



RICHMOND
FAMILY COURT
COMMITTEE

c/o Richmond City Hall
City Clerk's Office
6911 No. 3 Road
Richmond, B. C. V6Y 2C1

March 16th, 2006

File: 01-0100-20-RFCO1-01/2006-Vol 01

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

Dear Mr. Weber:

Re: Delegation Request – March 27th, 2006

We would like to make a request to attend as a delegation to Council on March 27th, 2006 in order to present the 2005 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,

Gerry Browne, Chair
Richmond Family Court Committee

GB/daw



Richmond Family/Youth Court Committee

Annual Report

2005

RICHMOND FAMILY COURT COMMITTEE

2005 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.

2005 Membership

Richmond Family/Youth Court Committee

**Judy Assoon
Al Argue
Tracy Booth
Gerry Browne
Dianne Galasso
Sandra Hum
Hafeez Jessa
Michael Larden
Maria Malewska-Majblat
Zarina Mosaheb
Sonia Nijjar
Janene Preston
Farina Reinprecht
William Shayler**

CHAIRPERSON'S REPORT

The Richmond Family and Youth Court Committee had 14 members in 2005, contributing their energy and expertise to achieve the mandate of continuing a court watch presence and keeping informed of existing and new resources for families and youth in Richmond.

Our committee has a representative on the Richmond Community Advisory Committee, which has undergone a review and reconfiguration. We were also represented on the Richmond Poverty Response Committee Advocacy Task Force which has now "wound down". The 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 - Delta Provincial Court.

Our guest speakers in 2005 were:

- January – Ms. Cynthia Matheson, Richmond Youth Probation, spoke on the role, areas of responsibility, the new Youth Criminal Justice Act, current resources, the need for residential holding or respite bed in Richmond, the loss of many outdoor programs, and the role of PLEA (Pacific Legal Education Association)
- May – Mr. Paul Hundal, Director of Maintenance Enforcement for the Family Maintenance Program provided the committee with an understanding of the Program, it's process and it's current status.
- Sept. – Mr. Cecil Ash, LLD, Duty Counsel, gave a very informative and detailed presentation on the Duty Counsel Program in Richmond.
- Nov. – Ms. Eileen Oxendale, from Richmond Mental Health Services, spoke about the types of services currently offered for Children and Adolescents, and the new programs being added.
- Dec. – Mr. Haroon Bajwa, Co-ordinator, Restorative Justice Program, Touchstone Family Association brought us up to date with the program. We have invited Mr. Bajwa to be a guest several times a year in order to keep us informed on this program.

Each of these presentations were thoroughly detailed in the minutes of the month's meetings, and could be referred to if further information is sought. We had many lively discussions with our wonderful presenters, all of whom attended on their own time out of their working day. We appreciate this as well as the time and energy spent preparing for their presentations. These presentations assist the committee in being aware of current programs and resources.

Two members were able to attend the Provincial Family and Youth Justice Committee conference held this year in Surrey, Ms. Farina Reinprecht and Ms. Judy Assoon. A report on the conference, prepared by Ms. Reinprecht is included in this Report.

We had two very strong applicants to serve on the committee for the coming year, and after interviewing both, we invited them to attend our December meetings as guest and welcomed them as new members in January 2006. Ms. Dulce Cuena will be participating in court watch

and will be mentored through the first few sessions by one of our experienced members. Mr. John Abelseth will be assisting with the data processing and analysis from our court watch. Both new members bring their wide experience, energy and skills to the committee.

At year's end, we bid farewell to five members who have given their time and served their community well: Ms. Sandra Hum, Ms. Maria Majewska-Majblat, Ms. Dianne Galasso, Ms. Zarina Mosaheb and myself, Ms. Judy Assoon.

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 in the preparation of our Annual Report. We send a special thanks to Deborah MacLennan, Desire Wong and David Weber.

