



City of
Richmond

Family & Youth Court Committee

Annual Report

2018

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2018 Membership

Heather McDonald, Chair
Lorne Brandt, Vice-Chair
Anna Chan
Kenny Chiu
Sana Ghanbari
Helen (Heng Yu) Huang
Lisa Picotte-Li
Emmett Mark
Kathleen Muir
Catherine Nelson
Judith Nixon
Timothy Osiowy
Cynthia Zhou

Council Liaison
Councillor Carol Day

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 Councillors, 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, Legal Services Society, the B.C. Law Society, 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 Committee may also provide information and recommendations to the Chief Justice of the Provincial Court. 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 Family and Youth justice system.

To achieve the volunteer-based Committee's mandate of "understanding and monitoring the legislation and administrative practises relating to the justice system," members of the Committee regularly attend family proceedings in Richmond Provincial Court, and attend youth proceedings in that same Court when practical to do so. As impartial observers, they view cases involving applications made under the *Family Law Act*, *Interjurisdictional Support Orders Act*, *Family Maintenance Enforcement Act*, *Child Family and Community Services Act*, and the *Youth Criminal Justice Act*.

With respect to the Committee's role in "Court Watch", the number of cases our Committee members can observe is determined by the availability of members to attend court on any specific day of the week. Thursdays are usually scheduled for proceedings in Richmond Provincial Court, Family Division.

Members' issues and concerns arising from Court watch activities are reported to the Committee as a whole 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 record, on Observation Sheets, objective observations about courtroom procedures, while respecting and maintaining the privacy of individuals involved in the proceedings.

Chair's Report

Membership Overview

The Committee commenced 2018 with fifteen (15) members. Due to illness and changes of residence, there were several resignations and by the end of the year, Committee membership was reduced to eleven (11) members. Most Committee members made time to regularly attend monthly Committee meetings and several were regular attendees of Richmond Provincial Court proceedings. The Committee is a “working” Committee and all members are expected to regularly attend monthly meetings and to regularly participate as Court Watch observers.

Activities in 2018

1. Report and Recommendations to Mayor & City Council; Office of the Chief Judge, Provincial Court of British Columbia; Offices of the Attorney-General and Deputy Attorney-General

Over three years spanning 2014 through to 2017, the Committee's court observation gave rise to numerous concerns about the operations of the Richmond Provincial Court, Family Division, together with more general concerns about the provincial family justice system. The Committee drafted a letter to the Honourable David Eby, Attorney General of British Columbia as well as to Mr. Richard Fyfe, Deputy Attorney General and Deputy Minister, Justice. That letter formed an Appendix to the Committee's 2017 Annual Report.

On February 26, 2018, the Committee's Chair, Heather Kulyk McDonald, presented the Committee's 2017 Annual Report to the Mayor and City Council at a public Council meeting. She reviewed the Annual Report, described the Committee's concerns about the Provincial family justice system and in particular, focused on Committee's opinion that Richmond Provincial courthouse needs upgrading or replacement and explained the Committee's view that the building is no longer appropriate as the seat of Provincial justice in Richmond.

Ms. McDonald concluded her presentation by requesting that the City strike a task force to work with provincial Government representatives towards establishing a new Courthouse in the City. Mayor Brodie responded with the suggestion that the City wait for a response to the Committee's letter from the Attorney General and deputy Attorney General.

The Committee then finalized its draft letter. In early March 2018 the Committee sent the letter to the Attorney General, deputy Attorney General and, given the concerns expressed in the letter about the Provincial court justice system, also to the Chief Judge, Provincial Court. The letter requested that representatives of the Attorney General meet with Committee representatives to discuss the concerns expressed therein.

The Office of the Attorney General responded to the Committee's letter with an invitation to a meeting scheduled in Victoria, BC on May 15, 2018.

On May 15, 2018, in Victoria, Committee Chair Heather Kulyk McDonald, Vice-Chair Lorne Brandt attended the meeting, together with the City's Senior Manager, Real Estate, Kirk Taylor. Provincial government representatives at the meeting were the Honourable David Eby, Attorney General; Mr. Richard Fyfe, the Deputy Attorney General and Deputy Minister, Justice; Ms. Linda Cavanaugh, Assistant Deputy Minister, Ministry of Justice, Court Services; and Mr. Derrick Harder, senior Ministerial assistant to Minister Eby.

