

NOTICE

PROVINCIAL COURT OF MANITOBA (WINNIPEG CENTRE)

Re: CHANGES TO THE FASD COURT SITTINGS

This Notice replaces the Notice entitled “FASD Dockets- Adult and Youth” released on March 14, 2019.

The FASD Court Dockets (Youth and Adult) have been operating since March 29, 2019. This has given the Court an opportunity to assess the demands for the various dockets. The following changes will be implemented in order to address those demands and to best utilize court time.

Thursday Morning In-Custody FASD Docket at MYC

This docket has been under-utilized. Defence counsel have expressed that it is difficult to attend MYC on Thursday mornings for a single matter, particularly given the nature of the dockets operating at the same time at 408 York Avenue. Therefore the following scheduling changes are to be immediately implemented:

- In-custody FASD dispositions will continue to be given priority Thursday morning;
- Counsel may add an out-of-custody FASD disposition to the Thursday morning docket when an in-custody matter is also set;
- Counsel may add a regular in-custody disposition to the Thursday morning docket when an in-custody FASD matter is also set.

Thursday Afternoon FASD Disposition Docket at 307 – 408 York Avenue

Scheduling for the afternoon 307 FASD docket has alternated between youth and adult sittings. The designated youth sittings have been under-utilized. Therefore, one of the youth court sittings will be designated an adult sitting. If counsel require a special sitting for a youth matter, counsel may contact TCO and use a sitting which is not designated for youth matters and has nothing set.

Thursday Morning FASD Disposition Docket at 307 – 408 York Avenue

The demand for adult disposition time on the FASD docket has resulted in a significant backlog. As a result, courtroom 307 will be designated as an adult FASD disposition docket every Thursday morning and three afternoon sittings per month. Dispositions will continue to be scheduled through the Court website.

FASD Justice Program Resources

Concurrent with the introduction of the designated FASD docket, the FASD Justice Program now offers support to those offenders who have an FASD diagnosis obtained outside the program. This expansion has been met with enthusiasm, and has resulted in a significant backlog for those seeking services.

Probation Services has responded by assigning two further probation officers to work alongside the FASD Justice Program workers. It is hoped that this increase in resources will assist in addressing the backlog.

Continuing Education

As there continues to be a lack of understanding on the part of some counsel as to the meaning of the FASD assessments and the role of the FASD Justice Program workers, two lunch time education sessions will be scheduled to address these issues and to answer any questions counsel may have regarding the program and the diagnosis. Please watch for the dates!

Informational Sheet

The FASD Informational Sheet and FAQ previously released has been updated on the website. Attached is a Condensed FASD Informational Sheet.

ISSUED BY:



**Chief Judge Margaret Wiebe
(Manitoba)**

DATE: December 5, 2019

CONDENSED FASD INFORMATIONAL SHEET

Adult FASD - every Thursday morning at 10 AM in courtroom 307 **and** 1st, 2nd & 3rd Thursday at 2 PM in courtroom 307

Youth FASD- every Thursday morning at 10 AM at MYC **and** 4th Thursday at 2 PM in courtroom 307

Available dates and times for the FASD docket will be available on the courts website:

www.manitobacourts.mb.ca/provincial-court/available-dates/fasd/

To schedule contact:

- Youth disposition coordinator: youthpcdispos@gov.mb.ca
- Adult disposition coordinator: earlypcdispos@gov.mb.ca

Who is eligible?

Anyone with an FASD diagnosis. The worker with the FASD Justice Program (FASD JP) will assist in obtaining a copy of the existing FASD report, regardless of whether the accused was diagnosed through the FASD JP. An FASD diagnostic report is required for this docket, as is the consent of the accused.

Defence Counsel must ensure a copy of the FASD diagnostic report and other relevant materials are provided to the Court **in advance** of the disposition date.

FASD Justice Program

FASD JP support may be provided (after referral) with informed client/guardian consent. The assigned FASD JP worker will assist in building upon previous supports and or develop new community support plans. The FASD JP worker may attend court with other support workers.

Please contact Tannis Toothill, Program Manager 204-928-7171, tannis.toothill@gov.mb.ca

One of the goals of the docket is for the Court to take into account the specific deficits identified in the FASD report (and other updated reports) and how they might be related to the offender's degree of responsibility for an offence. If there is a link demonstrated by counsel between the deficits resulting from FASD and the offending behaviours, the Court would explore how the sentence imposed would best reflect and respond to that link.