



Richmond Family and Youth Court Committee (RFYCC)

Annual Report

2011

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RICHMOND FAMILY and YOUTH COURT COMMITTEE (RFYCC)

2011 ANNUAL REPORT

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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, 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 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.

2011 Membership

Richmond Family and Youth Court Committee (RFYCC)

**Hadyn Acheson
Ruby Ba
Gerry Browne
Mark Gosse
Raj Johal
Eray Karabilgin
Sharon Nasadyk
Gale Rocky
Maryanne Schulz
William (Bill) Shayler
Harvey Slobod
Karen Stephen
Mabel Tsang
Teresa Vozza
Sylvana Yeomans**

Council Liaison: Councillor Evelina Halsey-Brandt

CHAIRPERSON'S REPORT

Membership Overview

The Richmond Family and Youth Court Committee (RFYCC) ended 2010 with eight members. As a result of recruitment conducted in the Fall with the assistance of the City Clerk's Office, a further seven qualified members were appointed to the Committee for 2011. All members were actively involved in the Committee and most made time to attend and observe court proceedings.

Council Liaison

Councillor Evelina Halsey-Brandt was again appointed to our Committee as the Council Liaison for 2011. She continued to be an incredible source of information and guidance. She enthusiastically participated in our meetings and always quickly followed through with any requests for assistance. We thank her very much and are delighted that she will be returning as our Council Liaison for 2012.

Activities in 2011

- As part of our mandate, the Richmond Family and Youth Court Committee membership attends and observes Family and Youth 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. This Committee's mandate is to observe and report on court proceedings. Committee members who do attend court, observe the proceedings as well as the courthouse environment. They then attend monthly meetings to impart their knowledge and understanding of some of the important issues which need to be addressed. They may also make some recommendations for improvements or changes they feel may improve the overall court experience.
- The following table provides a comparison of the Committee activities (membership, court cases observed and committed volunteer hours for the past five years):

Activity	2006	2007	2008	2009	2010	2011
# Committee Members	8	11	14	13	8	15
# of court cases observed	505	717	652	458	435	518
# Volunteer hours	N/A	N/A	800	1200*	1975**	800

* Approximately 600 hours were devoted to the planning and organizing of a Family and Youth Court conference in Richmond that year.

** The data provided for 2010 was not accurately reported and a more appropriate estimate of the total volunteer hours of service for that year would be 700.

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- In 2011 the Committee concluded a review of its activities related to statistics with the assistance of a consultant. After considerable discussion, it was determined the Committee should limit the gathering of any statistics to the Court Watch Sub-Committee and the involved court observation practices (i.e. number of volunteers, volunteer hours, and court cases observed).

This decision was made given volunteers could not be present for all court sessions (therefore the statistics were incomplete), the collection of the data involved interpretation on the part of a number of volunteer observers (detracting from the validity of the data) and the inability of the Committee to collect and analyze a greater amount of statistical material with respect to trends and resources.

- As a result of this decision, the Committee determined a previous grant received from the Committee to improve the gathering and analysis of statistics would be returned. The support of the City in this regard was appreciated but the Committee, therefore, returned \$10,224.38 to the City in 2011.
- The Committee receives and is grateful to the City for an annual grant of \$2,500.00. As indicated in the table below, in 2011 the Committee had expenses of about \$1,500.00. In September 2011 the Committee took action to reduce the cost of refreshments at each meeting by more than 50%.

ITEM	AMOUNT	BALANCE
Annual Grant		\$2500.00
1. Meeting Expenses		
- Refreshments	\$529.70	
- Annual Holiday Dinner	(Est.) \$600.00	
2. RCSAC Annual Dues	\$50.00	
3. Court Watch ID Tags	\$249.29	
4. Miscellaneous	\$89.96	
Total Expenses		\$1,518.95
Balance		\$981.05

- With respect to the organization and functioning of the Committee, all requirements of the *Provincial Court Act, s. 5* and the Committee's Terms of Reference were met including: the appointment of the committee; the necessary number of members; appointment of a chair and vice-chair; more than the prescribed number of meetings; and the submission of an annual report. In addition, the Committee reviewed and approved amendments to the orientation document for new members ("An Introduction to the Role and Function of the Richmond Family and Youth Court Committee") and submitted a written request to the Attorney General to be designated a Youth Justice Committee pursuant to *s. 18* of the *Youth Criminal Justice Act*. Finally, the Committee prepared and approved an Annual Business plan that references the legal mandate and Terms of

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Reference of the Committee and relates that to the Committee's planned activities, performance measures and related expenses. A copy of the 2012 RFYCC Business Plan is attached to this report and will be used to guide future Annual Reports of the Committee.