Respectfully submitted

Judy Assoon
Chairperson, 2005

SUBCOMMITTEE REPORTS

Court Watch Committee

Chaired by Tracy Booth until April 2005; for remainder of 2005 Co-Chaired by Janene Preston and Gerry Browne

Court watch duties were shared by Al Argue, Tracy Booth, Gerry Browne, Dianne Galasso, Sandra Hum, Hafeez Jessa, Michael Larden, Maria Malewska-Majblat, Zarina Mosaheb, Sonia Nijjar, Janene Preston, Farina Reinprecht and William (Bill) Shayler.

The Richmond Provincial Court address is 7577 Elmbridge Way, which is located at Elmbridge and Minoru Boulevard. 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 members observe family and youth criminal justice matters. Youth and family matters are scheduled on Wednesdays and Thursdays 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

Courtwatch volunteers continue to monitor Youth Court proceedings on Wednesday mornings and the committee is encouraged by some of the observations made during these proceedings. Increasingly, diversion is sought as an alternative to court appearances. Diversion, or Restorative Justice, provides both the victim and the accused a different avenue to pursue, in the hopes of rehabilitating the pain and suffering caused by one's actions. These attempts at alternative dispute resolution are regarded by the committee as a progressive step towards reducing the number of youth trials in the justice system. The committee will continue to champion the efforts made by the Touchstone Foundation and its various agencies.

Thursday Family Court sessions

Thursdays have continued to be very busy days in Richmond for family appearances (FRA- Family Relations Act, FMEA - Family Maintenance Enforcement Act), child welfare matters (Child, Family and Community Service Act), Judicial Case Conference, and trials. Issues highlighted in last year's report regarding scheduling wait times for the Judicial Case Conferences have improved and are no longer an issue.

A number of resources are available at the Richmond Courthouse to help families adjust to separation and divorce and deal with maintenance issues. These are as follows:

Judicial Case Manager Conferences

Judicial Case Conferences are held at the Provincial Court in an informal setting and are facilitated by a Provincial Court Judge. The Court Watch Committee members do not attend

these conferences. The objective of the conference is to have all the parties involved in the matter reach consensus on all or a least some of the issues such as custody, access, guardianship, maintenance. The conference allows for participation of all involved parties, parents, extended family members, lawyers, social workers, family justice counsellor etc. These conferences are utilized to identify issues that are in dispute and explore ways in which they can be resolved.

This Committee has observed that Judges are increasingly referring to Judicial Case Conferences on a regular basis, therefore providing one more avenue of resolution instead of a trial.

Duty Counsel Program

The Family Duty Counsel project has now been in existence since June 2003. Family Duty Counsel lawyers are paid by the Legal Services Society, an independent non-profit organization that reports financially to the BC Legislature. Family Duty Counsel assist people with family law problems or child protection issues (where the Ministry of Children and Family Development becomes involved with your family). Individuals may be eligible for help from Family Duty Counsel lawyers even if they do not qualify for legal aid. If an individual arrives at the Court House and does not have a lawyer, a Duty Counsel lawyer can give advice and speak on their behalf in court on simple matters only and only on that day. Family Duty Counsel lawyers can not replace the benefits of having their own lawyer. There are limitations to what the Duty Counsel lawyers can and can not provide. Duty counsel can not take on an individual's entire case and can not represent an individual in a trial. In Richmond Courthouse, Family Duty Counsel is available on a drop in basis. No appointments are made and people are helped on a first come, first served basis. Lawyers must first help people who have matters on the day of court, and can assist others once they are not needed in court.

Family Court Duty Counsel lawyers are available 9:00am - 12:00am every Thursday Morning. The Family & Youth Court Committee has observed that Judges regularly refer to Duty Counsel and the Committee feels this is a positive endorsement of the program. This program continues to assist many individuals who are no longer eligible for Free Legal Aid but the Family & Youth Court Committee does not feel that this program can replace all of the benefits of Free Legal Aid. Free Legal Aid provides a consistent lawyer ensuring continuity in an individual's case. Presently, the Duty Counsel program can not provide this consistency.

