



City of Richmond

Report to Committee

To General Purposes July 7, 2008

To: General Purposes Committee

Date: June 19, 2008

From: David Weber
Director, City Clerk's Office

File: 01-0100-20-RFC01-
01/2008-Vol 01

Re: Richmond Family and Youth Court Committee Terms of Reference

Staff Recommendation

That the revised Richmond Family and Youth Court Committee Terms of Reference (Attachment 1 to the report dated June 19, 2008 from the Director, City Clerk's Office) be adopted.

David Weber
Director, City Clerk's Office
(604-276-4098)

Att. 2

FOR ORIGINATING DEPARTMENT USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Staff Report

Origin

The Family and Youth Court Committee (RFYCC) 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 City Council, as well as to the Attorney-General of British Columbia. The RFYCC is the longest serving Family Court Committee in the Province since its establishment in 1964.

Analysis

Members of the Committee have recently completed a review of the Committee's Terms of Reference in the interests of providing an updated version which is more concise. The Committee is now seeking Council's endorsement of the proposed revised Terms of Reference (Attachment 1).

The existing Terms of Reference for the Committee were adopted by Council in June 1984 and a copy is attached to this report for information (Attachment 2). Much of the information contained in the existing Terms of Reference is outdated, no longer applicable, or repetitive. The revisions undertaken by the Committee provide a document that is concise, topical, and up to date.

Financial Impact

None.

Conclusion

Staff recommend that Council adopt the revised Terms of Reference for the Richmond Family and Youth Court Committee.



Gail Johnson,
Manager, Legislative Services
(604-276-4006)

TERMS OF REFERENCE OF THE RICHMOND FAMILY COURT COMMITTEE

The Richmond Family Court Committee (RFCC) is community based and is accountable to the Mayor and City Council, and to the Attorney General of British Columbia. The aim of the RFCC is to examine resources available in the community for family and youth matters, to assist the Family and Youth Court when requested, and to make recommendations to the Attorney General and others as deemed advisable.

MANDATE

Pursuant to Section 5 of the *Provincial Court Act*, [RSC 1996] CHAPTER 379, the Richmond City Council has established the RFCC. The mandate and duties of persons appointed are set down by law as mandatory requirements as follows:

- 5 (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, and 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.

FUNCTION

The RFCC functions as a link between the Court and City Council whereby:

- court personnel and clients may draw on the concern and support of the community;
- family and youth resources may be monitored; and
- community may become educated about the justice system and its effects on children, youth and families.

MEMBERSHIP AND PROCEDURE

The minimum number of members appointed to the RFCC shall be eight (8). The maximum number of members appointed to the RFCC is fifteen (15). Membership is based on a yearly renewable appointment. A quorum is a simple majority of all appointed members (50% plus one).

SELECTION CRITERIA

Prospective appointees will be selected on the basis of the following criteria:

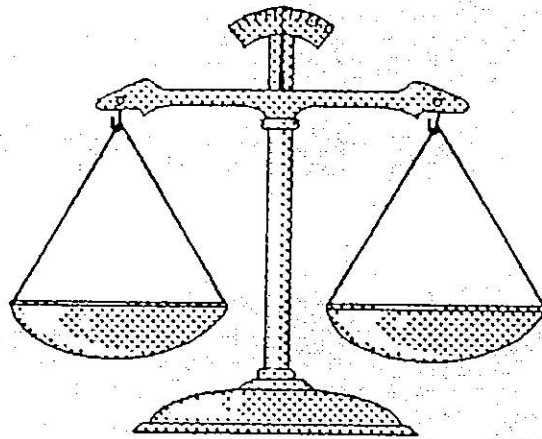
- interest and commitment in promoting the objectives of the RFCC;
- representative of a broad cross-section of business, professional and community-minded individuals who are involved with family and youth law matters, including up to one senior secondary student;
- generally reflective of the communities served by the local Provincial Court hearing family and youth matters
- availability to attend regular monthly meetings;
- availability to attend minimum one session per month during working hours to observe youth and family-related court proceedings; and
- present employment does not place appointee in a conflict of interest situation.