- Ms. Schulz and Mr. Karabilgin participated as members of the City of Richmond's Advisory Committee Consultation process in June 2011.
- Following the Committee's enquiries and concerns with respect to the lack of an infant change table in the Provincial Courthouse, the Committee was pleased to see an infant change table was installed at the Courthouse in 2011.
- In 2011, the Committee received the following presentations:
 - January 5 – Sunny Haer, City of Richmond Community Services Youth Outreach Worker
 - March 2 – Andrea Brownstone, Lawyer and full-time staff member, The Law Society of BC
 - December 7 – Ivory Xi, Information Worker, Legal Services Society

In Conclusion

At year's end, I wish to thank all members of this committee for their hard work and commitment during the year. I am pleased that 7 out of 15 members are returning in 2011. This year we thank Raj Johal, Gale Rocky, Karen Stephen and Sylvana Yeomans for serving on the committee. We also say goodbye to a number of people who filled key positions over the years: Hadyn Acheson (Treasurer), Sharon Nasadyk (Court-Watch Co-Chair) and Mable Tsang (Statistics). A special recognition and thank you must go out to Gerry Browne who served on this committee for many years, most recently as Vice-Chairperson. He will be greatly missed but we wish him a very happy retirement!

We are fortunate that we will be joined by an additional five new members! The new members bring a wealth of knowledge, experience and information from their varied backgrounds in youth criminal justice, law, health, education and other community involvement. This includes two students from McMath Secondary School.

The Committee wishes to thank Mayor Malcolm Brodie and Richmond City Council for supporting us with a place to meet, an annual budget and a Committee Clerk to record our monthly meetings and prepare our Annual Report.

We extend a special thank you to the City Clerk's office for the continued guidance and support to this committee. We especially thank Jodie Allesia and Sheila Johnston for helping to keep this committee organized and for their willingness to assist with any detail at a moment's notice.

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The Committee enjoyed a large and active membership in 2011. A number of organizational changes were accomplished that support the established priorities of the Committee. I envision that the ideas, suggestions and enthusiasm of the members will spill over into 2012 in a positive and meaningful way, leading to another successful year.

Respectfully submitted,
Teresa Vozza
Chairperson 2011

SUB-COMMITTEE REPORTS

Court Watch Sub-Committee

Chaired by Bill Shayler

Court watch duties in 2011 were shared by Haydn Acheson, Ruby Ba, Gerry Browne, Mark Gosse, Raj Johal, Eray Karabilgin, Sharon Nasadyk, Gale Rocky, Maryanne Schulz, Bill Shayler, Harvey Slobod, Mabel Tsang and Teresa Vozza.

These dedicated volunteers were very generous with their time, and our court coverage was well below our usual level. Fortunately, we were able to recruit five new members for the 2012 committee. We look forward to the assistance of these eager and knowledgeable individuals in 2012.

We are very pleased to report that two programs RFYCC advocated for, Parenting After Separation and free Duty Counsel, continue to make attending court an easier experience for people in Richmond. Members observing court sessions noted that members of the public coming before the Court had access to, and utilized the services of, Duty Counsel, Family Justice Workers and Family Case Conferences and Trial Preparation Conferences.

In 2011, there was a reduction of the number of permanent judges assigned to the Richmond Provincial Court. Notwithstanding the presence of visiting judges, the number of operating court rooms also declined in this year. The Court Observers made the following comments with respect to these changes:

- There appear to be longer delays in scheduling matters before a case manager and for hearing/trial. These delays cause concerns and issues for all involved but, in particular, for young persons in conflict with the law and for family members experiencing the trauma of a family break-up.
- It was apparent the decrease in judicial and court resources had an impact on scheduling. For example, there were scheduling conflicts when matters that had been set for hearing/trial at a time when more judges and courtrooms were available were faced with the reduced capacity. In short, more than one trial would be scheduled before a judge at the same time which contributed to "plea bargains", expedited proceedings or caused matters scheduled for hearing/trial to be further delayed.
- The reduction in judicial and court resources also contributed to the scheduling of different types of cases in the same court, on the same days. For example, in a courtroom full of family members waiting to have their family matters dealt with, the court would be compelled to also call criminal and civil cases.

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A compounding issue, particularly with family relations matters was the number of cases with unrepresented parties that contributed to longer proceedings and case resolutions.

Finally, while there has been some interest and progress in other parts of the Province for establishing specialized judicial and other resources in relation to domestic violence, in Richmond these matters are dealt with as a part of the Provincial Court adult criminal process. As this involves the scheduling of domestic violence cases throughout the week, it has been difficult to accomplish any significant court observation activities in this regard in 2011.

In conclusion, we wish to express our appreciation to Manjit Sandhu, Court Manager (and previous Court Watch Committee member) and her competent and courteous staff at the Richmond Courthouse.

Respectfully submitted,
Bill Shayler, Court Watch Sub-Committee

Richmond Community Services Advisory Committee (RCSAC)

Attended by Maryanne Schulz

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

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.

The Richmond Family and Youth Court Committee delegates a member to attend the RCSAC meetings. Thirty-one agencies, two citizen appointees, one individual member, a City of Richmond council liaison, and a City staff liaison attend the meetings. The group shares information and collectively works to improve social matters.

