



## City of Richmond

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January 23, 2009

File: 01-0100-20-RFCO1-01/2009-Vol 01

Mr. David Weber, Director  
City Clerk's Office  
Richmond City Hall  
6911 No. 3 Road  
Richmond, BC, V6Y 2C1

Dear Mr. Weber:

**Re: Delegation Request – Monday, March 9, 2009**

We would like to make a request to attend as a delegation to Council on Monday, March 9, 2009 in order to present the 2008 Annual Report from the Richmond Family and Youth Court Committee.

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

Yours truly,

Janene Preston and Teresa Vozza  
*Co-Chairs, Richmond Family and Youth Court Committee*  
[tvozza@shaw.ca](mailto:tvozza@shaw.ca); [jacpreston@telus.net](mailto:jacpreston@telus.net)



# **Richmond Family and Youth Court Committee (RFYCC)**

## **Annual Report**

**2008**

**RICHMOND FAMILY and YOUTH COURT COMMITTEE (RFYCC)**

**2008 ANNUAL REPORT**

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- 2008 Family Court Statistics (attachment 1)
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## **Background Information**

The Family and Youth 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 and Youth Court Committee is the longest established Committee with continuous service in the Province since its establishment in 1964.

The Committee gathers information with respect to issues raised by the Court, its officers, clients and by the community. The Committee draws upon the support of the community and advocates for improvements in the justice system. Examples of presentations with relevant programs include: Youth Criminal Justice Act, Restorative Justice Program, Victim Assistance Program, Family Maintenance Enforcement Programs, etc.

The Richmond Family and Youth 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 youth and family court services. The Richmond Family and Youth Court Committee works as a liaison with other Family Court Committees on issues of mutual concern. We encourage Committee members to attend conferences to further their knowledge about best practices on issues facing their community and the justice system.

To achieve the mandate of "understanding and monitoring the legislation and administrative practises 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, Interjurisdictional Support Orders Act, Family Maintenance Enforcement Act, Child Family and Community Services Act, and the Youth Criminal Justice Act.

Issues and concerns arising from court watch activities are reported to the Family and Youth Court Committee at monthly meetings 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.

**2008 Membership**

**Richmond Family and Youth Court Committee (RFYCC)**

**John Abelseth**

**Gerry Browne**

**Howard Burgess**

**Dulce Cuenca**

**Ron Dickson**

**Hatem Ela-Alim**

**Heather Hettiarchchi**

**Raj Johal**

**Mashood Kamal**

**Elaine Kott**

**Suzan Maclachlan**

**Janene Preston**

**William (Bill) Shayler**

**Teresa Vozza**

**Council Liaison: Councillor Cynthia Chen**

## **CO-CHAIRPERSONS REPORT**

### **Membership Overview**

In 2008 the Richmond Family & Youth Court Committee (RFYCC) was comprised of a strong complement of 14 members. Of these 14 members, 10 members attended and observed court proceedings during 2008. Due to this committee's dedicated membership over the last 2 years, our members have become a familiar presence at the Richmond Court House on Wednesdays and Thursdays observing Youth and Family Court Proceedings and periodically throughout the week attending Domestic Violence cases.

During 2008, our membership focused the majority of our attention on 2 initiatives:

- 1) Observance and statistic taking of Domestic Violence cases and
- 2) Preparing to host the Annual BC Family & Youth Court Conference in October 2009

### **(1) Domestic Violence Cases**

As indicated in the 2007 Annual Report, it was decided that our Committee's mandate would be expanded to include the observation of Domestic Violence or "K" files. It was soon determined that, unlike Family Court and Youth Court, Domestic Violence cases are not heard in a specific court room on a specific day or at a specific time. They are heard in a variety of courtrooms on a variety of days at a variety of times, depending on the need and the availability of court time and/or space. Although we had two committee members interested in observing these cases, it was difficult to know on which day at which time in which courtroom to attend to have the best coverage.

Additionally, due to a change in work commitments, one committee member had to discontinue observing in court, leaving only one member to cover all the Domestic Violence files on a fairly regular basis. Despite regular attendance, it is almost impossible to follow a specific file from beginning to end, given the myriad of obstacles to overcome, such as the cases being heard in a variety of court rooms on a variety of days at a variety of times by a variety of judges.

