

“I’ve been Charged and I’m Under 18 – What do I do?”



Guide to the youth court process in Toronto
for *Youth Criminal Justice Act* charges



BEFORE GOING TO COURT

Questioning by the Police

If you are detained or arrested by the police, you have the right to call a lawyer and a parent or adult that you trust. The police must give you the phone number for a lawyer or duty counsel. For this purpose, you are allowed as many calls as you need.

Make sure you receive advice from a lawyer before you say anything to the police. You have a right to have a lawyer with you if you decide to say anything. Anything you tell the police may be used later in court.

The police can't carry out threats or promises to make you say or write anything.

Release Conditions

Speak to a lawyer before agreeing to any release conditions (for example, staying off school property or not attending school). It is important to understand fully what you are agreeing to. Do not sign the release conditions just to get out of police custody quickly.

Being Held for Bail

If the police decide to hold you, they must bring you to court within 24 hours or as soon as possible (usually the next morning) to have the court decide whether to release you or continue to hold you until your trial. You have a right to have your lawyer or duty counsel represent you at your bail hearing.

You can be detained if the judge or justice of the peace believes it is necessary to protect the public or to make sure you come to court when you have to. If the offence you are charged with is not serious enough for you to be sentenced to custody, then the judge should not place you in detention while you wait for your case to be heard.

Fingerprints and Photographs

You may have been given a date to be fingerprinted or photographed, before the date of your court appearance. Note the time and place of this appointment on your notice to appear form. Failing to show up for an identification appointment can lead to your arrest and an additional charge.

RIGHT TO A LAWYER

You should always speak with a lawyer if you are charged with breaking the law. It is your right under the *Youth Criminal Justice Act* (YCJA) to have a lawyer represent you in court (contact information is listed at the end of this brochure).

Legal Aid

If you can't afford a lawyer, you can apply for a Legal Aid certificate before your court date by calling Legal Aid Ontario (416-598-0200) or by applying in person at the following locations:

Toronto

375 University Ave., #204 (south of Dundas)
416-598-0200
Mon – Fri: 8:00 – 3:30
Tues: 4:30-6:30 (by appt.)

Scarborough (beside courthouse)

1921 Eglinton Ave. E. (west of Warden)
416-750-7172
Mon / Tues / Thurs / Fri: 8:30 – 3:30
Wed: 8:30 – 11:00

Etobicoke

5415 Dundas St. W. (west of Kipling)
416-237-1216
Mon –Thurs: 8:30 – 3:30
Fri: 8:30 – noon

North York

45 Sheppard Ave. E., #106 (east of Yonge)
416-730-1588
Mon – Fri: 8:30 - 3:15

You can also make an application at the Legal Aid office at or near any of the Toronto youth courts.

When you make an application for Legal Aid you will be asked to produce information about your and/or your parents' financial situation, to show that you qualify. Bring all of the following that apply to you and/or your parents:

- up-to-date bankbook;
- investment statements;
- 3 most recent pay stubs;
- proof of receipt of EI, ODSP or Worker's Comp.;
- verification of monthly debt payments or proof of trusteeship if bankrupt;
- income tax return; and
- support payments.

If you don't have the above information or don't live with your parents, you can bring a letter from staff at a shelter, drop-in centre or other agency, stating that you have little or no money.

If you are denied Legal Aid (for example, because Legal Aid believes there is no chance of you receiving a jail sentence if found guilty), explain this to duty counsel. This is especially important if you want to plead not guilty. Duty counsel can ask the judge to order Legal Aid to appoint you a lawyer.

You have the right to a lawyer under the YCJA.

Duty Counsel

If you don't have a lawyer when you go to court, duty counsel can help you. Duty counsel are Legal Aid lawyers who have offices in each of the youth courts. They will give you advice and help you in court, free of charge.

Duty counsel should be used for straightforward matters, like a first appearance, getting a lawyer when you have been refused Legal Aid, or helping you if the Crown offers diversion and you want to accept it. For more serious charges, entering a plea, trials or sentencing, you should get your own lawyer.

