three days for a formal trial. Another positive aspect is that the case is resolved without the perception of a “winner” and a “loser” which has the tendency to reduce any anger or bitterness that may exist between parents –a very important plus insofar as the children are concerned.

2) Federal Guidelines for Child Support

The established guidelines for child support are now fully enforced in the B.C. Provincial Family Courts. Courts must now follow the child support guidelines when parents go to court to obtain or change a child support order. The amounts set in the child support guidelines are the minimum for child support. The court may order a higher or lower amount only in cases of extraordinary expenses or undue hardships.

This ruling has had a positive effect as it has resulted in a reduction of court time in many cases.

3) Parent Information Sessions

The Ministry of the Attorney General is to be commended for continuing to fund what is proving to be a very positive program free of charge to parents with children who are going through or anticipating going through separation.

Over 50 communities in B.C. have access to these sessions and pilot programmes are in place where it is mandatory for parents to attend at least one session (2-3 hours) before court time is granted.

The objective of the programme is to inform parents of the pro's and con's of mediation and the court process which should result in an increase in consent order. Another very important goal is to raise the awareness of the emotional hurt and harm that is impacted on children when parents separate.

Family Justice Counsellors organize and host the session and professional counsellors and a Family Court Judge are in attendance.

A member of the Richmond Family Court Committee attended two sessions (Burnaby and Richmond) and was extremely impressed.

4) Maintenance Enforcement Program

It is unfortunate that the above program, which plays such a critical role in ensuring that separated parents have the responsibility to provide for their children, has apparent flaws that require attention.

Richmond Family Court Committee

It is the opinion of our committee that the flaws in the program could be at least partially rectified by providing communication opportunities for the payers of maintenance with the Enforcement Officers or some other person(s) involved in the decision-making process. Presently, the only person(s) a payer can communicate with (by phone, fax, or letter) is a clerk. As a result of this lack of communication, our court watch people observe, on a regular basis, cases of extreme frustration and anger.

Our committee will continue to lobby for improvement in this area.

In conclusion, it is the opinion of this Committee that the citizens of Richmond, including persons of all ages, are fortunate in having the Honourable Judge B. Davies as Resident Judge in the Family and Youth Courts. He is to be commended for his wisdom and to his dedication in making decisions that will have a positive impact on the future well being and welfare of young persons.

Finally, a sincere expression of appreciation to the very competent, patient, and dedicated staff of the Richmond Family and Youth Court.

a) Who goes through Court?

- Youth suffering from mental problems such as brain damage, fetal alcohol syndrome and depression
- Youth with alcohol or drug problems or both
- Anger
- Parenting – This is not a judgement that there are good and bad parents, but a comment that parents sometimes need help with being a parent.

b) Resources:

In discussing resources with people, including professionals, there are differences in opinion as to whether there are sufficient resources and in particular, resources for youth with fetal alcohol syndrome.

c) Court Personnel

Judge Davies, who presides often in Richmond Youth Court, has a very good reputation for dealing with youth and some believe that the decrease in youth appearances in court is attributed to him. Others say the reduction is due to the RCMP Diversion Program. Probably both have contributed.

Crown Counsel - There have been a number of Crown Counsels in the past two years. There can be difficulties with some cases from time to time when several different crown counsels are handling one case.

Richmond Family Court Committee

Richmond Community Advisory Council

The Council is currently going through a restructuring process. The first phase was to divide the Council up into various groups dealing with special issues. This Committee is hoping to do a poverty report on the city of Richmond.

Alternative Measures Sub-Committee Report

The Alternative Measures sub-committee is chaired by Judy Assoon.

Four years ago, the Committee discussed various models of alternative measures for diversion in an attempt to speed up the process for those non-violent, first time offenders who were prepared to take responsibility for their actions.

Particular interest was given to a peer panel program. Over the next four years, careful review was given to the work being done by Bonnie Gallagher through the Youth Intervention Program (YIP) used as diversion by the RCMP prior to charges being laid. This program also takes referrals from families, school counsellors and other agencies. Through excellent work and follow-up, this program is currently addressing the needs of those “non-violent first time offenders who are prepared to take responsibility for their actions.”

Our sub-committee has also explored the many alternative measures programs supervised through youth probation services, including community service hours, wilderness camp, counselling, Unloading Zone referrals and work with PLEA volunteers. Richmond Youth are indeed well served by the existing programs and therefore, we did not feel a program such as a Peer Panel would be appropriate or necessary at that time.

When the Ministry of the Attorney General announced the dedication of special funds for Restorative Justice Programs, our committee connected with Bonnie Gallagher of Y.I.P. (RCMP) who was in the process of preparing a proposal for Richmond. We agreed at that time to work together with YIP and Youth Probation Services on this initiative. The funding has been granted and we are now into phase two of the proposal.

After several meetings with Bonnie Gallagher (YIP) and Vickie Erickson (Director of Youth Probation Services) and discussions with the sub-committee regarding protocols and goals for the Program, a Task Force was formed to establish the goals, criteria for referral, process and structure, confidentiality and recording procedures, and the make-up of the proposed panel. The Task Force will be composed of: Bonnie Gallagher, Vickie Erickson, Scott Valence (Victims' Assistance Program), Sergeant Willie Laurie, (RCMP), one Liaison Officer, Barry Freeman and Judy Assoon, (Alternative Measures Sub-Committee of the Richmond Family Court Committee).

We have the meeting space committed, template “roughed out” and we hope to see the Restorative Justice Panel established and operative by late spring or early fall.

Richmond Family Court Committee

Richmond Community Action Team

Chris Brodie is the representative from the Richmond Community Action Team.

- Explores issues around sexual exploitation of youth & children in Richmond.
- Objectives:
 - to educate ourselves, other professionals, and community at large about sexual exploitation of youth.
 - to investigate resources in our community to support these youth
- Members of Action Team – representatives from Richmond organizations that support youth.

Ms. Brodie also works as a teacher for **Community Outreach**.

- working with youth at risk in community.
- attending court with some of the youth to support them or advocate for them in some manner.
- liaising with the following agencies: Richmond Connections, CHIMO, Women's Resource Centre, Richmond Youth Services Agencies.
- acts as Chair for the Richmond Caring Place Society.

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.