Parenting after Separation Program

The local offices of the Department of the Attorney General are responsible for organizing and conducting this program. The Parenting After Separation program is a free, three-hour information session for B.C. parents (including other family members such as grandparents, guardians) who are dealing with child custody, guardianship, access and support issues. This program is available in more than 50 communities in British Columbia and is mandatory requirement before attending court for child support, custody, guardianship or access orders in New Westminster, Surrey, Vancouver, Kelowna, Prince George, Abbotsford, Victoria, Kamloops, Nanaimo and Port Coquitlam. This program is NOT a mandatory requirement in the City of Richmond. The Family & Youth Court Committee is hopeful that this program will become a mandatory requirement in Richmond as soon as possible.

Family Justice Counsellors

Family Justice Counsellors, also known as Court Liaison Family Counsellors officers are located in the Richmond Courthouse building. Providing a free service five days a week, these counsellors are especially trained to help families with child custody, guardianship, access and support issues. This program is accessible on an appointment basis. A Family Justice Counsellor can draft a consent order which can be presented to the participating judge, thus eliminating the necessity of conducting a formal trial or a Judicial Case Conference.

Information and referrals to the Family Justice Counsellors is provided at the information desk on the second floor of the Courthouse.

Statistics

In early 2005 the Committee commenced the use of a pilot statistical form to be used when observing Court proceedings. This statistical form continues to need refining and therefore available statistics at the writing of this report are very limited.

With the addition of a new Committee member who can assist with data processing and analysis, and the addition of a number of new committee members with new and valuable input, the Committee hopes to continue to work together to provide relevant statistics in next year's annual report. Throughout 2006, the Committee hopes to work closer with the Court system to obtain valuable statistics regarding the use of the Judicial Case Manager Conferences, Duty Counsel Program, Parenting after Separation program, and Family Justice Counsellors to name a few.

It is important to note that a total of approximately 500 hours of volunteer time was provided by the Committee in 2005 to attend and observe Court Proceedings on Wednesdays and Thursdays throughout the year, and attend monthly meetings held at the City Hall. The majority of these 500 hours were spent observing on Thursday mornings at Family Court (up to 3 hours per week) and less on Wednesday mornings at Youth Court (up to 1 hour per week).

Conclusion

In conclusion, we wish to express our appreciation to the competent and courteous staff at the Richmond Provincial Court. Furthermore, it is important to acknowledge the helpfulness and cooperation of the court clerks, registry clerks and sheriffs, as without their cooperation our role as court watchers would not be possible.

Respectfully submitted,

Janene Preston
Gerry Browne

Richmond Community Services Advisory Council

Liaison – Committee Members – Maria Malewska-Majblat, Hafeez Jessa

Our committee feels that the service provided by the RCSAC to the city of Richmond is invaluable, and intends to continue sending a representative. Furthermore, the committee feels that with the networking ability of the RCSAC, more resources and opportunities could be available to benefit both groups.

The Richmond Community Services Advisory Council (RCSAC) serves as an association of community groups, and is comprised of representatives from social, economic, political and cultural agencies within the city. The RCSAC endeavours to support community-based local initiatives by creating awareness and sharing information through its network. Funded by the City of Richmond, the RCSAC has served the city since 1979 by incorporating a diverse set of goals, both short and long term, in order to improve the well-being of the community.

In March, a workshop was given by Keith Pattinson entitled *Integrating the Asset Building Philosophy into Community Services Delivery*. Mr. Pattinson has been involved extensively with the Boys and Girls Club regionally, and thus his insight of the issues concerning youth were invaluable. The key message of the workshop was to find strategies to cultivate an understanding between the youth and adult leadership (i.e. police, politicians, etc.) within a community.

In the spring, the RCSAC assisted in organizing a series of All Candidates Meetings in the lead-up to the 38th Provincial General Election on May 17, 2005. The meetings were organized on three different dates, one in each of Richmond's three ridings.

In May, Wayne Yee, Advisor, Youth Services, discussed Richmond's Youth Development Strategy. Mr. Yee noted that a concerted effort was underway to forge a healthy relationship between organizations catering to the needs of youth within the city. Doing so, according to Mr. Yee, would allow for a more effective and efficient delivery of services.

