

**Community Education Workshop
Parents and The Youth Justice Act
Length of Session: 2 hours**

Workshop Objectives:

At the end of the session each parent/guardian will be able to:

1. Understand their child's legal rights and their role in regards to the Youth Justice Act
2. Understand their legal obligations as parents/ guardians
3. Understand their options when dealing with the police and courts with regard to their child

Draft Agenda:

1. Introduction and brief overview (**5 minutes**)
2. Group guidelines (**5 minutes**)
3. My Child is in trouble with the Law, Myth & Fact Exercise? (**40 minutes**)
4. Break (**5 minutes**)
5. Small group work using scenarios (**35 minutes**)
6. Question and Answer period (**20 minutes**)
7. Wrap up (**10 minutes**)
8. Evaluations (**10 minutes**)

Total Time: 2hours, 10 minutes

Facilitator Notes

The facilitator and the group should be comfortable in changing the agenda to suit their needs.

Materials Needed:

- Paper
- Pens
- My Child is in trouble with the Law, What can I do to Help? Worksheet
- Scenarios
- Brochures, flyers and agency contact information
- Evaluations forms

1. Introduction/ Overview (5minutes)

This workshop is intended to help parents/guardians identify and dispel common myths regarding the Youth Justice Act. They will be able to review situations that require them to understand their child's legal rights and responsibilities and to identify their role in the process.

Facilitator Notes

At this time the facilitator should go over the outline of the workshop for the group. This can be done verbally or written on flip chart paper.

Suggestion: As a warm-up have the group go around and introduce themselves and their children.

2. Group Guidelines (5 minutes)

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In the large group, invite participants to set the ground rules for the session. These can include;

- respecting each other,
- listening to one another,
- one person speaks at a time,
- everyone has the right to participate, everyone has the right to pass;
- confidentiality (what is said in the room, stays in the room).

Facilitator Notes

If it is a short session, these rules can be prepared ahead of time, and participant's can be invited to add to it.

3. My Child is in Trouble with the Law (40 minutes)

This part of the workshop can be done in two ways; in a large group (no more than 12) or individually. In the large group format the post the questions on flipchart paper (*these can be prepared in advance*) and take “mini-surveys” of each question. Go through each question one after another.

If the group is large, participants can be given the handout to complete, answers can be discussed the same way as in the large group format

Facilitator Notes

Be careful of time with this session as people may start to ask “what-if questions”. If time is starting to run short simply write down the question in the “parking lot” and deal with them after the core material has been covered.

4. BREAK

5. Scenario's (35 minutes, 15 for small group work 20 for reporting back)

Divide the group in smaller groups (no more than 4 people each). Distribute one My Child is in Trouble scenario to each group. Have each group reads their scenario, answers the questions and reports their findings to the rest of the group.

Facilitator Notes

Travel between groups to clarify any questions they may have about the situation. Be sure to focus participants on the facts presented to them and not on the “what-ifs & maybes” of each case

6. Question and Answer Period (15-20 minutes)

In almost every case participants will have general questions about the law or a particular situation involving the police. This section provides an opportunity for people to ask questions

Facilitator Notes

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Some questions may be too specific for the facilitator to answer. Simply remind the group that resources will be handed out including contact information for legal clinics and in some cases to contact a lawyer for legal advice.

7. Wrap up

The wrap-up section provides the participants and facilitators the opportunity to share some final thoughts on the workshop and the topic.

8. Evaluations (10 minutes)

Give participants time at the end of the session to fill out the evaluation forms.

Facilitator Notes

It is important to receive feedback from participants so that as facilitators we can learn and grow with each session.

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Common Myths among parents dealing with the Justice System

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| 1. If the police have stopped my child who is younger than 18 years old they don't have the power to search them. | Fact Myth |
| 2. If my child has been arrested they will always be held at the police station. | Fact Myth |
| 3. My child has been arrested; the police will not allow them to call me. | Fact Myth |
| 4. My child just called me and told me that they have been arrested and the police keep asking them questions. I just told them to be cooperative with the police and answer the questions, like they suppose to. | Fact Myth |
| 5. In order for my child to give any statement, he/she has the right to have a lawyer or myself with them. | Fact Myth |
| 6. The police are allowed to use force with my child, who is under 18 years old. | Fact Myth |
| 7. My child committed a criminal offence. He/she is going to need a lawyer and I just don't have the money to afford one right now. No one can help me in this situation. | Fact Myth |
| 8. Community Aid is the same as the Community Legal Clinic. | Fact Myth |
| 9. The Duty Counsel can help my child at the first court appearance. | Fact Myth |