DUTIES

Each member should:

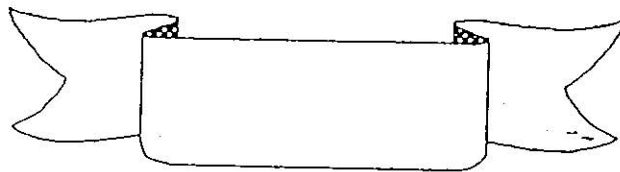
- commit a minimum of four to six hours per month to perform court watch duties and attend regular monthly meetings (the Executive can expect to commit six more hours per month);
- be prepared to act on other committees in the community as a representative of the RFCC;
- be familiar with the minutes of the RFCC meeting;
- be knowledgeable of the aims of the RFCC and its mandate;
- be prepared to accept an executive position; and
- be prepared to attend provincial RFCC meetings.

AN INTRODUCTION
TO THE ROLE AND FUNCTION
OF THE
RICHMOND FAMILY COURT
AND
YOUTH JUSTICE COMMITTEE



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COMMITTEE ROLE AND FUNCTION

FAMILY COURT

The Family Court Committee is:

- provided for by law
- community based
- accountable to the Attorney General of British Columbia
- accountable to the Mayor and Council of the City of Richmond

It is a link between the Court and City Council and provides a means whereby:

- the Court, its officers, staff and clients may draw on the concern and support of the community.
- community members may become better informed and involved in the justice system as it affects families, children, youth and the community at large.
- community resources available for families and youth may be monitored.

(See Appendix A - Mandate of the Family Court Committee).

The Family Court Committee obtains its information by attending:

- Family and Youth Court hearings;
- justice and social service workshops and conferences;
- meetings of the Richmond Community Services Council (of which it is a voting member); and
- joint meetings with other Family Court Committees.

It also obtains information from:

- Provincial and Federal statutes and municipal bylaws governing matters in Family and Youth Court;
- publications of government departments, professional bodies and the media; and
- meetings with justice and social service officials for the purpose of gathering specific information and for following up on complaints and problems raised by the community or by the Court, its officers and clients.

On occasion, information obtained and the findings and resulting recommendations, will be submitted to the Attorney General, to Council and others as briefs and reports. These may originate with the Committee or be in response to requests for Committee comment and advice on matters within its mandate, for example:

- expansion or cutbacks of existing resources for family child and youth matters.
- development of new resources in response to identified needs.

-
- proposed changes in legislation and administrative practice which impact on the Court and the delivery of court services.

The establishment of community resources in which the Richmond Committee had an active role include:

- Richmond Friendship Home Society.
- The Juvenile Diversion Program.
- Richmond Community services Council
- R.C.M.P. Youth Intervention Program.
- Richmond Family Place.
- Richmond Child Protection Network.

Of ongoing concern to the Committee is the scarcity of treatment resources for emotionally disturbed children and young people coming to the attention of school, health, child welfare and justice authorities.

THE RICHMOND FAMILY COURT COMMITTEE HAS COMPLETED ITS 28TH YEAR OF SERVICE AND IS THE LONGEST ESTABLISHED COMMITTEE WITH CONTINUOUS SERVICE IN THE PROVINCE SINCE ITS ESTABLISHMENT IN 1964.

Until 1984, Richmond Family Court Committee function as a Juvenile Court Committee, pursuant to Section 27-29 of the Federal Juvenile Delinquents Act. These Committees became defunct when the Act was repealed and replaced with the Young Offenders Act. In May 1984, Richmond Family Court Committee petitioned the Attorney General, through the Mayor and Council, for official recognition as a Youth Justice Committee, as provided for in the Young Offenders Act. This was granted on 27th June, 1984.

COURTS AND ALTERNATIVES TO COURT ACTION

There are three levels of courts in British Columbia.

In order of rank they are:

- Court of Appeal of British Columbia
- Supreme Court of British Columbia

(both of the above are headed by a Chief Justice).

- Provincial Court of British Columbia *(headed by a Chief Judge)*

Provincial Court Judges are appointed by the province and deal with criminal, civil, family, and municipal bylaw matters that fall within provincial jurisdiction.

Judges of the Supreme and Appeal Court are federally appointed.

The highest Court of Appeal, for both civil and criminal matters is the Supreme Court of Canada in Ottawa.

FAMILY COURT

The Family Court is part of the Provincial Court system, and small claims matters also fall within its jurisdiction.

