

**WELCOME to our fifth issue of the  
"NGO JUSTICE SUMMIT  
NEWSLETTER"**

Our goal is to promote awareness among NGOs about the opportunities arising from the Alberta Summit on Justice. This newsletter is intended to inform NGOs about what is happening with the implementation of Summit recommendations and how to get involved.

**What is an NGO?**

Non-government organizations, also known as community agencies or non-profits, provide a variety of services and activities in the community and at various stages of the justice system. They are governed by volunteer boards of directors and make extensive use of volunteers in providing programs.

Many of these organizations work on the front lines, witnessing daily the impact of poverty, unemployment, substance abuse and violence. They have come to understand how these factors relate to involvement in crime. This is one of the many reasons why NGOs have an interest in the Justice Summit.

**Turning Recommendations into Action!**

**Legal Aid Society acknowledged for leadership in opening new Family Law Offices.**

On July 3, 2001, the Legal Aid Society of Alberta opened the doors to the first of two family law offices. The office in Edmonton and the one in Calgary, which opened in October, are based upon the idea of providing a team approach to client services.

The mission of the Legal Aid Society of Alberta is to *facilitate equality of access to the justice system through the provision of legal services in serious legal matters to those who would not otherwise be able to finance them solely from their own resources.*

The Legal Aid Society has taken a new step towards fulfilling its mission of providing services to low-income Albertans. The Family Law Offices will provide a multi-disciplinary approach to family law services. The offices are made up of lawyers, social workers and community development support staff who will work together to provide legal and social services to clients.

During our recent survey of NGOs and the provision of public legal education, NGOs told us that their clients have multi-dimensional problems, which highlighted a greater need for co-operation and co-ordination of services in the family law field. What better way could there be to provide a multi-dimensional service than to establish a legal aid office

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## Turning Recommendations into Action! con't...

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that employs 13 lawyers, a social worker and community development staff working as a team, offering clients assistance in a consistent and timely fashion.

The project, which is being funded for four years at an estimated cost of \$2.7 million, is the latest development in the family law field in Alberta. The offices will obviously provide legal services through the lawyers, but they will also provide non-legal assistance to clients by helping them work on parenting plans, making referrals to counselling and life-skills courses, and helping clients solve their housing problems.

Those of us who work in the family support field are mindful that the legal remedy available to the client has to, more often than not, be supplemented by additional services such as counselling and support mechanisms. Therefore, the new Family Law Offices are a welcome addition to the scene. These new offices will add another dimension to the successful development of Legal Aid Youth Offices in Alberta.

The Legal Aid Youth Offices were first introduced in 1993 as a pilot project to handle legal matters on behalf of youth. They proved to be both effective and efficient and have become a permanent fixture of the legal scene in Alberta. Legal Aid Youth Offices in Calgary and Edmonton provide services to youth through staff lawyers and paralegals with community development expertise. The fusion of legal and social services skills within the same office has shown to be both a cost efficient use of Legal Aid funds and has provided the opportunity to develop solutions for young people in conflict with the law that extend beyond legal remedies to crime prevention through social development types of services. These services include working with community agencies to access and create resources in areas such as housing, schooling, anger manage-

ment, addictions treatment, sexual abuse treatment, psychological/psychiatric services and recreation programs.

The Legal Aid Family Law Office Pilot Project is a direct result of the February 2001 Legal Aid agreement between Alberta Justice, the Legal Aid Society of Alberta and the Law Society of Alberta. All these groups were partners in the planning of and follow-up to the Justice Summit. Once again, we embrace another benefit that has resulted from the Justice Summit and it's many recommendations. The provision of the Legal Aid Family Law Office Pilot Project falls directly under recommendation #4: *Alberta Justice will work with the Legal Aid Society of Alberta and the Law Society of Alberta to develop strategies to improve the provision of legal aid services to Albertans.*

The enhancement of community partnerships is not simply a matter of providing extra funding to stakeholders, it is also a matter of investigating and implementing ways of working that can bring about the greatest benefit to the individual client. We acknowledge the stakeholders for their venture into new ways of tackling old problems and look forward to hearing that the Family Law Offices enjoy the same results and successes as the Legal Aid Youth Offices.

*"Family Law matters can be complex, time consuming and expensive. These offices will ensure there are lawyers and services available to help low-income families who need legal assistance in a timely manner,"*

**Dave Hancock, Minister of Justice  
and Attorney General.**

## Graham Report: Improving the System of Family Law

In July 2000, the first NGO Justice Summit Newsletter went out to NGOs across Alberta. In that issue, we asked NGOs to contribute their views about improving the family law system in Alberta by participating in the Unified Family Court Task Force questionnaire. The issue at hand is of such critical importance to most of the NGOs we work with that we want to report back on the findings of the Unified Family Court Task Force (UFCTF).

