

INFORMATION BULLETIN FOR CONTRACTED VICTIM SERVICE PROGRAMS**Provision of Services in Family Court Matters**

This information bulletin has been written in response to questions we have received with respect to the role of victim service workers in the provision of services in family court matters. While we plan to clarify this information in a further update to the Schedule A of contracts next fiscal year, we hope this information bulletin provides some clarity to you and your staff regarding assisting clients with family court issues.

Victim Services and Crime Prevention Division recognizes that clients who are victims of family and sexual violence may require support through family law matters. The updated Schedule A of your organization's Victim Service Program contract attempts to strike a balance between clarifying service deliverables for victim service workers, and allowing them to use their judgment and discretion to provide responsive services to victims of crime. It is important to state up front that victim service workers are not expected to be experts on the family court process.

The sections of the Schedule A which are most relevant to the question of providing family law support are the sections relating to "Practical and Emotional Support," "Information and Referral" and "Safety Planning." In particular, the current Schedule A intends for the following support to be provided in both criminal and family law cases where warranted and states that victim service programs should:

- Upon initial contact with victim, assess, identify and address victim's immediate and emergency safety needs;
- Develop and continue to update safety plan with victim including coordination with community and criminal justice system partners where appropriate;
- Provide emotional support to assist victims to cope with the impacts of crime and trauma;
- Provide or facilitate other types of practical support and assistance as appropriate;
- Provide referral information regarding:
 - Attorney General services, including family justice counsellors,
 - Other resources as appropriate; and,
- Provide general safety and crime prevention information and referrals to community resources.

The following are examples of services that might be provided in a family court context:

- Providing emotional support to victims of crime in relation to family law issues/family court matters;
- Helping to obtain protection orders or obtaining copies of existing protection orders;
- Helping to obtain information about the family court process;
- Ensuring that safety plans are up to date and relevant to all settings including family court; and,
- Providing information on peace bonds and protection orders.

Court proceedings and the serving of court documents can be a time of heightened risk. Ensuring clients are safe at these times is critical and therefore safety planning is extremely important. If a victim service worker believes that a victim of crime would also benefit from emotional support during the family court

process, then it may be appropriate for them to meet with the victim at court or arrange meetings before and/or after court to provide emotional support to the victim. Providing this type of support must be balanced with an agency's other competing service priorities, specifically those mandated in the Schedule A of your contract.

The following activities are considered to be beyond the scope of work funded as per the current Schedule A:

- assisting clients to draft actual documents relating to family court, including affidavits;
- assisting clients with civil/family trial preparation (e.g. providing legal advice, representation in court, etc.);
- serving legal documents; and,
- conducting legal advocacy while providing accompaniment to civil/family court.

These services are considered to be beyond the scope of a victim service worker's funded activities for a number of reasons including, but not limited to:

- liability issues concerning the participation of victim service workers in civil/family law matters. A victim service worker speaking on behalf of a client in court or assisting in the drafting of legal documents is potentially at risk; the client could receive inaccurate advice because the victim service worker is not a practicing lawyer and if the outcome of the case is materially affected by their input the client could pursue civil action against either the worker or the organization.
- other publicly funded resources are available to provide assistance with family law/family court matters, including Legal Aid, Duty Counsel and Family Justice Counsellors. The Legal Services Society website (www.lss.bc.ca) contains information regarding family law and services, legal aid eligibility, and local resources including family duty counsel and family justice counsellors. Legal problems that may be covered by legal aid include criminal charges, child protection matters and serious family problems such as domestic violence. The victim service worker may provide assisted or proactive referrals for these services.

I hope this information helps to clarify the provision of victim services to clients in the family court process. If you have further questions, please do not hesitate to contact your program manager or you are welcome to contact me directly.

Taryn Walsh
Executive Director

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