In October, a workshop was delivered by Kathleen Waxer called *Inter-sectoral Collaboration in Community Services Delivery; The Jasper Model*. Begun in the city of Jasper, AB, this innovative program focuses on linking individuals with resources available within the community to satisfy their needs, such as healthcare, education and recreation. Ms. Waxer stressed that this model could be customized to serve the needs of certain communities.

In the fall, the RCSAC once again staged an All Candidates Meeting for the Municipal Election in November. In this forum, candidates for City Council and the Mayor's seat were invited to participate.

Respectfully submitted,

Hafeez Jessa

Richmond Poverty Response Committee - Advocacy Task Force

Liaison Committee member - 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 a result of a request from the Task Force to have the Richmond Family Court Committee assist in establishing access to legal services to people living in poverty in Richmond.

The Task Force became inactive in June 2004. However a program of outreach and advocacy has been established by Chimo Crisis Services which addresses the Task Force's issues. Chimo Crisis Services has developed a two year demonstration program to provide appropriate services under the guidance of an Outreach and Advocacy Coordinator. The program will utilize trained volunteers and receives funding from the Ministry of Community Services, Vancouver Foundation, United Way of the Lower Mainland, Law Foundation, and support from Legal Services Society.

The Richmond Family Court Committee will continue to monitor the progress of this program and provide appropriate input as required.

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.

DELTA'S INVOLVEMENT

It is my impression that the citizens of Delta continue to be well served by the Richmond Family Court. Special services such as free legal advice (Duty Counsel) advice in Family Court matters and the Parenting After Separation program seem to be valuable features.

I believe that the Court Watch Committee provides a useful monitoring function in court. We are very well received by those working there.

Respectfully submitted

Al Argue

Family Court Youth Justice Conference 2005

DAY 1

Panel A : Delivering Family Law Services

Judge Cohen

Mediation is more cooperative. Provide retraining costs to stay at home mums and guidelines on parent obligations

Jerry McHale – Assistant Deputy Minister, Office of the Attorney General

Focus: to increase non adversarial values and non aggressive approaches to an adversarial system.

- 1 The court system is not designed to deal with emotional aspects.
- 2 Courts must be the last resort - shift away towards a settlement system.
- 3 Promote Collaborative Law – shift responsibility to families.
- 4 Give tools to resolve own issues.
- 5 Must provide more information and orientation upfront, early and ongoing.
- 6 Manage cases as if family intends to settle rather than go to court.
- 7 Simplify rules for families going to court.

Heidi Maison, Legal Services Society

Need to engage and empower parents separating- less harm to children

- 1 Self Help Centers in California – provides resources under one umbrella
- 2 Self-representation for low and moderate income who can't afford lawyers.
- 3 Individual can find out options available.
- 4 Kiosks allow one to do court forms themselves (Quick Tax).
- 5 Mediators and facilitators direct people to less adversarial resolutions
- 6 Internet: web cam provides a dialogue tool with a lawyer.

Ontario: Unified Courts (7)

Developed simpler forms—uniform for all courts.

Family Law Centers provide mediation, counseling, social worker — timely which staves of litigation. Pay on a sliding scale.

BC Robson Task Force

Duty Counsel Model: Families less likely to litigate with mediation at front end.

BC Vancouver

Rule 5

Clients see counselor before going to court. Players are happier. Process is “demystified”

Law Link- Lawline and the Family Law website provides access to lawyers by phone or web.

Testing self-help centers.

Supreme Court website great potential, number of incentives to go through mediation. Family unit is less harmed, less divorce.

Collaborative Law: Popular- outside of courts. Couples likely to come to consensual.

Unbundling Law – Client can hire lawyer for certain aspects. Demonstrating to lawyers how they can provide pro bono services.

Parenting after Separation

Teach parents in high conflict cases after reaching resolution- Continue parent support and communications — children are heard.

Forms are 12 pages long – need to make process understandable to parents.

Assoc. Chief Judge Threlfall

Rethink the system and literature. Why can't we move politicians? What caused gridlock? Court has to be the last resort – system destroys parent relationships

Family Law rules and procedures don't work well. People seeking resolution lost in a too expensive system. Courts are necessary, but 60/65% cases are resolved outside with enforced orders.