Matters heard by Family Court Judges (Provincial Court Judges) include those involving young people 12 to 17 inclusive who are formally charged with offenses under Canada's *Young Offenders Act* and the *Young Offenders (British Columbia) Act* - complementary legislation enacted by the province to deal with matters governed by provincial statutes and municipal bylaws.

Offenses involving young people are dealt with separately from adult offenders and usually on different days. The Court is known as a **Youth Court**, the judge is known as a **Youth Court Judge**, and the young person's probation officer is known as a **Youth Probation Officer**.

As with some youth matters, some family matters can also be resolved without a court appearance or hearing.

Family matters dealt with by Family Court Judges are those covered by provincially-enacted statutes such as separation, child maintenance, custody and access, the protection and apprehension of children at risk, and assault by family members or relatives of a less serious nature.

Family matters involving divorce and division of matrimonial property are governed by federally-enacted laws and are heard in Supreme Court by federally-appointed Supreme Court Judges.

Custody and maintenance orders may also be obtained in Supreme Court. Applications to enforce orders of the Supreme Court may be heard and ruled on in Family Court. Applications to vary the conditions of a Supreme Court Order such as amounts to be paid, etc., must go back to Supreme Court.

Family Counsellors prepare reports for the courts in matters of child custody and access or visiting arrangements. They interview clients who are in dispute over child maintenance, custody and access or spouse maintenance, or who have complaints of physical abuse.

Family Counsellors also offer conciliation counselling as an alternative to court action, as well as counselling prior to and following court action.

They also prepare reports and make recommendations to the prosecutor and to the judge regarding the handling of young persons who are accused of breaking the law. Family Counsellors also supervise young persons on probation in their role as Youth Probation officer - formerly known as Juvenile Probation officers.

ALTERNATIVE MEASURES FOR YOUNG OFFENDERS

Previously known as "Diversion", Alternative Measures provide different options for dealing with young offenders other than through the court process.

There is no formal record of conviction as a result of participation in alternative measures. These measures may include community service hours, an apology, restitution to the victim, or counselling.

Alternative Measures are used to avoid the unnecessary referral to the Court, and the offer young people the opportunity to accept responsibility for their behaviour. Alternative Measures also help to promote community involvement and awareness.

N.B. Before Alternative Measures can be considered, the offender must admit to a probation officer that he has committed the offence. This is not a plea of guilt but is an admission of same. This is required to allow the Probation Officer to investigate the circumstances and apply the diversionary process.

*APPOINTMENTS, DUTIES AND COMMITTEE EXPECTATIONS
OF MEMBERS*

*POLICY, CRITERIA AND PROCEDURES FOR APPOINTMENT TO THE
RICHMOND FAMILY COURT COMMITTEE*

BACKGROUND

Pursuant to Section 4 of the Provincial Court Act, Richmond City Council has established a Family Court Committee. The aim of this Committee is to consider and examine resource available in the community for family and children's matters, to assist the Family Court when requested, and to make recommendations to the Attorney General and others as deemed advisable.

POLICY

It is the policy of Richmond City Council to encourage participation by a cross-section of residents in the community who are interested in matters of this nature.

CRITERIA

Prospective appointees will be selected on the basis of the following criteria:

- Interest and commitment in promoting the objectives of the Family Court Committee.
- Representative of a broad spectrum of business, professional and community-minded individuals, both men and women, including at least one senior secondary student.
- Availability to attend regular monthly meetings.
- Willingness to participate as a member or chairman of a sub-committee during his/her term of office.
- Availability to attend a minimum of two sessions per year - during working hours - as may be required on a rotational basis, to observe Family Court proceedings.
- Present employment does not place appointee in a conflict of interest situation.

PROCEDURES

- Advertisements placed in media for persons interested in serving on Family Court Committee in September each year, with deadline date for submission of applications being October 31st.
- Establishment of Selection Committee consisting of:

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- City Council representative to the Family Court Committee (Chair);
 - City Clerk or designate; and
 - Social Planner

to review resumes received in conjunction with approved selection criteria.

- Liaison with the Chair of the Richmond Family Court Committee as required.
- Preparation of a short list of candidates.
- Chair of Selection Committee brings forward report on appointments to the Health and Social Services Committee of Council for review, and report to Council.