Some of the highlights from 2011 include:

- sending regular “Things That Matt-er” bulletins;
- developing a task force to review and make recommendations on grants;
- hosting two all candidates meetings, one for Mayor and Council and one for School Board; and
- maintaining a useful website

Relevant information on topics such as addiction, domestic violence, poverty, and youth is obtained from these meetings and shared at the Richmond Family and Youth Court Committee meetings. In addition, the representative has the opportunity to work on sub-committees and be a voting member of the committee.

Respectfully submitted,
Maryanne Schulz

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 (5) 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 youth justice system is addressed in section 18 of the *Youth Criminal Justice Act* which allows for the discretionary establishment of a Youth Justice Committee. Section 18 of the Youth Criminal Justice Act states that:

Youth justice committees

18. (1) The Attorney General of Canada or a province or any other minister that the lieutenant governor in council of the province may designate may establish one or more committees of citizens, to be known as youth justice committees, to assist in any aspect of the administration of this Act or in any programs or services for young persons.

Role of committee

(2) The functions of a youth justice committee may include the following:

(a) in the case of a young person alleged to have committed an offence,

(i) giving advice on the appropriate extrajudicial measure to be used in respect of the young person,

(ii) supporting any victim of the alleged offence by soliciting his or her concerns and facilitating the reconciliation of the victim and the young person,

(iii) ensuring that community support is available to the young person by arranging for the use of services from within the community, and enlisting members of the community to provide short-term mentoring and supervision, and

(iv) when the young person is also being dealt with by a child protection agency or a community group, helping to coordinate the interaction of the agency or group with the youth criminal justice system;

(b) advising the federal and provincial governments on whether the provisions of this Act that grant rights to young persons, or provide for the protection of young persons, are being complied with;

(c) advising the federal and provincial governments on policies and procedures related to the youth criminal justice system;

(d) providing information to the public in respect of this Act and the youth criminal justice system;

(e) acting as a conference; and

(f) any other functions assigned by the person who establishes the committee.

**RICHMOND FAMILY AND YOUTH COURT COMMITTEE
2012 BUSINESS PLAN**

OBJECTIVE	MANDATE	ACTIVITIES	INDICATORS	Status	Projected Costs
1 Effectiveness of RFYCC	PCA s. 5;	Maintain Committee	RFYCC appointed pursuant to Act		0
	PCA 5 (2), T.O.R.	Maintain Required # of members	8-15 Appropriate members appointed		0
	PCA s.5 (5)	Appoint Chair/Vice-Chair	Chair and Vice- Chair Appointed		0
	YCJA s. 18	Determine Status -Youth Justice Committee	Status confirmed, action taken as necessary		0
	PCA s. 5 (6)(a)	Hold at least 4 meetings per year	10 Meetings per year held		Refreshment costs of about \$35 for 9 meetings and an annual dinner of \$600.00 Total \$900.00
	PCA s. 5 (6)(c)	Submit Annual Report to Council and AG	Annual Report produced and submitted		0
2. Effectiveness of Provincial FYCCs	PCA s. 5	Support annual meetings of FYCCs	Support provided		Contribution towards cost of provincial meeting \$400.00

OBJECTIVE	MANDATE	ACTIVITIES	INDICATORS	Status	Projected Costs
3. Monitor Family/Youth Activities & Resources	PCA s.5 (6)(a)	Maintain Court Watch Program	Program maintained		Purchase of Name Tags; court watch forms \$200.00
		Maintain liaison with the RCSAC	Liaison Maintained		Annual Dues \$50.00
4. Enhance Awareness/Education of Community	YCJA s. 18(d); T.O.R.	Experts/speakers present at committee meetings	8 Presentations made		Honorarium/gift for speakers (about \$20 each) Total Cost \$150.00
		Members attend relevant workshops/conferences	Support attendance of 4 members		\$100 each Total Cost \$400.00
		Improve information, signage at court facility	Signage, brochures improved		0
		Promote Community based awareness and education initiatives	Initiatives supported; Youth/students appointed to committee		\$400
		Examine means to improve community awareness (e.g. media clipping service, newsletter, regular media articles)	Awareness initiatives undertaken		0

OBJECTIVE	MANDATE	ACTIVITIES	INDICATORS	Status	Projected Costs
5. Assist in individual cases, if requested	PCA s. 5 (6)(b); YCJA s. 18(2)(a)	Provide assistance if requested	Assistance provided as requested		0
6. Submit advice to government courts and others regarding policy, procedures and youth rights	PCA s. 5 (6)(a); YCJA s. 18(2)(b) and (c)	Submit Advice as required	Advice submitted as necessary		0
		Provide advice and recommendations in Annual Report	Advice and recommendations provided in Annual Report		0

Summary - Grants and Projected Costs 2012

Grant, City of Richmond	\$2,500
Projected Expenditures	\$2,500
Projected Balance	\$0

Support in kind from the City of Richmond is gratefully acknowledged and appreciated. This includes meeting space for the Committee, clerical and other support from the City of Richmond Counsellor and staff, parking permits for members of the Court Watch sub-committee and advertisements for the recruitment of committee members.

Note:

PCA – Provincial Court Act;

YCJA – Youth Criminal Justice Act;

TOR – Terms of Reference;

RCSAC – Richmond Community Services Advisory Committee.