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| 10. Since he got into trouble on his own,
it will be good for him to face the
consequences on his own. | Fact Myth |
| 11. Going through the justice system can be a
long and complicated process. | Fact Myth |
| 12. My presence in court it is not that important. | Fact Myth |

Common Myths among parents dealing with the Justice System

Answer Sheet

1. Myth The police can search your child if he/she have been arrested or if the police have the strong believe that he/she is carrying illegal drugs or a weapon.
2. Myth If the police charge your child with an offence, they don't have to detain your child. However if they don't detain your child both the child and the parents will get a notices explaining the offence(s) with which he/she are being charged, the date and time when he/she must be in court, the court's address and your child right to be represented by a lawyer.
3. Myth The police must allow your child to make phone calls to a lawyer, and the parent(s) or adult friend who will help them.
4. Myth Although your child will be questioned at the police station, he/she don't have to say anything and the police must inform he/she of this right not to make any statement.
5. Fact The police must tell your child about his/her right. Anything he/she could say that shows their involvement in an offence can be used against them in a court. Refusing to sign a written statement will not stop it from being used against he/she in a court. If your child wants to make a statement, he/she should wait until he/she has talked to a lawyer, in private, and the lawyer is with them.
6. Myth The police can use physical force. An officer is allowed to use much force as is needed to enforce the law, prevent the escape of someone who is being arrested but only if the escape cannot be stopped in a less violent way, or prevent a serious crime. However the police cannot use physical force to make your child answer any question or give them a statement. If the police force your child to give a statement, that statement cannot be used against them in court, and the forced used may be considered an offence on the part of the police.
7. Myth If you can't afford to pay a lawyer, your child can apply for a

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legal aid certificate. Legal aid is intended for people with low incomes, you will have to give Legal Aid Ontario information about your income and any property you own.

Your child will have to do this too. If both of you qualify financially, and the charge against your child is a serious one, Legal Aid Ontario will give your child a certificate to pay for the lawyer they hire.

Ask legal Aid Ontario for a list of local criminal lawyers who do legal aid work.

If your child are in court without a lawyer, and you cannot get Legal Aid, you can tell the judge that you want a lawyer to represent your child. In this case, the judge will make sure that a lawyer is appointed for your child. Your child may be able to get representation or advice, or both at a community Legal Clinic, or he/she can use a Duty Counsel.

8. Myth Communities Legal Clinic is an office were lawyers, trained legal workers, and sometimes law students are available to give you legal advice. Sometimes they will represent you in court. Clinics are free, but your child might be asked to pay certain legal expenses in some situations.

9. Fact Duty counsels are lawyers who give free legal help to people who are about to appear in court and don't have a lawyer. Duty counsel are qualified lawyers who will work hard for your child providing he/she with advice and speaking for you child in court however there will not be a trial the day of your child' first appearance. This service it is provided at no cost for young people.

10. Myth Sometime parents hope the experience will shock their child into better behavior and there are many reasons why this is not a good idea. If your child gets in trouble with the law, your support really matters. Your child should not go through the criminal justice system alone. Your child needs your support, even if they say they don't.

11. Fact Your child will have to make many decisions that will have serious and lasting consequences for he/she. Even if you don't have experience with the justice system, you can help he/she get the information, advice, and resources they need.

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12. Myth You can show the judge that your child has a caring and responsible parent to support and supervise them. This can help when judge is deciding what should be done with your child, you can also help to understand what is happening to he/she.

My child is in trouble with the Law, What can I do to help?

Scenario One

It was Thursday at 10 pm and I was getting my self-ready to go to sleep when the police knocked at my door and told me that my daughter has been caught riding in a stolen car. The news took me by surprise. I was very much sure that she was at her friend's house where they were supposed to be working on a school assignment. They also explained to me that she was being held at the police station and although she wasn't involved in the robbery she refused to cooperate with the police, not telling them what she knew about the robbery.