There appears to be little consistency in the way that these service files progress through the court system. It is well documented that in other provinces of Canada that Domestic Violence Court may only sit once every two weeks but is reserved for hearing "K" files only. It is the same one or two Crown Counsel that presents the files and the same one or two judges hear the files to reduce delays and to increase consistency in the way the "K" files are dealt with. Local community support agencies are also closely linked to these files to ensure the families get the support they need and to assisting reducing the recidivism rates.

This committee would support any move in the direction of improving consistency in the way that Domestic Violence cases move through the court process and are eventually disposed of.

## **(2) Annual BC Family & Youth Court Conference – October 2009**

During the Richmond Family and Youth Court Committee's 2007 Annual Report presentation to the Mayor and City Council on February 11<sup>th</sup>, 2008, the Chair restated the fact that many other Committees throughout the Lower Mainland had hosted Annual Conferences and it was deemed by other Committees, that it was Richmond's turn to host such a Conference. At this February meeting, the Mayor and Council expressed an interest in, and support of, the idea of Richmond hosting the 2009 Family & Youth Court Committee Conference. A sub-committee was thus struck resulting in a theme, Family Violence, and a 'proposal for funding' for this Conference which was subsequently presented to the Mayor and Council at the July 7<sup>th</sup>, 2008 General Purposes Committee meeting.

We were pleased and thankful that our proposal was supported and \$10,000 in funding and in-kind support was awarded to our Committee. The 2009 Conference Sub-Committee has worked hard during the later months of 2008 booking the hotel, investigating and contacting workshop presenters, establishing and delegating tasks and designing the registration package to name but a few of the many volunteer tasks this committee membership is responsible for. The sub-committee will be meeting monthly in 2009 with a deadline of March 31, 2009 to distribute the registration package to all BC Family & Youth Court Committees, community organizations, associations and interested parties.

### **Provincial Family and Youth Justice Committee Open Space Forum**

Janene Preston, Teresa Vozza and Gerry Browne attended the B.C. Family & Youth Court Conference OPEN SPACE forum held in Richmond on September 13<sup>th</sup>, 2008. This Open Space forum replaced the typical Annual B.C. Family & Youth Court Conference that is usually arranged by one of the B.C. Family & Youth Court Committees. Chris Beresford, Director, Family Justice Programs, Ministry of the Attorney General organized this event in which only representatives from the other Family & Youth Court Committees attended and discussed issues most relevant to their community. We were also informed that Chris Beresford's office was designing a website for B.C. Family & Youth Court Committees to centralize knowledge, procedures and information and we look forward to using this useful tool to relay information, particularly about our 2009 Conference. We also came away with substantial information and resources and gleaned a wealth of information from other Committee contacts that have hosted previous Annual Conferences.

### **Council Liaison**

In 2008 Cynthia Chen was appointed to our Committee as this Committee's 1<sup>st</sup> Council Liaison. During the year, Cynthia provided great advice and support and was particularly helpful when our Committee requested funding from the City of Richmond to host the Annual B.C. Family & Youth Court Conference in October 2009. We are pleased that Councillor Evelina Halsey-Brandt has been appointed as our Council Liaison in 2009 and we look forward to working with her.

## Statistics

As part of our mandate, the Richmond Family & youth Court Committee membership attend and observe Court cases. The number of cases our committee members can observe is determined by the availability of committee members to attend court on any specific day of the week. We were fortunate to have a substantial number of members attend court during 2008, attending a total of 652 cases (87 Domestic Violence Cases, 417 Family Court Cases, 148 Youth Court Cases).

Referring to the Family Court Graphs attached, approximately 47% of the individuals who attend Family Court were accompanied by Legal Representation, and this percentage is consistent with the findings in 2007. Our committee does find it alarming that less than 50% of all individuals who attend Family Court to meet in front of a Judge are not accompanied by legal council. With the reduction in Legal Aid services by the Legal Services Society in January 2009, it will be interesting to review next year's statistics. Duty Council is being well utilized and the numbers provided in this graph are likely lower than the actual figures. This is due to the fact that as an observer, committee members are sometimes unaware if an individual is being represented by Duty Council or by their own lawyer. Regarding Domestic/Family Violence cases, 2008 is the first year that statistics have been taken and we hope to have some comparative data included in the 2009 Annual Report.