- 1 Demystify court forms - one set of documents
- 2 Simplified set of procedures - unify - one system
- 3 Supreme and Provincial Court determines custody and access to children – not who gets the China.

Design court process proportional to what parties require—

Flexible to each unique case

Current system is designed for each case to go to court – trial to resolve problems

Children's Cases Program – parents elect to be involved (sworn) for child's interest only. Only relevant evidence is permitted. Judge is involved: facilitation promotes communication and mutual cooperation, determine issues, agreements

Practice of Law

Perception of lawyers is changing. People can't afford. Lawyers can be involved at the front end, as negotiators and mediators towards collaborative law. Change is disturbing for lawyers and judges – must embrace. Public deserves the change. Significant satisfaction for lawyers.

Family Duty Counsel works well

7 out of 10 provinces in Canada have unified courts. How do we get there?

Uncertain whether it is advantageous for children to be involved in mediation process. What is the best way to have children involved and heard? Establish Children's website – animated for kids.

Grassroots are not involved in consultations.

(The Justice Review Task Force – Family Law Working Group Report forthcoming)

Panel B

Hon. Vic Toews, Chief Opposition Justice Critic

- 1 Youth Criminal Justice Act/Old Offenders Act not balanced.
- 2 Courts of Appeal significant confusion whether deterrent – rehabilitation – over 2 years small drop in violent crime
- 3 New Act created lots of uncertainty.
- 4 Best interest of youth and families not considered.
- 5 Violent crime rate 300% greater than 3 decades ago.
- 6 Property crime rate significant in Vancouver
- 7 Questions whether Act is meeting needs of community
- 8 Procedure failure for under 12 years of age - Child Welfare System not able to deal with these children.

Transitions between schools – school administrators do not have info on student.

Judge S. Point – B.C. Treaty Commission, Aboriginal Perspective

- 1 Have own systems of governance and law
- 2 Canadian system imposed on them – foreign - reject system, judicial and RCMP authority.
- 3 European values does not work well for First Nations
- 4 Eight times over representative in terms of incarceration
- 5 BC has lowest incarceration of Aboriginal youth
- 6 Incarceration should be the last resort
- 7 Apply law as passed by Parliament — Why is there a different rule for Aboriginal people?
- 8 Give First nations opportunities to get involved in the Justice System
- 9 Find ways for alternatives to rehabilitate
- 10 Judges do not engage with criminal and family — First nations want to be involved in the delivery of justice.

Elizabeth - Young Offenders Act Youth Criminal Act

Youth probation – struggle lack of resources for drug addiction

- 1 Provide Restorative Justice - Youth Justice Conferencing with victim
- 2 Focus on rehabilitation
- 3 Incarceration should be the last resort
- 4 Seeing higher needs kids at risk – never seen before in 10 years
- 5 Need more detox and drug prevention resources
- 6 Lack of supervision leads to repeat offences
- 7 Youth require intensive support and supervision 1-1 for those on probation

Deferred Custody: alternate to jail – numbers down

In practice New Youth Act is less effective. No resources – funding cutbacks. Three Youth Detention Centers in entire Province

Arthur Paul – Aboriginal Justice

- 1 Aboriginal Recovery House closed April 20
- 2 Young Mother program closed.
- 3 No youth crime prevention for Aboriginal
- 4 Major need for recovery resources and family support - funding cutbacks

- 5 Aboriginal Workers have no access to Aboriginal youth in the system
- 6 Lost 7 humanistic Aboriginal lawyers last year
- 7 Court orders work
- 8 Partnership with forensics worked well – assessment

Recommendation: Develop more Aboriginal justice committees

Paul del Rossi – Youth Defence Counsel

Diversion program: out of court - meet with probation officer, come up with plan – community service