Duty counsel are very busy and cannot speak with you before your court date. On the day of your court appearance arrive early and introduce yourself to the duty counsel right away – the court building may only open at 8:30, so if you have to appear at 9 a.m., you will only have 30 minutes to line up and speak with duty counsel about your case. If you arrive late, tell the judge or justice of the peace "I'd like to speak with duty counsel" when your name is called, then find the duty counsel immediately.

GOING TO COURT

Your summons, or whatever document you or your parents received from the police, will tell you which courtroom to go when you arrive at the courthouse. Ask duty counsel to check the court docket. The docket is a list of the people scheduled to appear that day, and will tell you in which courtroom your appearance will be held.

You will be searched by Provincial Court Officers when you enter the courthouse. Don't bring any illegal materials, weapons or anything that could be used as a weapon with you to court (e.g. knife, razor blade, illegal drugs). Even a small penknife on your key ring will be taken away from you before you enter the courthouse.

Courtroom behaviour

Courtrooms are very formal, we recommend the following:

- do not talk while seated in courtroom;
- listen to the court proceedings;
- remove all non-religious headgear;
- do not wear or use headphones;
- do not chew gum or bring food and drinks;
- turn off cell phones and pagers;
- dress neatly and avoid t-shirts with offensive or rude language / designs; and
- do not speak with any co-accused (especially if you have been ordered by the court not to associate with them).

Entering the Courtroom

When you enter the courtroom, sit on the benches or chairs in the main area until your name is called. When the clerk calls your name, go to the front of the room and stand next to your lawyer or duty counsel.

The Crown lawyer, who is prosecuting your case, will usually stand to your right, facing the judge or justice of the peace.

Your lawyer will acknowledge your parents if they're present, and you will be asked to confirm your date of birth. Your charge will be read and you will be asked if you understand it. If you don't want your charge read out in court (e.g. if the charge is a sensitive matter like a sexual offence), ask your lawyer or duty counsel to have the reading of the charge(s) waived.

The court is generally open to the public, but no one can publish identifying information about you.

Instructions from the Court

Listen carefully to what the judge or justice of the peace says in court about your case. It is important for you to ask questions if you don't understand what is being said.

Make sure that you understand the court's instructions, especially about your next court date and any conditions that may apply (e.g. curfews). If you can't attend on the date that's being set, tell your lawyer right away. Listen for the time, court room number and location.

You'll be given a yellow reminder slip with the date and time of your next court appearance. If you don't show up, the court will likely issue a bench warrant for your arrest and you could face additional, separate charges.

NOTE: conditions (e.g. curfews) remain in effect during school breaks and holidays.

Pleading Guilty

Normally you will not be able to plead guilty at your first court date. If you're sure that you want to plead guilty, duty counsel will help you. Never plead guilty unless you feel you are guilty and you have spoken with a lawyer or duty counsel. A finding of guilt has serious, long-lasting consequences.

Charge screening form

You may be handed a yellow or pink document called a charge screening form, which describes how the Crown will treat your case. Give this form to your lawyer as soon as you get one. The Crown lawyer sometimes forgets this form so if you don't get it at your first appearance, be sure to ask duty counsel for help. You'll need the charge screening form for your lawyer and for obtaining Legal Aid; not getting it can hold up your court process.

Extrajudicial Sanctions (EJS)

EJS programs take youth out of the court process by substituting community-based tasks, like community service, an apology, repairing the damage you caused, or attending counselling or mediation. This is overseen by a probation officer. When you successfully complete the program, you will not have a youth court record.

You are eligible for the program if the Crown decides that it's appropriate, and if you accept responsibility for the offence (not exactly the same as pleading guilty). It will say on your charge screening form if you "eligible for EJS" and the Crown will offer the program to you in court.

You can also speak with your lawyer or duty counsel about EJS or ask for it yourself. For a less serious offence, ask for an application from the duty counsel before your first appearance or as soon as possible.