This committee's mandate is to observe and report on court proceedings. We do not analyze the statistics taken. Committee members who do attend court, observe the proceedings and attend our monthly meetings do impart their knowledge and understanding of some of the important issues which need to be addressed.

Bill Shayler and Mashood Kamal make mention in their Court Watch sub-committee report that approximately 800 volunteer hours have been provided by our committee members during 2008 attending monthly meetings, observing court proceedings, attending workshops and organizing for the upcoming 2009 Conference. These numbers will increase substantially in 2009 due to our committee hosting the BC Family & Youth Court Committee Conference.

## In Conclusion

At year's end we wish to thank all members of this Committee for their hard work and commitment during 2008 as a lot was accomplished. We are pleased that 9 of 14 members are returning in 2009. We sadly bid farewell to Dulce Cuenca, Heather Hettiarchchi, and Suzan MacLachlan and thank them very much for their commitment on our committee over the years. We also wish to thank Elaine Kott and Howard Burgess for serving our committee but were, unfortunately, unable to continue their membership throughout 2008.

We are very pleased to report that the 2009 year will commence with a complement of 14 members. Our returning membership will work with five new energetic, knowledgeable and community minded individuals. We envision 2009 to be a very successful year.

At this time 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 Committee Clerks to record



our monthly meetings and prepare our Annual Report. We also wish to thank the Mayor and City Council, and David Weber for supporting our proposal and providing this committee with \$10,000 in funding to host the BC Family & Youth Court Committee Conference in October, 2009.

Respectfully submitted,

Janene Preston and Teresa Vozza  
Co-Chairpersons 2008

### **Presentations in 2008**

We engaged a number of excellent speakers to present during our 2008 monthly evening meetings:

#### **June: Mr. Wes Hock, Richmond Adult Probation (RAP).**

Mr. Hock provided an overview of RAP's role and functions. He explained that RAP is mandated by the Ministry of Public Safety and Solicitor General. RAP is a part of the Corrections Branch, which consists of two divisions: (i) Institutions – provincial jails; and (ii) Community Corrections. RAP currently supervises 455 individuals residing in Richmond; 140 offenders are out on bail and 315 are sentenced offenders whereby sentencing is being served in the community while being supervised. Probation officers work with the court by aiding in investigations and by preparing pre-sentence reports. RAP also facilitates mandated group programs for domestic violence, anger management (non-domestic violence), substance abuse and sex offenders.

#### **September: Ms. Nancy Kinsman, Collaborative Family Lawyer with the Kinsman Law Group, contracted by the Ministry of Children and Family Development (MCFD).**

Ms. Kinsman explained that there is no in-house counsel for MCFD, therefore, they are all on contract. Ms. Kinsman provided the committee with information relating to her role in Child Protection, discussed the Child Protection Act, her interactions with Child Protection Social Workers and the services that are put in place to protect the child. She stated that there has been an increase in removal cases with Neonatal Abstinence Syndrome (NAS) babies due to chronic alcoholic/drug addicted parents in Richmond. Contrast to this is the fact the general removals are not happening as often as before, as there are many services such as family group conferences, mediation, counselling and other alternative assistance that can be put into place to ensure parents are helped and educated. Ms. Kinsman believes there will be an increase in Child Protection cases due to the Canada Line and increased immigration to the Richmond area.

#### **October: Mr. Dave Cooper, Program Director, Touchstone Family Association (TFA).**

Mr. Cooper explained that TFA is a community-based social service agency that is celebrating its 25th Anniversary of providing services to the residents of Richmond. Touchstone receives funding from the Ministry of Children and Family Development (MCFD) and the Public Health Agency of Canada (PHAC). Recently there has been a positive shift from protection services to preventative services. The main focus of Touchstone remains preservation and reunification of

families. Some of the programs offered include counselling services for individuals, children, couples and families; drop-in groups; and support services for caregivers. All programs are free of charge but usually require a referral from MCFD. Recently, however, a direct referral system has been implemented that ensures quicker and easier access to these services.

