

**Court Appointed Special Advocates for Children
Victoria Youth Court and Family Justice Committee**

Georgia Peters

Tyler Toscani said it was a pleasure to be here. He is a 3rd year political science student at Uvic with a minor in business and I'm hoping to go into law in the near future. Corporate law has always been my path of choice, although this volunteer placement has been a tremendous experience for me and opened up new possible avenues. When I found out one of my political science courses had a volunteering component I was thrilled and hoped to volunteer in a placement geared towards law. Court Appointed Special Advocates for children was the perfect fit. I have had the privilege of volunteering for CASA, under the supervision of Georgia for the past 12 weeks. We have attended family court on Thursdays, as well as sat in on two of this Committee's previous meetings. Georgia has introduced me to many individuals around the courtroom, including several duty council members, influential lawyers, and even previous co-workers. It really seems she knows everyone! While sitting in on court, we have been observing the proceedings and documenting significant trends over the weeks. So many things have been eye opening in this volunteering experience I don't know where to begin. We sat in on first appearance court, and I could have never imagined the number of cases I'd be seeing, or the speed at which decisions are made.

Cases

-Over the weeks I've seen about 180 cases, some only lasting a minute or two. At the beginning of this volunteer placement, I couldn't fathom how these decisions were being made at such a fast pace. Behind the curtains of each case and decision, a child's life and future is determined. I've seen fathers furiously storm out of the courtroom, swearing, and tears all for the sake of their child or children. Although many parents are emotionally vested in their children and only want the best for them, it was shocking how little support the parents showed for their children.

- Out of the 180 cases I observed, only 56 had parents present, 30% of total cases. Even more surprising was the fact that only 4 cases had children present.

I have outlined 3 major Issues I observed over the semester.

1) The first is parent representation. Why is their representation so low? One reason I overheard in the waiting room was problems with transportation. A young aboriginal mother explains how it is very difficult to round up her children and arrange transportation to get to the courthouse without a vehicle. In this case the mother actually missed her case being called simply because it took so long to get to the courthouse from her reserve.

-How are parents and their children supposed to understand their case, and the possible options available, if they cannot make it to the courthouse?

-When dealing with parent representation, a possible solution I have come up with could be to arrange a shuttle bus that picks up any parents and children that don't have sufficient means of transportation and brings them to the courthouse. It would be free to anyone with a case scheduled that day, and be run by an organization such as CASA. As well I

remember discussion on this committee that there is an empty courthouse in Sydney. If that courthouse were up and running, transportation would likely not be as great of issue as it is more accessible for those who live out on reserves.

2) The second issue I noticed was severe over representation of aboriginal youth in Canada's foster care system. Every day that I attended court there were several aboriginal cases being called and not once was there a native court worker for aid and support.

-In terms of aboriginal affairs, there really needs to be added support resources available. Duty counsel can help inform aboriginal parents of strategies and possible alternatives for the child, but I believe they would understand and feel more comfortable with a native court worker present in the proceedings. The fact that there is a criminal native court worker but no worker for family matters is problematic.

3) The third issue I observed is that it seems often a child's best interests are not being put first. There have been cases where siblings have been separated from each other with little detail as to why. How old are the children? Do they have a say in their placement? What is an appropriate age to take into consideration their demands and needs? How can the child's voice be heard?

- When it comes to children and their best interests, I believe CASA does a tremendous job in the US and would be beneficial to have some of their programs fitted here in Victoria. What I would hope to see in the future, is every child fitted with a CASA volunteer. Research has shown that kids who have been placed with a CASA volunteer are less likely to spend time in long-term foster care, and less likely to re-enter care. They are also more likely to succeed in school and get better grades. CASA has almost 1000 functioning programs in the US, and I believe that these services would be of tremendous help here in Victoria. Scarce resources are one of the reasons why there isn't a prominent advocacy group here in Victoria. However, I believe with an organization like CASA present here in Victoria, children would be put first. The main goal of a CASA volunteer is to ensure that the child's voice is heard and their interests are put first. Children and their families would benefit greatly from more advocacy programs available.

Positive outlook/Conclusion

I'd like to conclude on a positive note, by saying that from my observations, it seemed as if the quality of legal assistance improved as my placement progressed. A few weeks stood out in particular, as some judges were very thorough and detailed.

-One case stands out in particular, where the father had been abusive in the past to his baby. There were burns on the child, a clear indication of bodily harm. In this case the judge called the social worker to the stand and asked multiple questions pertaining to the case. The social worker explained that the father had been receiving counselling services while in prison, as well as had supervised access with the child and it had been going well. The take-away from this example is that the judge took a long time to come to a

decision, and was very worried about the child. Since the child could not have a voice of his own due to his age, the judge wanted to be sure that returning the child to the father was the best alternative. The judge asked for the father's probation order and many details about him and his incarceration. The matter was adjourned, and I was impressed to see the amount of care and detail the judge took into making a decision. It was one instance where the system proved it had the best interests of the child in mind. That being said, my general impression of court proceedings was that from the point of view of parents, much remains unclear. The fact that some cases are over within a minute or less shows that there needs to be additional resources available to families and children. Some parents had only met their lawyers and counsel minutes before their hearing. This is where I believe a volunteer like those CASA trains, would be beneficial for the child and their family.

-With that being said, this has been a tremendous learning experience working with Georgia. I have learned so much about the processes and terms involved in family law. I have enjoyed every day in this volunteer placement, and it has given me valuable experience which I hope to use in the near future. I am a student and have been learning throughout this volunteer experience, and still have much to learn.

When discussion with VFCYJC members took place it was stressed how easy it is to be lost in the jargon between lawyers and the importance of having a 3rd party trained in child development issues to assist parents and children.

The system is complicated as court costs are astronomical and there are concerns about "down time" in court but there is definitely something missing. With overflowing courts, the needs of parents and families to access support and resources have been forgotten.