The Provincial government representatives gave a respectful audience to the Committee's concerns and recommendations. They responded by explaining numerous government initiatives to improve the family justice system and Provincial Court operations, including significantly increased funding to the Legal Services Society so that more persons with family law problems may receive low-cost or no-cost legal assistance.

The City's senior manager, real estate, Kirk Taylor, noted that the lease for Richmond's Courthouse was up for renewal in the late autumn 2018. Ms. Cavanaugh advised that the Richmond Courthouse is part of an ongoing Provincial government capital asset review which includes all courthouses in the province. She noted that in addition to the Richmond Courthouse, there is another Courthouse in British Columbia that is also of concern as part of the capital asset review. Ms. Cavanaugh also indicated that problems with lack of Wi-Fi and poor signage in Richmond's Courthouse were problems that could and would be rectified in the near future.

The meeting concluded with an invitation to the Committee to include it in the Provincial government's ongoing consultation process to revise the Family Court Rules. This project includes initiatives such as encouraging more mediation to resolve family disputes, rather than litigious processes. The Committee accepted that invitation.

Mr. Harder also advised that he would provide the Committee with the contact information for other Family and Youth Court Committees in British Columbia, so that the Committee could explore working with those other groups on issues of mutual concern.

Mr. Taylor, Ms. McDonald and Mr. Brandt expressed the City's desire to cooperate and assist the Provincial government with its initiatives to improve British Columbia's justice system.

2. Speakers and Presentations at monthly Committee meetings

In 2018 the Committee benefitted from presentations by five community representatives who, at different monthly meetings, shared their expertise and knowledge in specific fields affected by the province's family and youth justice system:

March 7, 2018 Committee meeting – Haroon Bajwa, Coordinator, Richmond Restorative Justice Program, Touchstone Family Association. Mr. Bajwa described the restorative justice program as a community justice forum that is a highly successful alternative to traditional litigation as a

means of resolving criminal matters, in particular youth offences. He explained the referral criteria and the Program's excellent working relationship with the RCMP.

April 4, 2018 Committee meeting – Lisa Alexander, a family law lawyer and member of the Collaborative Divorce Team, explained the relatively new program known as “collaborative divorce” in which professionals with a variety of skills (lawyers, counsellors, psychologists) work with divorcing couples toward a peaceful resolution of divorce issues, avoiding expensive and stressful litigation. This non-adversarial approach to divorce works well where both spouses are committed to a peaceful, civil resolution to end their marriage.

May 2, 2018 Committee meeting – Salima Samnani, a family law and administrative law lawyer, spoke about jurisdictional and other issues involving Provincial Family and Youth Court. As well, she commented on the Committee's recommendations to the Attorney General in its March 2018 letter. She encouraged a vision of a provincial justice system that employed non-traditional, rather than litigious, resolutions of legal disputes involving family and youth issues.

September 5, 2018 Committee meeting – Dave MacDonald, Executive Director of Pathways Clubhouse, and Mike Tibbles, Clubhouse member, gave a presentation about Clubhouse operations. As well, they discussed the interface between persons with mental illnesses and the Provincial family and youth justice system.

November 7, 2018 – Danny Taylor, Prevention Team, Richmond Addiction Services Society, gave a presentation explaining the operations of the Society as well as the interface between persons with addictions and the Provincial family and youth justice system.

3. Efforts to Liaise with other Family Court and Youth Justice Committees in British Columbia

The office of the Attorney General provided the Committee with contact information for two other similar committees ostensibly operating in British Columbia. It is noteworthy that although every city which has a Provincial Family Court may have a Family and Youth Court committee, only two other cities in British Columbia have apparently established similar committees: the City of Vancouver and the City of Victoria.

Our Committee hoped to meet with other British Columbia committees to discuss activities and whether there might be areas of mutual concern that we could address through joint efforts. Although efforts were made, through email, telephone messages and a Canada Post letter, to contact Colwood Councillor Cynthia Day, the chair of the Victoria Family Court and Youth Justice Committee, we received no response from her or anyone else associated with the Victoria committee. The Victoria committee has a website at www.victoriafamilycourt.ca indicating that the last committee meeting was held in January 2015. The evidence indicates that although Victoria has established a committee under the relevant legislation, that committee has not been active for approximately four years.