MEMBERS

- The number of members appointed to the Richmond Family Court Committee shall be 15 and not less than 12 at any time.

Each member should be prepared:

- to commit a minimum of 4 to 6 hours per month to the business of the Family Court Committee with possibly several more on specific sub-committee projects. The Executive can expect to commit 6 more hours per month;
- to accept an executive position;
- to act on other committees in the community as a representative Family Court Committee member;
- to attend meetings regularly. Non-attendance at three consecutive meetings may constitute a request for resignation;
- to be familiar with the minutes; and
- to be knowledgeable of the aims of the Committee and its mandate.

In recent years, Family Court Committees throughout the province have also met as a larger group. At these larger meetings, Committee representation is considered essential and members should also be prepared to attend.

DISCRETIONARY POLICIES

- Although it is not a requirement, the new Committee and its Executive may be formally installed at the first meeting of the year, with the Mayor or a representative invited to conduct a more formal confirmation of Council's appointments - See Appendix A.
- All members may indicate their particular interests and may work on committees which cover these.

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- It would be desirable to have a student as a member who might be from a law class of one of the senior secondary schools, as a full committee member. Other senior secondary students may be invited to attend meetings and work on sub-committees, thus ensuring the Family Court Committee of continual input from young people in the community.
 - Though this is not a requirement under the Provincial Court Act, Council may appoint a Councillor annually as an ex-officio member of the Committee, thus providing direct liaison and mutual support of all undertakings.
 - The Committee is able to call upon any number of resource persons as needed. They may be from all services, Ministries, Departments, Courts, labour, management, etc.
 - Resignation of a member should be in writing and will be submitted to Council.
 - Names of members who are willing to serve on the Committee for another year's term are presented to City Council for re-appointment consideration in November of each year.

EXECUTIVE

- The Executive consists of the Chair and the Vice-Chair, appointed by Council, and the immediate Past Chair.
- The Executive may be nominated by the members and agreed upon by declaration of hands, or by ballot. The names are then submitted to City Council for approval.
- The Executive may be installed at the first meeting of the year.
- The Executive meetings may be held regularly or at such times as are deemed necessary.
- Minutes of the Executive meetings may be kept by one of the Executive.

DUTIES OF OFFICERS

- The **CHAIR** presides at all meetings of the Committee and all meetings of the Executive; and performs all such duties as required.
- The **VICE-CHAIR**, in the absence of the Chair, exercises all the functions of the Chair and has all similar responsibilities.
- Secretarial Services are supplied by the City. The **SECRETARY** takes minutes of the Committee meetings and circulates/mails them prior to that next Committee meeting, after the Chair has approved them.
- Copies of the minutes, correspondence, etc., are kept on file by the Secretary.

FINANCES

- The City Council budgets for expenses of the Committee through the City Clerk's Office, providing secretarial services, stationery, photocopying, etc. Receipts must be submitted for incidental expenses and reimbursement is made by cheque.
- Legitimate expenditures are those approved by majority vote upon due motion. No officer or member otherwise may disburse any funds.

A financial statement is submitted at year's end to the Committee and at the regular meeting following each transaction or record in the minutes.

COMMITTEES - STANDING, SUB, TASK FORCES, ETC.

- Sub-committees may be appointed at any time, as required - as needs arise in the community, or in response to pending legislation. Further, on the majority vote of the members at any regular meeting, the Chair appoints such committees as the members direct, and appoints a chair of such a committee from the voting members.
- The chair of a sub-committee may recruit resource persons from outside the regular membership to assist the sub-committee in a particular project.

GUIDELINES FOR SUB-COMMITTEES WHICH ARE STRUCK TO PREPARE BRIEFS

- Meetings should be held at a time and date which is suitable to the majority of the sub-committee.
- Sufficient meetings to be held for discussion of content. A rough draft of the brief must be made and circulated to all sub-committee members for perusal and discussion at a sub-committee meeting prior to presentation to the Richmond Family Court Committee.
- That ample time be allowed so that the recommendations of the sub-committee can be returned to the full Family Court Committee for majority approval.
- That the matter of personal presentation be discussed within the sub-committee which has been established and be supported by its majority.