**November:** Ms. Hazel Yu, Court Services Manager, Richmond Court House.

Ms. Yu provided information about programs and pilot projects offered at the Richmond Court House. She updated the committee on recent statistics, the status of Family Court programs being offered and the staffing changes expected at the Court House in the coming months. Additionally, Ms. Yu was open to suggestions for more comprehensive directional signage as well as signage to better identify Duty Counsel within the Court House.

## SUBCOMMITTEE REPORTS

### Court Watch Committee

Co-Chaired by Bill Shayler and Mashood Kamal through 2008

Another satisfying year regarding coverage of three court jurisdictions: (i) Family Court, (ii) Juvenile Court and (iii) Criminal Court (domestic violence). In 2008 more emphasis was put on Domestic Violence (family violence) than in past years.

We continue to see more and more use of Duty Counsel at sittings of Family Court. This is so important to the efficiency of a local Court House, as several disagreements are settled the day they are heard. A return to court is not needed. Each Thursday the court appoints two Duty Counsels. With the Parenting After Separation (PAS) program in place, it is very obvious that parents come to court with the knowledge of what will transpire during the proceedings. PAS has been a very good tool for speeding up the court process. We have seen continuity in our judges, which only helps the process. This has been a problem in past years.

Through our recruiting program, aided by the City, we find ourselves capable of providing full court coverage throughout 2009. It is important to note that approximately 800 hours of volunteer time was provided by the Committee in 2008 to attend court proceedings on Wednesdays and Thursdays throughout the year. Also, once a month meetings at City Hall, statistic takings and sub-committee work. In 2008 we spent several hours on our upcoming Family Court Committee Conference. Several hours will be volunteered in 2009 toward this endeavour.

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. 2009 is looking to be the busiest year for our Committee since 1964.

Bill Shayler, Co-Chair, Court Watch Sub-Committee

## Richmond Community Services Advisory Committee (RCSAC)

Attended by Gerry Browne, Vice Chair

The Richmond Services Advisory Committee (RCSAC) serves as an association of community groups and comprises 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.

During 2008 we were able to provide a member to attend all regular meetings and serve on their Executive Committee. The opportunity to be represented on the RCSAC provides a connection to the programs and services offered by a vast selection of community organizations. The following are some examples of presentation and projects observed:

- Statistics Canada Presentation – summary of the demographics of Richmond, based on 2006 Census
- Youth Services Plan – explanation of “Where Youth Thrive” project.
- Senior Services of Richmond – explanation of “Aging Well Strategy” project.
- Agency Mentoring – development of a survey for members to complete that will probe the needs and available talents of the RCSAC membership.
- Affordable Housing – explanation of Co-ordinator’s roll and responsibilities.
- Diversity Services – explanation by City Co-ordinator regarding Recreation (Leisure) Access Cards, and Fee Subsidy program.
- Richmond Civic Engagement Network – City Co-ordinator introduced the Network and its aims.
- B.C. Housing Rental Assistance Program – explanation of the Provincial program, which provides tax-free cash assistance to renters in the private rental market.

Respectfully submitted,

Gerry Browne

## 2009 Conference Committee

The biannual conference of B.C. Family and Youth Court Committees is a key mechanism used by the Family & youth Court Advisory Committees throughout the Province to facilitate an exchange of information, as well as an opportunity to educate the membership. The conference is organized and hosted by a member municipality. In addition, the conference is held in a new location every year. The most recent Conference (2007) was hosted by the Tri-Cities (Port Moody, Coquitlam and Port Coquitlam) Family & Youth Court Committee. It was well attended, with a number of Richmond Family and Youth Court Committee members attending. It was indicated that it was Richmond's turn to host such a Conference.

On July 14, 2008, at its Council Meeting, the City of Richmond endorsed the idea that the RFYCC host the 2009 Conference, and the City contributed \$10,000 in cash and in-kind support.

The topic of the Conference is: "Family Violence", and will take place on Friday, October 16 (all day) and on Saturday, October 17 (for the morning only), 2009.