Our Committee also made efforts to contact the chair of the Vancouver committee which is known as the Children, Youth and Families Advisory Committee. The City of Vancouver website indicates that “if requested by the Provincial Court”, its committee is also mandated as a family court committee and a youth justice committee. Gillian Guilmant-Smith, formerly acting chair and now staff liaison for the Vancouver committee, advised us that to the best of her knowledge, the Vancouver committee has not ever been asked to function as a family court committee or a youth justice committee. The scope of their committee’s operation is to advise the City of Vancouver on general issues involving children, youth and families.

The evidence is, therefore, that the City of Richmond is the only city in British Columbia which has an active family court and youth justice committee established under the Provincial Court Act and the Youth Criminal Justice Act.

Although we failed in our efforts to find and work with another British Columbia committee with a role similar to our Committee, we submit that the City of Richmond should take pride in being the first city in British Columbia to take the initiative in establishing such a committee in 1964. Further, the City of Richmond should also take pride in the fact that its Committee has continuously operated since 1964 and is, as of the date of this Report, the only active committee of its kind in British Columbia.

4. City of Richmond Diversity Symposium – November 2, 2018

Together with numerous other community groups, the Committee participated in the City of Richmond’s Diversity Symposium held on November 2, 2018 at Richmond City Hall. Committee members who registered and attended the symposium were Heather Kulyk McDonald, Judith Nixon, Helen Huang and Timothy Osiowy.

The Committee developed a very brief survey for participants to complete, to describe their experiences with the Richmond Family and Youth Court. Several people took the survey away with them to complete. Committee members staffing the information table at the symposium spoke to numerous attendees to explain the Committee’s role. The response from the attendees was positive, with most expressing an interest in learning more about the Committee’s activities and its role as a community advisory body. See photo below of Committee members who staffed the Committee’s information table:



From left to right: Helen Huang, Heather Kulyk McDonald, Judith Nixon

Past Achievements and Future Goals

The Committee is well aware that its role is an advisory one, limited to gathering information and providing advice and recommendations to the City of Richmond as well as the Attorney General's Ministry. We measure our success, therefore, in terms of doing our best to raise awareness about issues related to Provincial Court Family and Youth operations.

- (i) The May 2018 meeting with representatives from the Ministry of the Attorney General was a respectful one. The Committee's concerns were validated on many points. The Committee also learned of the following significant initiatives by the provincial government which address some of the Committee's concerns: increased funding for legal aid services, particularly for family law; increased funding to improve services to Indigenous persons in the provincial judicial system; appointment of several new provincial court judges; plans for new and improved delivery of justice, such as legal technicians and other non-lawyers who can assist with legal services; more administrative court clerks to be appointed to smooth administrative processes; transfer back from Richmond Court to Surrey Court the traffic violations with Surrey jurisdiction – this will free up Richmond Court time.
- (ii) The Committee accepted the Ministry's invitation to participate in the consultative process involved in the revision of the Family Court Rules. The status of the Family Court Rules revision Project, as of the date of this Report, is that the Ministry is currently involved in drafting suggested revisions which will be circulated to participants in the consultative process for their comments and recommendations. The Committee expects to receive a package from the Ministry sometime in the first half of 2019. The Committee will then strike a sub-committee to work on reviewing the draft amendments to the Rules, and prepare written submissions to the Ministry.
- (iii) It was evident from the May 2018 meeting with Ministry representatives that the state of the Richmond Courthouse is a live issue with the Ministry. The City of Richmond's senior real estate manager is currently working with the Ministry on Courthouse issues. Although we were expecting to hear final status by the end of 2018, the Committee now understands that this deadline has been extended while the parties work on outstanding matters – we expect to hear more by the end of June 2019.
- (iv) The Committee received a request for assistance from one of the duty counsel regularly scheduled at Richmond Courthouse. This request concerns the need for a computer, with Internet access, and a printer in the Duty Counsel office, so that duty counsel may better be able to assist litigants by giving them printed advice, and by searching law via the Internet as part of the advisory process. The Committee is working on this request and hopes that the Ministry and the Legal Services Society will work together to accommodate duty counsel's request. Until Wi-Fi is installed in Richmond Courthouse, however, Internet access will not be achieved.

- (v) The Committee intends to continue extending invitations to persons involved in community outreach programs and in the legal field, to better educate our members about family law, the provincial justice system, and issues that impact on these areas. In early 2019, we hope to have Dia Montgomery, a Vancouver family law lawyer, come to speak to us, as well as a Legal Services Society lawyer, Rhaea Bailey, who specializes in Indigenous law, including family law.

