



Handout: Youth Justice Court: An Overview

Under the *Youth Criminal Justice Act*, all youth cases will be heard in Youth Justice Court.

Once in court, a young person has a guaranteed right to legal representation. This means that if the young person wishes to obtain counsel but is unable to, the Court will order that counsel be provided if the young person asks.

In most cases the trial will be open to the public and members of the news media. The media are not usually permitted to publish or broadcast any information which reveals the identity of any young person involved in the trial. Publication is discussed more fully under Lesson 3.3.

The young person's parents or guardians must be notified of all proceedings and are encouraged, or may be required, to attend. Where a parent or guardian has not attended court proceedings, the Judge may issue a written order requiring the parent or guardian to attend at any stage of proceedings.

At the trial, the Crown Prosecutor and counsel representing the young person (if the young person has counsel) present their cases and may call witnesses. After both sides present their cases, the Judge must make a decision based on the evidence.

If the young person is found not guilty, they will be acquitted, and that is the end of the case. If there is no appeal, all records will be sealed or destroyed two months after the appeal period passes. If there is an appeal, and that appeal is not successful, all records will be sealed or destroyed three months after the appeal proceedings.

If the Judge finds the young person guilty, the Judge may request a Community Youth Worker to prepare a pre-sentence report. Under some circumstances, such as the possibility of a sentence involving custody, a written pre-sentence report must be ordered. However, a pre-sentence report may be dispensed with if the young person, the Crown Prosecutor, and the Judge agree not to have one. A pre-sentence report is an assessment of the young person's age, behaviour, attitude, previous contact with the law, experience with extrajudicial measures and sanctions, school records, and relationships with parents. An appraisal of the programs and facilities available to the Court will also be included. The Community Youth Worker preparing the report will interview the young person, the parents or guardian, and the victim (where there is an identifiable victim and where an interview is appropriate). In most cases, copies of the report must be made available to the young person, the parents, and legal counsel.

If the Judge considers that the young person is suffering from physical or mental illness, the Judge can ask for a medical, psychological, or psychiatric assessment. A medical, psychological, or psychiatric report can be ordered by the Court when it is deciding on a youth sentence.