



Richmond Family and Youth Court Committee (RFYCC)

Annual Report

2012

RICHMOND FAMILY and YOUTH COURT COMMITTEE (RFYCC)

2012 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.

2012 Membership

Richmond Family and Youth Court Committee (RFYCC)

**Ruby Ba
Mohamed Dewji
Shannon Faleiro
Kevin Filkow
Mark Gosse
Eray Karabilgin
Nathaniel Lim
Maryanne Schulz
William (Bill) Shayler
Harvey Slobod
Teresa Vozza**

Council Liaison: Councillor Evelina Halsey-Brandt

CHAIRPERSON'S REPORT

Membership Overview

The Richmond Family and Youth Court Committee (RFYCC) commenced 2012 with eleven members. Three members elected not to continue on the Committee in 2013 and, as a result of recruitment conducted in the Fall with the assistance of the City Clerk's Office, one additional member was appointed for 2013 for a total membership of nine. All members were actively involved in the Committee and most made time to attend and observe court proceedings.

Activities in 2012

- 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	2007	2008	2009	2010	2011	2012
# Committee Members	11	14	13	8	15	11
# of court cases observed	717	652	458	435	518	522
# Volunteer hours	N/A	800	1200*	1975**	800	970

* 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.

- In 2012 the Committee with the support of the City, contributed to a number of improvements to the Richmond Provincial Courthouse facility including the following:
 - ⇒ A pamphlet rack was relocated to a more accessible location on the first floor. The Committee provided funding for a lighting fixture over the rack. Mr. Bill Shaylor was instrumental in arranging for a variety of current and relevant brochures that would assist people involved with the Family and Youth Courts.

- ⇒ At the suggestion of the Committee, a second infant change table was provided by the City and installed by a Provincial Government contractor in one of the men's public washrooms at the courthouse.
 - ⇒ Following a further suggestion by the Committee, the City provided and installed directional street signs to assist the public in locating the courthouse.
 - ⇒ With the involvement of a number of parties, the Committee was successful in facilitating the construction of a new and improved "wayfaring" kiosk. The Committee is most grateful to the City and the involved staff for the construction of this kiosk and looks forward to its installation early in 2013.
- The Committee identified a number of concerns with respect to the lack of judicial and other resources in relation to the Richmond Family Court. It was noted this contributed to court delays, self-representation by applicants and respondents, a lack of consistency of presiding judges. Action taken in relation to these concerns involved the following:
 - ⇒ The Committee included these concerns in the 2011 Annual Report to the City and the Attorney General.
 - ⇒ The Committee provided information that was included in a Richmond News article on May 23, 2012 that described the lack of judicial and other resources that as contributing to court delays.
 - ⇒ At the suggestion of the City Council, the Committee wrote to the Attorney General on June 14, 2012 outlining the concerns and submitting a number of recommendations to address the issues.
 - ⇒ On July 6, 2012, Mayor Malcom Brodie, on behalf of The Council of the City of Richmond wrote to the Attorney General, supporting the concerns and suggestions submitted by the Committee.
 - The Committee continues to seek designation as a Youth Court Committee from the Attorney General (pursuant to s. 18 of the *Youth Criminal Justice Act*). This request was submitted in 2011 and, again, in 2012. Despite intervention by the office of MLA Ron Howard in 2012, no response to this request has been received.
 - The Committee has responded to requests from the Vancouver and Tri-Cities Family Court Committees for information and assistance and, in May 2012, the Chairperson attended and made a presentation to the Tri-Cities Committee.
 - 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 \$ 1,575.11. The costs for the Annual Dinner relate to a catered event in 2011 and it is expected the 2012 costs will be at least 50% lower. In addition, it is expected refreshment expenses next year will be minimal. Finally, expenses for lighting related to the courthouse brochure rack ((\$300.00) installed this year will be committed and paid in 2013.

ITEM	EXPENSES	BALANCE
Annual Grant		\$2500.00
1. Meeting Expenses		
- Refreshments	\$442.81	
- Annual Holiday Dinner	\$1,032.30	
2. RCSAC Annual Dues	\$50.00	
4. Miscellaneous	\$50.00	
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. The Committee prepared and approved a 2012 Annual Business Plan that references the legal mandate and Terms of Reference of the Committee and relates that to the Committee's priorities, performance measures as well as action and expenses related to those priorities. A copy of the 2012 RFYCC Business Plan is attached to this report.
- In 2012, the Committee received the following presentations:
 - January 4 - His Honour Judge Chen, Administrative Judge for the Robson Square and Richmond Courts.
 - February 1 - Richard Dubras, Executive Director, Richmond Addiction Services.
 - March 7 - Lisa Nixon and Michelle Duncan, KidStart Program, Pacific Legal Education Association.
 - May 2 - Sarah Swift, Crown Counsel, Ministry of Attorney General
 - June 6 - Clark Chu, Youth Probation Officer, Ministry of Children and Family Development.
 - September 12 - Amir Javid, StreetSmarts Facilitator and Chris Samulak, Coordinator, Community Assessment and Action Network (CAAN).
 - October 3 - Shelley Behr, Collaborative Divorce Coach and Counsellor.
 - November 7 - Dave Cooper, Touchstone Family Services.

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 8 out of 11 members are returning in 2013. This year we thank and also say goodbye to Mohamed Dewji, Kevin Filkow and Eray Karabilgin for their time, effort and many contributions to the Committee and welcome, for the coming year, Ebrahim Bawa.