The term Domestic Violence has been used for many years and usually refers to the violence that occurs between two people. More recently it has been recognized that the violence that occurs between two people impacts greatly on all members of the family, the community, and especially children, thus the term "Family Violence". The RFYCC came to a very quick consensus that this topic would be most timely and appropriate for the upcoming Conference.

Respectfully submitted,

Hatem Ela-Alim

## 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:

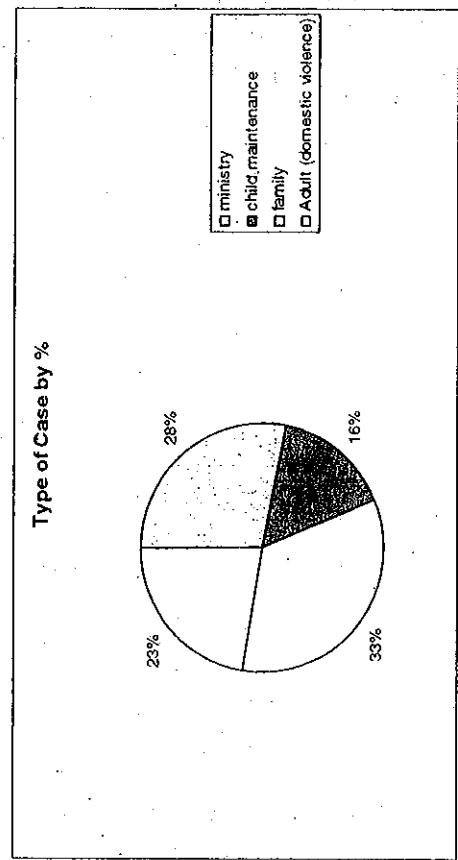
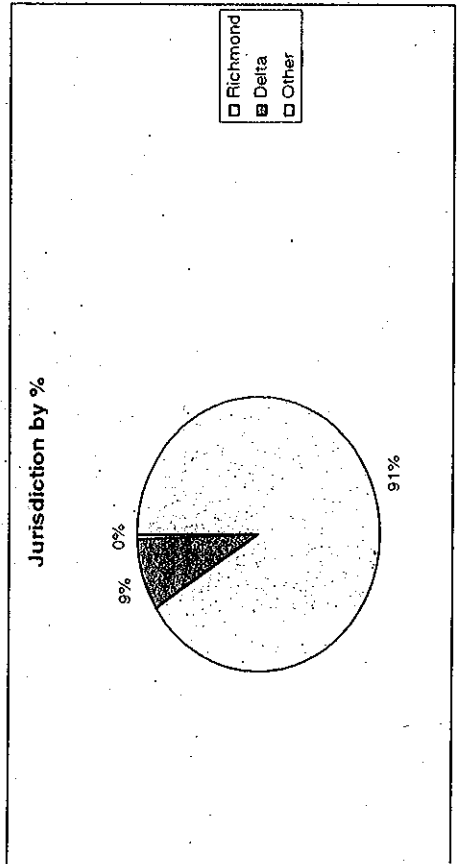
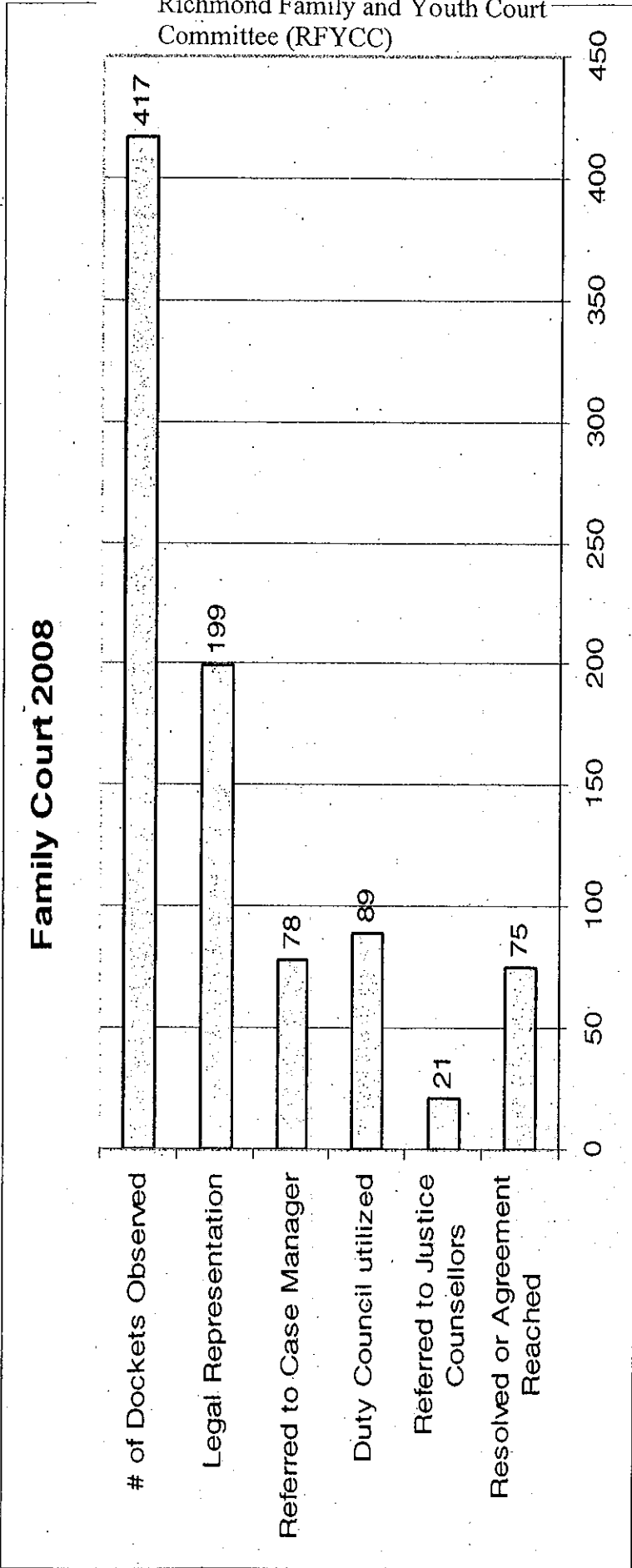
The Attorney General of Canada or a minister designated by the lieutenant governor in council of a province may establish the following types of community-based programs:

- (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.
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# Attachment 1

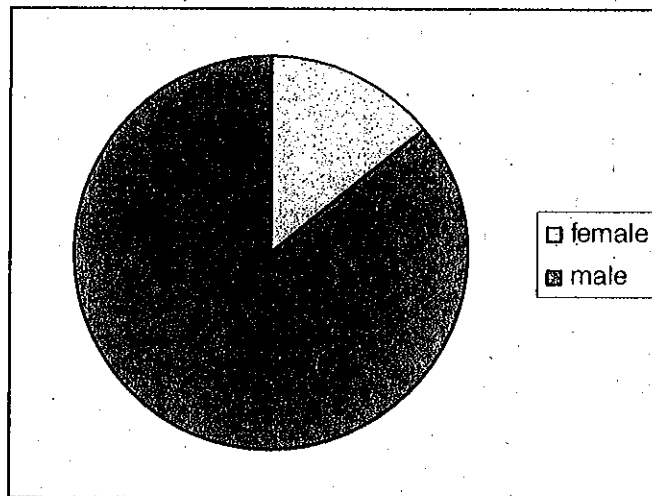
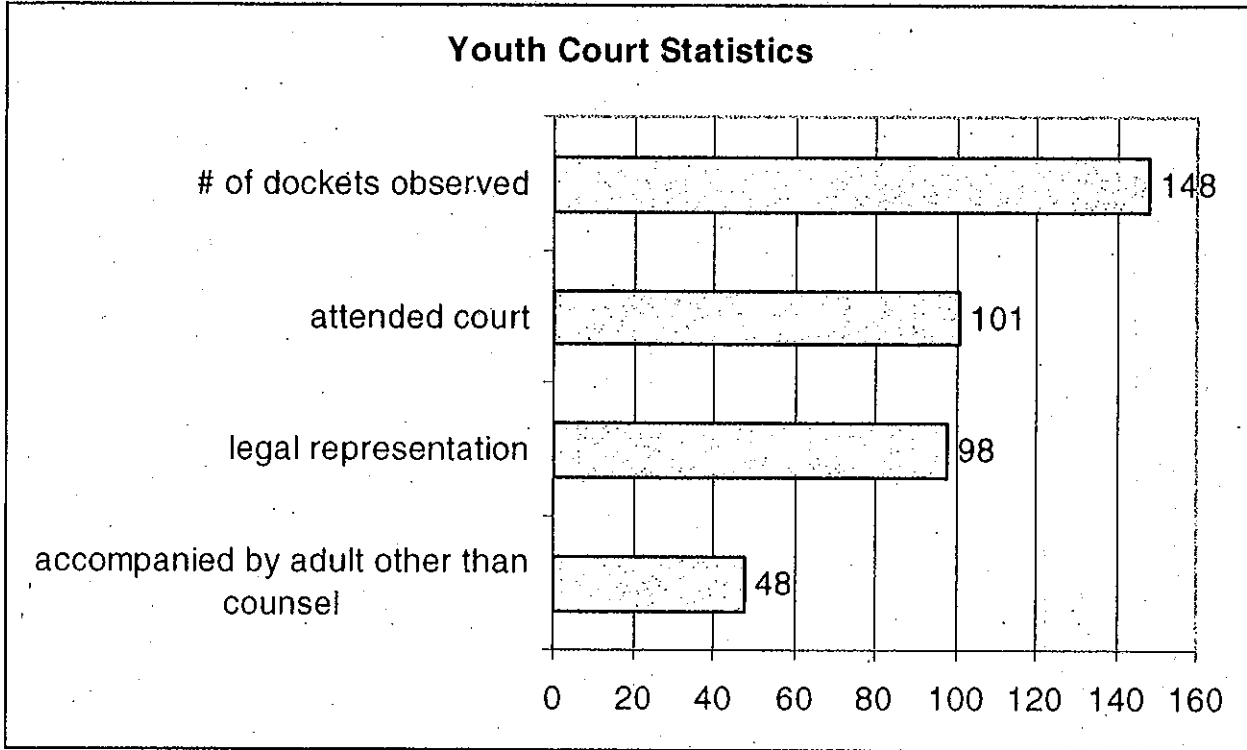
To the 2008 Annual Report of the Richmond Family and Youth Court Committee (RFYCC)

## Family Court Statistics



## Attachment 2

To the 2008 Annual Report of the  
Richmond Family and Youth Court  
Committee (RFYCC)