Alternatives to Custody

Youth courts also have alternatives to custody available to them in sentencing young offenders who have been found guilty. Operation Springboard's Attendance Program (416-615-0788) provides a sentencing alternative including skill development programs and supervision for youth with school attendance orders. Ask your lawyer about participating in a program before you are sentenced.

Other Court Services

Many of the courts have Aboriginal court workers, mental health offices, bail programs and other services. Contact the court to connect to these programs.

The Salvation Army has offices in most courts and its officers can provide you with information and connect you to a range of services.

If you or your parents or guardians have any language interpretation needs, it is important that you alert the court in advance. There is no charge for interpretation services.

Tips and Ideas

- be involved in your case, for example: ask your lawyer lots of questions and investigate your options;
- use a notebook to record all of the names, dates and information you receive throughout your court process;
- keep all of your court and police documents together in a safe place as replacing lost or ruined documents is a hassle and could prolong the court process for you;
- keep track of all your court dates, conditions and appointment - failing to appear or comply is taken very seriously and often leads to additional charges;
- be aware that youth records have serious, lasting consequences for everyone - we advise youth to never ignore charges or plead guilty just to get the process over with; and
- call the Kids Help Phone (1-800-668-6868) if you feel isolated or in crisis. There are several agencies listed at the back of this booklet that can provide you with or connect you to supportive services.

Toronto Youth Courts

All are open between 8:30 a.m. - 5:00 p.m.

Jarvis Youth Court: 416-327-6876

311 Jarvis St. (South of Gerrard, north of Dundas St. E)

The duty counsel and Legal Aid office are located on the main level to the right of the main entrance.

First appearances are heard in courtroom 1 on the main floor, closest to the duty counsel office. Note that the Legal Aid office is open only until noon.

Scarborough Court: 416-325-0976

1911 Eglinton Ave. E. (at Warden)

The duty counsel office is located at the end of the hallway on the right, next to courtroom 408, which is the Youth Court. Bail hearings are heard together with adults in courtroom 412.

A Legal Aid Ontario office is located nearby at 1921 Eglinton Ave. E. The office is open 8:30-4:30, but no applications are taken after 3:30 p.m.

Metro West Court: 416-314-3962

2201 Finch Ave. W. (east of Weston Rd. at Arrow Rd.)

First appearances are held in courtroom 204.

A Legal Aid Ontario office is located across the hallway from courtroom 204.

CONTACTS TO HELP FIND YOU A LAWYER:

Justice for Children and Youth:

416-920-1633 / 1-866-999-5329

Advice, referrals and legal representation for low-income youth under 18.

Lawyer Referral Service:

416-947-3330 / 1-800-268-8326 (free for youth under 18)

Referrals to lawyers in various areas of practice; 30 min free advice.

Legal Aid Ontario: 416-598-0200 / 1-800-668-8258

www.lao.on.ca

SELECTED YOUTH SERVICES IN TORONTO:

Kids Help Phone: 416-973-4444 / 1-800-668-6868

Support and information for youth.

Street Helpline: 416-392-3777 / 1-866-392-3777

Provides information about where to locate food, health services, shelter and other resources.

Lesbian/Gay/Bi Youthline: 416-962-9688 / 1-800-268-9688

Support and information for queer and trans youth.

Toronto 211: Inside the 416 / 647 area codes, just dial 211

For information about community, government, social and health issues in Toronto.

www.211Toronto.ca

Outside of Toronto dial 416-397-4636 or visit www.211Ontario.ca

This pamphlet is intended for young people under 18 living in Toronto.
Its purpose is to give general information about the court process for YCJA charges.
Speak to a lawyer or legal worker about specific questions.
The information was accurate as of June 2008.



415 Yonge Street, Suite 1203

Toronto, Ontario M5B 2E7

GTA: (416) 920-1633

Elsewhere in Ontario: 1-866-999-JFCY (5329)

www.jfcy.org