- 1 Long waits to get into drug rehab programs
- 2 Sent to outdoor camps instead of jail – developmental
- 3 Youth more sophisticated “mature” crystal meths
- 4 Lots more teenagers with mental health issues
- 5 Disturbing trends – unprecedented violence, 3 to 4 times higher for First Nations
- 6 Funding greatly impacts partnerships. If agency fills needs outside of mandate, they appear as if not doing the job.
- 7 Criminal justice system resources stretched
- 8 Question age of criminal responsibility for under 12's

Women arrested on streets with drug dependency - King George Highway – conditional release \$75 bail – cannot pay, so sit in jail. With increased bail they sit in jail longer. To legalize prostitution is wrong. Puts children at risk – exploitation of kids by adult males

Custodial Sentence/Deferred Custody Order - Judge will defer to community. If breached, there is a hearing and greater accountability.

Alternative measures: 46% reduction due to community alternatives. Must think outside the box. Look for ways to support parents.

Panel C

Surrey Family Court Users Group Committee – Langley/White Rock

18 full sitting judges, 3 p/t

Over 3300 cases in 2004

Noticeable pressure- growing number of litigants

1995: Rule 5 all parties see counselor before court date, to divert away from courts with mediator assistance

Leslie Woodley, Family Justice Counselor, Ministry of Attorney General

Provide conflict resolution, Info., referrals, free mediators, voluntary and mandatory

Explore parenting seminars, education on impact on children to lessen impact.

Were about 100 on morning list now 35—77% avoid going to court.

Education from centers more meaningful - mediators, negotiated settlement.

Collaborative Law to resolve issues and disputes. Reach agreement, custody access, consent orders, agreement amendments. Include lawyers or psychologist – more control for family.

- 1 Legal services society provides info. for those with budgetary restraints.
- 2 Legal Aid still around, just cut back.

- 3 Lawlink kiosks for those with no computers – printing service and court forms.
- 4 Lawline: Provides info up to 3 hrs advice across province for families with up to \$32 000 income, electronic law library resource. Family law website self-help kits—Where to begin? Which court to access?

Olga Volpe, Duty Counsel, Legal Services Society

Provide info. and assistance anytime except during trial, inform on changes to laws

Restraining orders come before the courts 12 to 15 times a week

Child Protection: child/ren placed in foster care - 2 years to trail

Sandra Garneau, Legal Outreach Worker, Legal Services Society

Worked primarily with lawyers, currently provides info. and resources to individuals, guides clients through process using LawLink computers.

Alternate dispute introduced to reduce delay

Linda Stewart, Courtwork Supervisor, Ministry for Children and Family Development

- 1 MCD offers mediation, non adversarial
- 2 Promotes collaboration between parents and social worker or mental health advocate
- 3 Clients are invested in contract
- 4 Children returned expeditiously

If unable to travel may participate/communicate via teleconference. With restraining order teleconference via lawyer office, fax or supervisor goes to parent/s. 87% success

Paradigm shift, parents are less adversarial towards social worker, social worker helps rather than collects evidence against the parent/s.

Dean Tate – Child Protection Lawyer, Counsel for the Director of Child, Family & Community Service:

Focus: Move away from foster care, to keep children safe within families, extended families or friends. Shift from adversarial to reintegrate families. Consensus driven. Agreeable to social worker and parent. Mediation for problem solving. Court process months before child can return home.

New Act gives social worker more authority- allow child to stay home, with mandatory drug and/or alcohol counseling – lessen impact on child.

Directors Counsel helped by duty counsel - speeds up education, smoother court process

DAY 2

New West

- 1 Family Day: Display in mall, program resources
- 2 28 agency presentations to public

Victoria – Project

- 1 Prioritized videos for presentations on restorative justice—were challenged not their mandate to fund projects.
- 2 Custody center sees 64% youth with mental health issues – more forensics

Langley/Surrey: Change—move to project based programs: mentors for at risk youth, arts festival, artists mentor 5 youth. Received \$18 000 from municipalities. Council Audits books 1 x year.

North Shore Committee

- 1 2 p/t paid positions – municipality funded
- 2 Domestic Violence Coordinator and a Court Watch Program Coordinator – provide detailed stats and monthly reports.
- 3 Work with agencies, inform and facilitate communications between agencies, RCMP, talk to Crown Council.

