



Richmond Family/Youth Court Committee (RFCC)

Annual Report

2006

RICHMOND FAMILY COURT COMMITTEE (RFCC)

**2006
ANNUAL REPORT**

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- Recruitment Poster
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- Statistics Graph – Family Court, January to December, 2006
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Background Information

The Family Court Committee is provided for in law under the Provincial Court Act and the Youth Criminal Justice Act.

The Committee is community based and is accountable to the Mayor and City Council, as well as to the Attorney-General of British Columbia. The Richmond Family Court Committee is the longest established Committee with continuous service in the Province since its establishment in 1964.

The 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 Program etc.

The Richmond Family Court Committee makes submissions to the Attorney General and other Ministers on proposed changes in legislation and administrative practices which may have an effect on the delivery of youth and family court services. The Richmond Family Court Committee actively liaises and works with, as well as attending conferences with other Family Court Committees on issues of mutual concern.

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 & Community Service Act, and Youth Criminal Justice Act.

Issues and concerns arising from court watch activities are reported to the Family 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.

2006 Membership

Richmond Family/Youth Court Committee (RFCC)

John Abelseth

Gerry Browne

Dulce Cuenca

Hafeez Jessa

Michael Larden

Sonia Nijjar

Janene Preston

William (Bill) Shayler

CHAIRPERSON'S REPORT

Membership Overview

In 2006 the Richmond Family/Youth Court Committee was comprised of 8 members, only 4 of which could attend and observe court proceedings during the year. 2006 was a challenging year for this committee struggling to retain membership and at the same time recruit new members. Transitioning from a large committee of 12 in 2005, to a smaller base of knowledge and expertise and available members being able to cover Family and Youth Court proceedings, was difficult. Three members who were appointed in 2003 became the veterans of this committee in 2006, not only as chairs for this Committee but also as court watchers attending Family and Youth Court on a regular basis.

The Richmond Family/Youth Court Committee is one of a few appointed committees that require its members to volunteer their time (8 - 10 hours each per month) attending and observing on behalf of their committee and also attending monthly evening meetings. Commitment by these committee members to attend court 2-3 times per month and attending the monthly meetings is very much appreciated.

On a positive note, our committee will be starting off 2007 with a total of 12 members, 6 of which have been newly recruited. These new members bring a wide range of experience, energy and skills to this committee and we are confident that all Family and Youth Court proceedings will be adequately covered in 2007. We look forward to many fruitful discussions regarding resources, courtroom process, statistical analysis and future recommendations.

We are extremely appreciative of the stalwart efforts of the City Staff to recruit more members this year. Advertisements in the local papers were prevalent throughout the year and the newly designed recruitment poster was placed in many strategic areas of Richmond. A special thanks is extended to Kiyoshi Otsuji for developing this great poster; a copy is attached to this report.

This committee continues to strongly support the Duty Counsel project funded by the Legal Services Society, which assists people at the Richmond Court House with family law problems or child protection issues. In addition, our Court Watch Committee Chair, with the support of this committee, strongly advocated the establishment of the Parenting After Separation program for all parents attending Family Court in the Richmond. As of April of this year, this program is a reality in Richmond. More discussion of this program and the Duty Counsel project is found within the Court Watch Committee report on page 7.

Committee members observed and carefully recorded data from attending the Family and Youth Court proceedings in Richmond. The attached graphs provide an analysis of the data, which was obtained. 473 cases in Family Court and 32 cases in Youth Court were observed resulting in an average number of cases observed per day of 18-25 in Family Court and 4-5 cases in Youth Court. Again, due to our lower committee membership, we were not able to obtain data for all cases of Family and Youth Court in 2006.

Guest speakers at our Monthly evening meetings in 2006 included:

- June Michael Jeffreys, Program Manager, **Pacific Legal Education Association (PLEA)**, Vancouver Office.
- September Danielle Horwitz and Evelyn Neaman, **Law Courts Education Society of B.C.**, presented a hands-on tutorial workshop titled 'Discover Family Law'.
- November Neena Randhawa, Coordinator Outreach and Advocacy, **CHIMO Crisis**

Conferences attended in 2006:

- April **Provincial Family and Youth Justice Committee Conference** in North Vancouver, attended by Co-Chairperson Janene Preston

Content provided in these presentations/conferences assisted committee members to be more aware of current programs and resources available in Richmond and in the Lower Mainland. We plan to expand on the number of guest speakers in 2007 now that our committee numbers have increased and we have a solid base for which we can present to.