1. Should I contact a lawyer right away?

Yes, you should contact a lawyer right away, if you don't have a lawyer you can apply for assistance through **Legal Aid**. For emergency situation where a lawyer of your choice isn't available, it is best to access the advice and support of the Duty Counsel that is available through the court system. It should be remembered that the Duty Counsel (or any lawyer who contact) are working for the young person in trouble with the law. Therefore they are working for the young person, not their parents, or grandparents or any other family member.

2. Should I encourage my child to make a statement to the police?

No, you should not encourage your child to speak to the police until they have spoken to a lawyer. Anything they say to the police, or any other people (including you) can be used against them in court. No matter what the police say about your child's cooperation making it easier on them, it is in their best interest to speak first to a lawyer.

3. Does my daughter have to stay at the police station?

No your child may be released under several conditions

Scenario Two

The police have knocked at my door with a warrant to search my child's room. According to the police my child was involved in a *break-in* two blocks away from our house and they believe that some of the stolen property could be hidden in his room.

1. Do the police have the right to search my child's room?

Yes, a search warrant is a written order from a judge or justice of the peace. This order gives the police the right to search home. If the police have a valid warrant to search your home you must let them in.

The police should show you warrant. If they do not show it, ask to see it. Check the warrant for:

- a. The correct address
- b. Dates and hours when it can be used
- c. The signature or name of the judge who order it

The warrant **must** say who signed it, where, what day and what time they signed it. The warrant usually is valid even if there are small problems. Inform the police that there are errors. You may ask the police to leave but do not try and stop them from entering or make them leave, your home.

The police can only search for evidence that is listed in their search warrant and can look only in places where they might find evidence. However if the police discover something related to another crime (not listed), they can take it and use it as evidence.

Usually if the police must return items taken from your home within three months unless a justice of the peace orders they can keep it longer. If your property is not returned contact the police and ask for it to be returned or apply to have a court to have it returned.

2. What should I do if the police damage things while conducting their search?

If Police damage items in the course in their investigation you should document the nature of the damage (i.e. photos of holes, broken items, etc.) and what happened during the search. Try and document the names, badge numbers, etc. of the officers involved. You may want to consider filing a complaint through the police complaints process.

3. Does my child need to be present in order for the police to conduct the search?

No,

Scenario Three

Tuesday morning I just got to work when I received a call from a police officer who told me that my child had been arrested at school and held at 52 Division. He has been charged with possession of marijuana. Although I understand that he is in trouble with the law because of his behaviors and that he will need legal advice, I'm a single parent with two other children and at this moment I can't afford to pay for a lawyer.

1. What are my options as a parent who wants to help their child but has limit money?

If you qualify you may be entitled to Legal Aid. Legal Aid is the system set-up to ensure that people with low-incomes still have access to a lawyer in time of need. To apply for Legal Aid you will need to bring several things

- Identification (i.e. Driver's license, SIN card, health care, etc)
- Related documents (i.e. Court charges, custody papers, etc)
- Proof of current income (i.e. 3-4 pay stubs, employment insurance records, etc.)
- Up to date bank book or statement
- Proof on Expenses (i.e. hydro bills, phone bills, rent receipts, receipts for medical expenses etc)

Based on you income, Legal Aid may decide that you qualify for assistance, you may receive aid that you have to repay at a latter date or that don't qualify for assistance. If you disagreed with legal Aid's decision you can appeal to the **Area Committee**. You can also reapply if your situation changes.

2. What is going to happen to my child the day of the court appearance if he doesn't have a lawyer?

If by the time there are going to court for their first court appearance they don't have a lawyer, they still can get support through the court appointed Duty Counsel.

3. I've known a lawyer for more than 28 years. Should I ask him to represent my child in court?

Not every lawyer is qualified to handle every type of case, particularly cases involving the Youth Justice Act. Ensure that they are qualified to handle the legal matter that you are dealing with.

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References:

“My child is in trouble with the Law, What can do to help?” Community Legal Education Ontario (CLEO), March 2002, www.cleo.on.ca

Justice For Children And Youth: “Contact with the Police, At the Police Station, You Are Under Arrest, Detention, and Lawyers & Getting a Lawyer”
<http://www.jfcy.org/police/contpolice.html>

“Can I Get a Legal Aid Certificate?” Legal Aid Ontario www.legalaid.on.ca

“Financial Eligibility” Legal Aid Ontario www.legalaid.on.ca