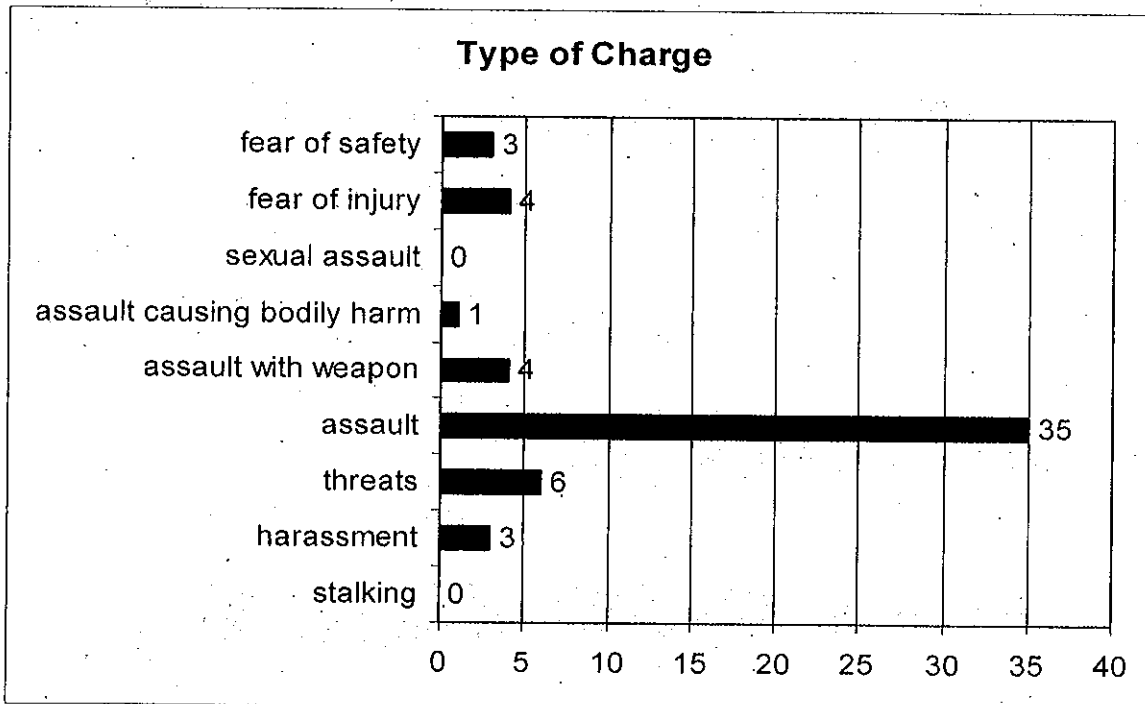
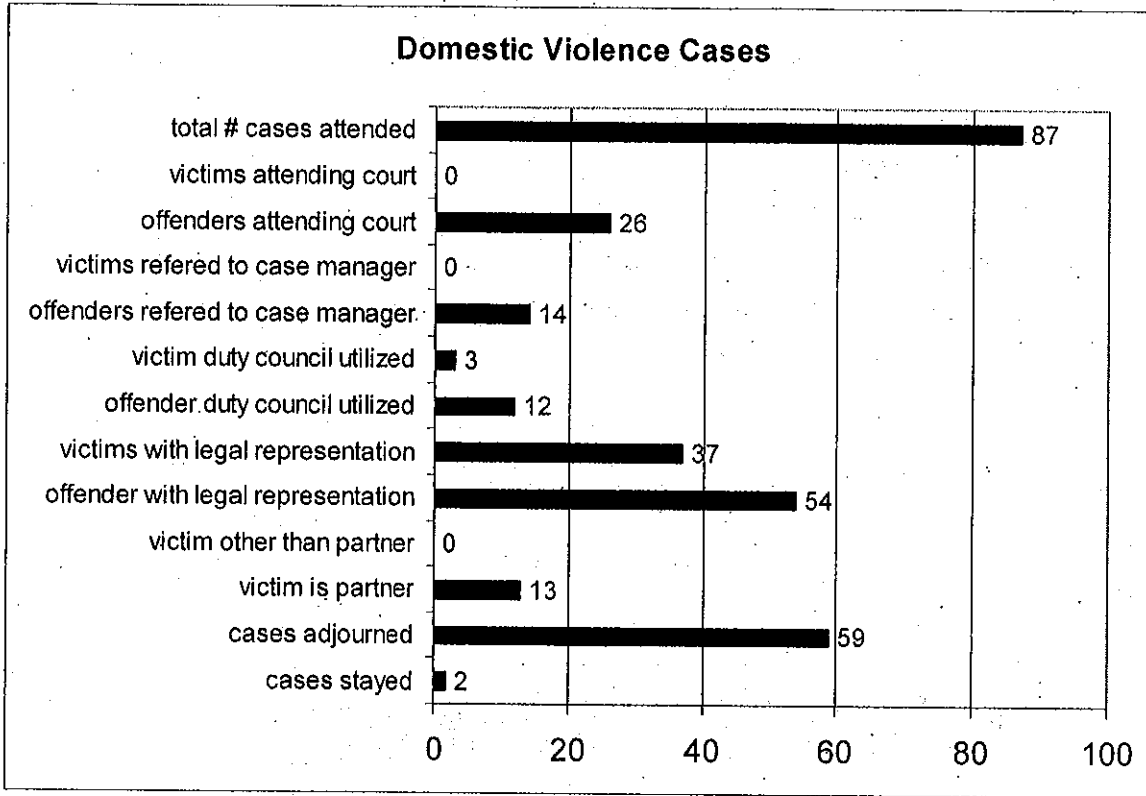




# Attachment 3 (page 1)

To the 2008 Annual Report of the  
Richmond Family and Youth Court  
Committee (RFYCC)

## Domestic Violence Court Statistics (K cases) 2008



**Domestic Violence Court Statistics** Page 2

