

**VFCYJC**

**FAMILY AND YOUTH MATTERS REPORT**

**June 5, 2019**

This sub-committee met to talk about the purpose and direction of the sub-committee going forward. Present was Marilyn Holman, and Sandra Sarsfield.

1. We agreed that at this time, we could do some advocacy on a number of fronts.
  - a. First, Youth upon release from jail are often released in situations where they have outgrown the clothes in which they went into custody, and have no appropriate clothes to wear upon release. Also, there is no one to meet them upon release, and sometimes no immediate supports in place.

- b. Secondly, The McLaren Report, in particular the recommendation that the Legal Services Society fund and support an integrated network of independent community legal clinics with teams of lawyers, and advocates providing poverty law services. Poverty Law services include residential tenancy disputes (e.g. renovations), disputes about social assistance payments, disability benefits, workers compensation disputes.

We agreed that we could advocate that these clinics should go ahead and should include counselling and support services and should also provide family and youth services.

- c. The McLaren Report also recommends that a strategic network of specialty legal clinics be funded and nurtured to serve specific communities of legal need.

We agreed that many isolated communities, Indigenous communities and some northern communities need these specialty legal clinics, which are accessible to them.

The way forward regarding the advocacy required will need more thought and input from the VFCYJC as a whole, and other members of the Family Matters sub-committee. Perhaps a letter to the AG encouraging the implementation of recommendations in this report might be a next step.

2. I happened to be in Family Court in the Western Communities, on Monday June 3, which is family "list" or remand day there. It made me think about the issue of the growing population in the Western Communities and how it was obvious on Monday that court services for that community are behind the times. It also made me think about Sidney and the closure of the courthouse there about 20 years ago. This situation really impacts on the populations, especially indigenous populations in those regions in terms of access to justice. Services are centralized in downtown Victoria, and for many

that is a barrier on many fronts: cost, transportation, culture, time. Just a possible suggestion; the Victoria Justice Access Centre (JAC) could send some of their Family Mediators, and Family Law Lawyers to each of the Western Communities, and to Sidney either weekly or bi-weekly to provide services there, instead of having those citizens holding the burden of getting to downtown to access those services. Another suggestion is that a sitting judge could be assigned to the Western Communities Court, so that there is a consistent presence there to oversee the administration of the court, and the development of local knowledge of the issues there.

3. The low priority that is given to Family Law matters in the administration of the courts is a matter worth considering. The majority of family law clients attend court without legal counsel. They tend to be people who are in the early stages of a family breakdown situation, or people who have been in that situation for a while but who are particularly charged in their ongoing conflict. These are people who are emotional, don't necessarily listen well, because they are distraught, on their own, and don't know what to expect. More time is needed to deal with family matters. They do receive the services of family duty counsel, but they are clearly told by the judge at the outset that at family remand their issues will not likely be solved, and there is not much time to address their issues. With criminal matters the clients usually have a lawyer, and the Crown lawyer has usually communicated with the defense lawyer to determine what will happen in court. There is a certain predictable order to things. Things are not so predictable or orderly in family court. What occurred in family court on Monday was illustrative. Family court was shut down so that a criminal matter could be heard. Those who were there for family court were sent to wait in the lobby while a video link was set up for another judge to complete hearing the list by video. This took some time. This was a most unsatisfactory situation because the judge on video was unable to see the complete files of those people, time was even shorter and people were even more distraught and rushed. Families in crisis at every stage need to be offered free counselling services, and such services available at family remand dates would be very valuable.
4. There is now a government program that pays tuition for foster kids who want further their education e.g. university, technical, trades. They apply at 19. It would be great if they could apply when they graduate from secondary school. Kids are generally 17 or 18 when they graduate. If they can't get the tuition paid until 19, they are waiting a year or two.. If a person has not other support, no parents who will help etc. that is a long time to wait. This is something we could advocate for.

5. There is also a government program that helps kids with housing etc. when they are taking further education but it only applies in situations where the state is the guardian, or if, for example the parents whereabouts are unknown. So, kids that have been in foster care but the parents are still guardians, don not have this option. Non profits, such as Threshold take on kids at age 16. They provide mentors, counselling, a place to live etc. while they get their education. They also support them until they have a job. Perhaps government could support this kind of thing. We could advocate for that.
6. Another idea we talked about was to propose the idea of using UVic Law students and Masters Counselling students setting up a community service under those UVic faculties. Something similar to The Law Centre in downtown Victoria now, but in a different location such as Esquimalt where they would be close to First Nations, and lower income clients, and with more counselling. It would be a good opportunity for students at UVic or other post secondary institutions to have practical experiences and assist people under the supervision of qualified lawyers and counsellors with family and poverty law matters.

In conclusion, there are lots of improvements that can be made to improve access to justice for ordinary people in our Capital Regional District, and this grass roots VFCYJC committee may be in a position to advocate and assist.

Respectfully Submitted

FAMILY AND YOUTH MATTERS SUB COMMITTEE

June 2019

Co-Chairs: Marilyn Holman and Sandra Sarsfield