- (vi) For some years, the Committee has appointed one of its members to be a representative on the Richmond Community Services Advisory Committee. The Committee will be considering, in 2019, whether it is advisable to continue sending a representative to the Community Services Advisory Committee. Our Committee member Judith Nixon, the 2018 appointee from our Committee has provided her summary of the 2018 activities of the Community Services Advisory Committee. Although networking is valuable, a member's time may be better spent on activities such as the Family Court Rules Revision Project's consultation process.

- (vii) Court observation activities form the foundation of the Committee's activities because it is from these observations that we fulfil our mandate to develop advice and recommendations to the City, the Court and the Attorney General. Court observations will continue in 2019.

- (viii) One goal is to develop, with the City's assistance and perhaps as part of the City's website, a website page or part of the City's website page that comprehensively explains the Committee's mandate and activities. It would be helpful if a website page would give contact information, perhaps in the form of a website submission area, so that citizens could easily contact Committee representatives.

Committee’s Budget for 2018

The Committee receives and is grateful to the City for its annual \$2500 budget. The Table below accounts for Committee expenditures in 2018:

Date	Type of Expense	Amount
Jan-18	Catering for Meeting (drinks and snacks)	\$53.65
Feb-18	Catering for Meeting (drinks and snacks)	\$53.65
Mar-18	Catering for Meeting (drinks and snacks)	\$53.65
Apr-18	Catering for Meeting (drinks and snacks)	\$53.65
May-18	Catering for Meeting (drinks and snacks)	\$53.65
Jun-18	Catering for Meeting (drinks and snacks)	\$53.65
Jul-18	Gift Cards/Coffee & Trip to Victoria to Meet AG	\$291.21
Sep-18	Catering for Meeting (drinks and snacks)	\$53.65
Nov-18	Gift Cards/Banner & Pamphlets for FYCC	\$250.70
Dec-18	Year End Committee Dinner & Meeting	\$502.77
	2018 Total Expenses	\$1,420.23

Conclusion

As Committee chair for the 2018 year, I would like to thank all members of the 2018 Committee for their work and commitment during the year, and also to welcome new members for the 2019 year.

The Committee thanks Mayor Malcolm Brodie, the City Councillors and our Councillor liaison Carol Day, for supporting us with a place to meet and an annual budget. We also thank all of them for listening respectfully and thoughtfully to our observations and recommendations. We thank the City staff, in particular Cecilia Achiam and Kirk Taylor who, with the support of the Mayor and Council, worked cooperatively with our Committee and the Ministry of the Attorney General to further the administration of the provincial justice system in British Columbia.

We extend a special thank you to the City Clerk’s Office for their continued guidance and support to our Committee. We particularly thank Legislative Services Coordinator Sarah Goddard for her generous and valuable assistance throughout the year.

Respectfully submitted,

Heather Kulyk McDonald

Chair, 2018 Family & Youth Court Committee

Report of the Committee's representative to the Richmond Community Services Advisory Committee

The Richmond Service Advisory Committee (RCSAC) has two objectives: to educate and to share information regarding social, health and community matters.

I took on the responsibility when the initial volunteer was not able to continue. My tenure commenced in May, 2018.

Attending the RCSAC are members from thirty-one agencies, two citizen appointees, one individual member, a City of Richmond council liaison and a City staff liaison. This is very large group gathers around an extremely large collection of tables to share their committee reports.

While I was aware of the existence of the RCSAC, and somewhat aware of its purpose, I soon found that in order to benefit from the committee itself, I should have started in January, as had the other members, most of whom had been members for more than one year. All sub-committees were set and for the two meetings I attended prior to the summer break, I presented one report of our committee's work in May and in June I attended the workshop set up for the RCSAC to discuss possible changes to improve and streamline the work of said committee.

I am not aware of the changes implemented, as there is no email communication between the members or any of the staff liaison members. I take full responsibility for this failure as I assumed that the RCSAC was run in the same way as the FYCC, with an Agenda e-mailed out a week in advance of each meeting in order that the members might refresh their memory of the prior meeting and spot any errors and/or omissions.

I know quite well the representatives of two of the other committees and believe that were I able to take on this position in 2019, the results would be quite different and the Family & Youth Court Committee would benefit from a renewed relationship with the Richmond Service Advisory Committee.

Respectfully submitted,

Judith Nixon, member, Richmond Family and Youth Court Committee