Regarding the Youth attending court from the Corporation of Delta, we were informed at the end of 2005 that representation was cancelled by the Corporation of Delta as a review was being conducted on all Advisory Committees. Youth cases from Delta are still being heard at the Richmond Courthouse and observed by the Richmond Family/Youth Court Committee. We are hopeful that reinstatement of this member to our Committee will be in the near future.

At year's end we bid farewell to Hafeez Jessa, who consistently attended Wednesday court sessions, and to Sonja Nijjar and Michael Larden, who have all given their time to attend meetings over the last couple of years and we thank them for serving our committee well.

This committee also wishes to thank Mayor Malcolm Brodie and the 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 thanks to Sheila Johnson and David Weber.

Respectfully submitted,

Janene Preston
Gerry Browne
Co-Chairpersons 2006

SUBCOMMITTEE REPORTS

Court Watch Committee

Chaired by Bill Shayler through 2006

Court watch duties were shared by Gerry Browne, Bill Shayler, Janene Preston, and Hafeez Jessa.

The Richmond Provincial Court hears the following matters: adult criminal, youth criminal, family, small claims and traffic. These court services are provided via an integrated model of justice delivery. The Richmond Court Watch Committee members observe **Youth** Criminal and **Family** matters on Wednesdays and Thursdays respectively. Given that this is an integrated model of justice delivery, all judges in the courthouse preside over the all-judicial matters and no specific judge presides over Family and/or Youth Court Matters.

Court Sessions

Court Watch committee members continued to monitor Youth Court proceedings on Wednesday mornings to be best of their abilities, but coverage was limited to a few members who were available on Wednesday mornings. The number of cases observed on Wednesday mornings continues to be between 3-4 per morning and our committee believes that the Restorative Justice program has positively impacted the workload in Youth Court. We appreciate the efforts made by The Touchstone Family Association in making this progressive program, which promotes accountability, healing and closure, as an option to our youth.

We are pleased to report that the majority of Family Court sessions were covered for the year by a few committee members dedicated to ensuring that these Thursday sessions were observed. Average number of cases observed per morning was 20-25.

With the addition of our newly recruited committee members, we look forward to covering all Family and Youth Court proceedings during the 2007.

Initiatives

a) Duty Counsel

For the last two years, the Legal Services Society has funded this program, which provides two Duty Counsels on Thursdays in order for Family cases to be dealt with expeditiously. This project has flourished and brought resolution to many Family cases throughout 2006. Duty Counsel has become a given in our Richmond Family Court for people who attend court unrepresented due to being not eligible for Legal Aid or for people who cannot afford a Lawyer. This project fills the gap for people who need assistance on their day in court.

Our committee continues to observe that Judges eagerly support the Duty Counsel Project. We have noted a direct decrease in the number of adjournments (to seek legal representation or clarification) resulting in cases being dealt with in an efficient and smooth manner.

b) Parenting After Separation

In our 2005 Annual Report this committee reported that the Parenting After Separation program was available in 50 communities in British Columbia and was mandatory before attending court in only 10 of these communities. Richmond was not one of these communities. We are now pleased to report that due, in part, to this Committee's consistent advocacy of this program, the Parenting After Separation program is now available and more importantly **mandatory in Richmond** as of April 2006.

Separating parents must attend this free 3-hour information session before attending court in Richmond for Child Support, Custody, Guardianship, and access orders. This program provides education and information about: a) the impact of separation on children, b) The Child Support Guidelines; c) decision-making skills and d) legal options. The Parenting After Separation sessions are handled by the 'Law Court Education Society' in a facility in Richmond. A form letter is attached.

In conclusion, we would like to thank Michelle Bennett, Manager of the Richmond Courthouse, for her complete support of our Committee, always being accessible and following through on any recommendations and questions we may have of her. We would also like to thank May Lum, Kim Widdows, the Sheriffs and Court staff, who without their cooperation our role as Court watchers would not be possible.

Respectfully submitted

Bill Shayler
Chair, Court Watch Sub-Committee

Richmond Community Services Advisory Committee

Please note that due to the reduced number on the Richmond Family/Youth Court Committee during 2006, the ability to service on the Richmond Community Services Advisory Council was very limiting.

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

The Richmond Family/Youth Court Committee feels that the service provided by the RCSAC to the City of Richmond is invaluable, and supports continued representation. Furthermore, the committee feels that with the networking ability of the RCSAC, more resources and opportunities could be of a benefit to both groups.

With the addition of 6 new members to the Richmond Family/Youth Court Committee in 2007, our situation has been greatly improved and as a result a regular attendee has been appointed. We look forward to participating in the activities of the RCSAC on behalf of the Richmond Family/Youth Court Committee

Respectfully submitted,

Gerry Browne

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.