The Committee thanks 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. In addition, the support of the City in providing for improvements to the court house facility is very much appreciated.

Councillor Evelina Halsey-Brandt was again appointed to our Committee as the Council Liaison for 2012. 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 2013.

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.

The Committee enjoyed a large and active membership in 2012. A number of improvements to the court house facility 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 2013 in a positive and meaningful way, leading to a another successful year.

Respectfully submitted,
Mark Gosse
Chairperson 2012

SUB-COMMITTEE REPORTS

Court Watch Sub-Committee

Chaired by Bill Shayler

Court watch duties in 2012 were shared by Ruby Ba, Mohamed Dewji, Shannon Faleiro, Kevin Filkow, Mark Gosse, Eray Karabilgin, Nathaniel Lim, Maryanne Schulz, Bill Shayler, Harvey Slobod, and Teresa Vozza.

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 observed 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 2012, there continued to be a lack of permanent judges assigned to the Richmond Provincial Court. Notwithstanding the presence of visiting judges, the number of operating court rooms remained low in this year. The Court Observers made the following comments with respect to these changes.

- There continues to be long 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 family members experiencing the trauma of a family break-up.
- It was apparent the decrease in judicial and court resources continue to have 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.
- Court Observers have noted a significant decline in the number of Youth Court cases. This decline and the scheduling of Youth Court matters in different time periods has made it difficult to arrange comprehensive court observation schedules for the Youth Court.

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

As noted earlier in this report, the Committee has conveyed these concerns to the City Council, Attorney General and the media.

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 2012.

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

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Richmond Community Services Advisory Committee (RCSAC)

Attended by Maryanne Schulz

The Richmond 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.

As a member of the Richmond Family and Youth Court Committee I feel privileged to represent our committee on the RCSAC. The various agencies that are part of the RCSAC bring information to the table that is of interest to all Richmond residents and definitely to the Court Committee. In the last year, as the liaison of the RFYCC I participated in a number of the following RCSAC initiatives: 'hot topics' were chosen for the RCSAC to explore; the Addictions and Mental Health Sub-committee worked to identify gaps in services; a 3 person sub-committee reviewed the 2012 Community Social Services Survey with a mandate to prepare a summary of the survey for council and also to make recommendations for changes to the 2013 survey; and planning for a Provincial All Candidates Meeting that will be held in the Spring. Some of the information that has been passed on to the Court Committee includes: the Richmond Children's Charter, information on child poverty, various senior's issues, and the impact of not having a Youth Support Worker in each high school.

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	Costs
1 Effectiveness of RFYCC	PCA s. 5;	Maintain Committee	RFYCC appointed pursuant to Act	Committee maintained	0
	PCA 5 (2), T.O.R.	Maintain Required # of members	8-15 Appropriate members appointed	11 Members appointed	0
	PCA s.5 (5)	Appoint Chair/Vice-Chair	Chair and Vice- Chair Appointed	Chair and Vice Chair appointed	0
	YCJA s. 18	Determine Status -Youth Justice Committee	Status confirmed, action taken as necessary	Designation requested twice, action pending	0
	PCA s. 5 (6)(a)	Hold at least 4 meetings per year	10 Meetings per year held	10 Meetings held	\$1475.11 (for meeting refreshments and 2011 annual dinner)
	PCA s. 5 (6)(c)	Submit Annual Report to Council and AG	Annual Report produced and submitted	Annual Report prepared and submitted.	0
2. Effectiveness of Provincial FYCCs	PCA s. 5	Support annual meetings of FYCCs	Support provided	No annual meeting took place	0
3. Monitor Family/Youth Activities & Resources	PCA s.5 (6)(a)	Maintain Court Watch Program	Program maintained	Court Watch program maintained	No recorded 2012 expenses for name tags, forms.
		Maintain liaison with the RCSAC	Liaison Maintained	Liaison maintained	Annual Dues \$50.00

OBJECTIVE	MANDATE	ACTIVITIES	INDICATORS	Status	Costs
4. Enhance Awareness/ Education of Community	YCJA s. 18(d); T.O.R.	Experts/speakers present at committee meetings	8 Presentations made	8 Presentations completed	No recorded 2012 expenses for Honorarium/gift for speakers
		Members attend relevant workshops/conferences	Support attendance of 4 members	No costs related to attendance at workshops	0
		Improve information, signage at court facility	Signage, brochures improved	Directional signs, brochure rack, infant change table and "wayfaring" kiosk provided	\$300.00 for lighting over brochure rack to be charged to 2013 budget (City funded other initiatives)
		Promote Community based awareness and education initiatives	Initiatives supported; Youth/students appointed to committee	Student appointed to Committee	0
		Examine means to improve community awareness (e.g. media clipping service, newsletter, regular media articles)	Awareness initiatives undertaken	Information provided to media re: lack of judicial and other resources.	0
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	No assistance requested.	0

OBJECTIVE	MANDATE	ACTIVITIES	INDICATORS	Status	Costs
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	Provided advice to City Council, Attorney General re: lack of judicial and other resources.	0
		Provide advice and recommendations in Annual Report	Advice and recommendations provided in Annual Report		0

Summary - Grants and Costs 2012

Grant, City of Richmond	\$2,500.00
Projected Expenditures	\$1,575.11 (includes \$50.00 miscellaneous expenses)
Projected Balance	\$924.89

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.