As you may recall, the UFCTF was established in March 2000, by Alberta Justice Minister Dave Hancock, Q.C., and its task was to investigate and then bring forward recommendations on improving the family court system in Alberta. The task force's key objectives were to:

- ? look at ways that access to family courts can be improved.
- ? consider whether there should be one level of court to hear all family law matters.

In Alberta, family law matters are dealt with by both the Provincial Court and the Court of Queen's Bench. This split in jurisdiction often means that one court cannot deal with all the matters affecting a family in crisis. This situation not only causes delay, but can be very confusing for the parties involved in the process. Oftentimes in cases in which no one court can deal with all the legal problems arising from the breakdown in the relationship, piecemeal solutions have to be provided, and it is possible for conflicting orders to be made.

The UFCTF's job, which was to look at the structure of how family law is provided and how it could be improved, has resulted in an outstanding report. This report, called the Graham Report, is available at:

[http://www.gov.ab.ca/just/pub/Family\\_Court/part2.htm](http://www.gov.ab.ca/just/pub/Family_Court/part2.htm)

Executive Summary of the report is available at: [http://www.gov.ab.ca/just/pub/Family\\_Court/part1.htm](http://www.gov.ab.ca/just/pub/Family_Court/part1.htm)

The Graham report has put forward 17 key recommendations; due to lack of space, we will only highlight some of the key recommendations.

### **Recommendation No. 1:**

*The following principles and policies should apply to the family-law court system:*

- ? *Application of law while minimizing damage to individuals*
- ? *Encouragement of alternative means of dispute resolution*
- ? *Geographic accessibility*
- ? *Economic and procedural accessibility.*

### **Recommendation No. 2:**

*To give effect to the principles set out in Recommendation No. 1, a unified family court should be established in Alberta expeditiously:*

- ? *to exercise all family-law jurisdictions and powers*
- ? *to provide essential services to people involved in family-law disputes.*

### **Recommendation No. 3:**

*The unified family court should be a division of the Court of Queen's Bench of Alberta.*

### **Recommendation No. 6:**

*The unified family court should have exclusive jurisdiction in the following areas of law:*

- ? *marriage (including capacity to marry and solemnization of marriage)*
- ? *divorce and nullity of marriage*
- ? *judicial separation*

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## Graham Report: Improving the System of Family Law con't...

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- ? spousal support
- ? division of matrimonial property
- ? support, custody of and access to children
- ? enforcement of support, custody and access orders
- ? guardianship of children (personal)
- ? guardianship of children (property)
- ? adoption of children
- ? parentage of children
- ? child welfare
- ? protection and restraining orders, including orders under the Protection Against Family Violence Act
- ? protection of children under the Child Welfare Act and the Protection of Children Involved in Prostitution Act,
- ? school attendance.

*The Family Division should have concurrent jurisdiction with the Provincial Court to issue warrants for detention and examination under sec. 10 of the Mental Health Act.*

### **Recommendation No. 7:**

*Young offenders should not be included in the jurisdiction of the unified family court at this time.*

### **Recommendation No 8:**

*The following areas of law should not be included in the jurisdiction of the unified family court:*

- ? family violence (adult criminal charges)
- ? dependant adults
- ? wills and estates
- ? family relief.

While the Graham report recommends the Unified Family Court for Alberta, it also puts a big proviso at the end as **recommendation No 16:**

*The Provincial Government should not establish a unified family court unless:*

- ? *the Provincial Government is prepared to commit to the unified family court the financial and administrative resources,*
- ? *and unless the Federal Government is prepared to commit the necessary judicial resources,*

*which are necessary in order to enable the unified family court to do an effective job for Albertans who have family-law problems.*

The government of Alberta's recent statements about the need for fiscal responsibility and the need to restrain public sector expenditure, may mean that we are facing a delay in implementing the recommendations in the Graham Report. We hope this will not be the case, but at the same time we have to concur with the report finding that *"the benefits of a unified family court will be realized, and it's objectives achieved, only if the unified family court has adequate judicial, administrative, service and financial resources. If the unified family court is not provided with adequate resources it should not be established."*

One of our goals is to ensure that information about the Justice Summit is shared with Alberta NGOs.

We encourage you to pass the word. Please circulate this newsletter, promote these Summit related initiatives in your own publication, and/or let us know what other organizations might like to receive our newsletter.

### **WE APPRECIATE YOUR ASSISTANCE IN SPREADING THE WORD**

*If you would like us to remove your organization from our mailing list, please let us know.*