Backlash on women in poverty. Move towards fathers rights. Children and youth greatly impacted.

Elkford, BC Committee

Kids started own counsel- came up with info. cards on resources

Submission on Resolutions

New West - Divorce and Separation

Recommendations:

- 1 Increase public awareness and sensitization of the available services in cities.
- 2 Provide more services for students and parents, community conferences
- 3 Reduce high-risk behavior
- 4 Follow up students identified as threats
- 5 Provide bullying reduction conferences
- 6 On children of separation - support development of involvement guidelines i.e. when to involve children in the process

Surrey Steering Committee

Recommendations:

- 1 The Justice Review Task Force Report is most important - we should approach the Ministry for access/release.
- 2 Sharing - a video be made of Surrey Provincial Court Users Group to be made available to other family court committees or users.
- 3 Funding from AG's budget

Richmond Family Court Committee

If cities cannot afford to send representatives to Family Justice Conference approach AG for sponsorships

General Recommendations:

- 1 Families who have been in the system should attend the conference at no cost.
- 2 Rise in mental health and drug issues. Must share info. Other cities across province have to plug in.

Section 5: every municipality should have a committee - create a Court Users Committee.

Workshop: Perspective on At Risk South Asian Youth Presenter: Rob Rai

He has spent approx. 1000 hours on the streets

Since 1992: 83 S/Asian males murdered – drug or gang related activities

Average: 1 murder every 57 days for last 13 years

Issues: addiction (self or family), poverty, abuse, mental health issues

Sikh Population in BC: 78 985

Surrey: 56 000

- 1 Culture conflict
- 2 Evolving, diluted culture taken on western values
- 3 Breakdown of traditional family unit
- 4 More divorce – “do not have to take abuse”
- 5 Earn own money
- 6 90% father disciplines

Questions:

- 1 How to apply parenting skills from a patriarchal culture to youth living in a western culture?
- 2 Does a primary caregiver communicate adequately in oral fashion?
- 3 How to parent an analytical student in a western setting?
- 4 How educated or aware are parents on youth issues – peer pressure, crystal meths, marijuana...?

* India: mainly oral communication—print media not prevalent.

Canada: Literacy and resume

Cocooning

Listen mainly to own cultural radio/TV/print

- 1 Overcompensation: Right to have “attitude”
- 2 Image most important
- 3 How can parents keep up earning minimum wage?

Freedom:

- 1 Females often not allowed same freedoms as males
- 2 Parent/daughter more a peer relationship

Identity crisis:

- 1 Fit in with peers immersed in the midst of two cultures
- 2 Outcomes - confusion and pretense
- 3 Stress and anxiety
- 4 Creates a desire to escape

Role Models:

- 1 Insufficient South Asian role models
- 2 Modeling on Hip Hop
- 3 S/Asian youth watch MTV, Much Music and mainstream media

Movie: The Guru

- 1 S/Asian youth disassociate from it – peers laugh at culture
- 2 Outcome: self mockery
- 3 Denial of cultural identity

Outcomes:

- 1 Increased criminal activity and street activity
- 2 Narcotics schools based dealing
- 3 Distribute cards with contact info - "nasha", "flowers"

South Asian female gangs – gender inequity on freedom

Exploitation:

- 1 Shame based
- 2 Shunned by community

Prostitution:

- 1 Topic met with ignorance, suppression and denial in community
- 2 Bank accounts – excess \$'s
- 3 Late night calls
- 4 Adverts in Georgia straight, Buy and Sell...

Gay and Lesbian Issue: temples are against, but could not come up with one text against

Comfort Zone: Elders from rural drawn to own communities

Recommendations:

- 1 Seek multidimensional responses to engage parents
- 2 Set up parenting classes
- 3 Temple cooperative, attempt insufficient and unsuccessful – evolving
- 4 Declining parishioners will be a catalyst
- 5 Fear seems to be only way to grab parent attention
- 6 Community reactive rather than proactive
- 7 Culture sticks together – racism alive

Barriers to access support services: shame and guilt

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.