PROCEDURE

- Voting is by declaration, but is not recorded individually, unless the members so wishes.
- The vote of the majority is the vote of the Committee.
- A quorum is simple majority of 50% plus one.
- Procedure is generally followed as in the bylaw of the Richmond City Council. Excepts from Bourinot's Parliamentary Procedures are in the Committee's files.

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- The Committee submits an annual report to City Council and to the Attorney General of British Columbia.
 - The Committee may report verbally to the Mayor at various times. It may be required to report to the Attorney General, and may report directly to him when this is deemed advisable.
 - The aims and priorities of the Committee should be re-appraised annually.

MEETINGS

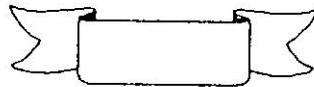
- Regular meetings are held monthly except during the months of July and August, unless otherwise called. Meetings are held in the W. H. Anderson Room, City Hall.
- Additional study or social meetings may be held from time to time.
- Chairs of sub-committees may call the required number of meetings for their particular study to complete the work within reasonable time frames.

APPENDIX "A"

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, Chapter 341 of the Provincial Court Act.

4.
 - i) Each municipality shall have a family court committee appointed by the municipal council in January of each year, the members to include persons with experience in education, health, probation or welfare, and to serve without remuneration.
 - ii) Where a court facility in which family matters are dealt with services more than one municipality or area not in a municipality, the family court committee shall be composed of representatives from each area served.
 - iii) The municipalities involved shall appoint one member of the family court committee as chairman, and another as vice chairman.
 - iv) The family court committee shall:
 - a. meet not less than 4 times a year to consider and examine the resources of the community for family and children's matter to assist the court when requested and generally, and to make recommendations to the court, the Attorney General or others it considers advisable;
 - b. assist the officers and judges of the court, where requested, to provide a community resource or assistance in individual cases referred to the committee; and
 - c. report annually to the municipalities involved and to the Attorney General respecting their activities during the past year.

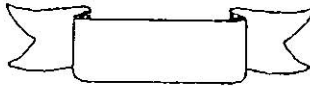


APPENDIX "B"

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.



APPENDIX "C"

RICHMOND FAMILY COURT COMMITTEE

INSTALLATION CEREMONY

Held in (Place):

Date:

Conducted By:

Mayor or Councillor

MR./MADAM CHAIR:

I call upon the newly-appointed Executive to stand forward.

According to the Provincial Legislation of 1977, it is the mandate of the Richmond Family Court Committee:

- a. 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 such recommendations to the court, to the Attorney General, or to others as may be considered advisable;
- b. to assist the officer and judges of the court, where requested, to provide a community resource, or assistance in individual cases referred to the Committee; and
- c. to report annually to the City Council and to the Attorney General on activities during the past year.

You have declared your agreement to accept the Executive position of the Richmond family Court Committee, under your mandate; and have been appointed by the City Council.

Do you agree

- a) to fulfil your duties to the best of your ability, following the objectives of the Committee as stated in the Operations Guidelines;
- b) to work closely with the officers and personnel of the Family Court, and members of the Richmond Family Court Committee; and
- c) to endeavour to be of assistance to the families and children of the City of Richmond?

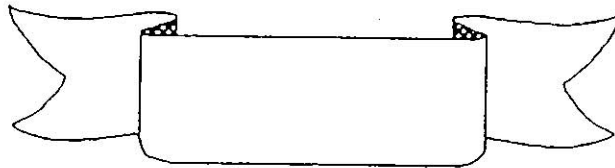
ANSWER: WE DO

Will the members of the Committee please indicate their willingness to fully support their executive?

ANSWER: WE DO

I do hereby declare you to be duly installed for this year of _____

Signed: _____



APPENDIX "D"

Date _____ 19 _____

I wish to speak to a member of the Family Court Committee.

Please contact me at your earliest convenience at

Phone No. _____

between the hours of _____

Name (Last Name Optional) _____

Please note:

- Messages are collected at Noon, Mondays and Thursdays by a Family Court Committee member.
- Responding telephone calls will be made WEEKDAYS only by the Chair, Deputy Chair or member designated by them.
- All matters and concerns brought to the Committee's attention will be treated in STRICT CONFIDENCE.

