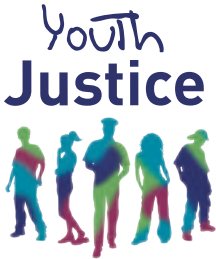




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IF YOUR CHILD IS IN TROUBLE WITH THE LAW



When a young person gets in trouble with the law, it can be stressful and confusing for both the youth and his or her family. This fact sheet contains general information for parents and guardians of a young person in trouble with the law. This information is of a general nature and is not intended as a substitute for professional legal advice. For more information, see the *Youth Criminal Justice Act: Summary and Background* or the full text of the *Youth Criminal Justice Act* (YCJA).

The Role of Parents and Guardians

The YCJA recognizes that parents and guardians have an important role to play when a young person comes into contact with the youth justice system. The YCJA says that parents and guardians should be kept informed of measures or proceedings involving their children and encourages them to get involved.

Specifically, the YCJA says:

- During police questioning, a youth has the right to be accompanied by his or her parents or guardians, in addition to the right to a lawyer;
- When a youth is arrested, detained or required to appear in court, their parents or guardians will be notified by police as soon as possible;
- Parents or guardians will be notified if an “extrajudicial sanction” is used to hold the young person accountable;
- The youth court can order that a parent or guardian attend a hearing along with the youth; and
- A parent or guardian can put themselves forward as a “responsible person” during a young person’s bail hearing. Before a youth court decides to detain a young person in custody while waiting for trial, the

court must determine whether there is a “responsible person” available to care for and supervise the young person instead of placing the young person in detention.

How Parents and Guardians Can Help:

- Support and encourage the young person at all times;
- Help the young person get advice from an experienced criminal lawyer as soon as possible;
- Learn more about how the youth justice system works, including what rights parents, guardians and the young person have under the YCJA;
- Try to stay informed about what is happening with the case;
- Understand the decisions that the young person will have to make and explain them to him or her;
- Help the young person understand and fulfill his or her obligations at different stages of the justice process; and
- Ask questions, and encourage the young person to also ask questions.



What Parents and Guardians Should Avoid:

- Do not try to fix the problem yourself;
- Do not make statements to the police without consulting a lawyer;
- Do not force the young person to make statements to the police; and
- Do not encourage the young person to waive his or her right to consult with a lawyer.

Get Professional Legal Advice

Anyone who is detained, including a young person, has the right to consult a lawyer. The YCJA confirms this right: a youth can consult a lawyer at any stage of the justice process. If a young person is unable to secure a lawyer, the court will assist either by referring them to a legal aid program or directing that a lawyer be appointed to represent them.

If a young person is in trouble with the law, it is best for parents and guardians to seek the advice of a lawyer as soon as possible. This is important even if

the crime does not seem serious or if the parents and guardians do not think that the youth is guilty. Parents, guardians and the young person should learn about the potential consequences of the allegations, as well as the implications of any decisions that must be made in response to the allegations. A legal professional can provide the guidance necessary for the youth to make informed decisions that are in his or her best interests.

It is important to remember that a youth's lawyer works for the young person, not for his or her parents or guardians – even if they are paying for the lawyer's services. The young person is the lawyer's client, which means that the lawyer is prevented from sharing information with parents, guardians or anyone other than the young person to whom the lawyer owes a duty of confidentiality. This duty of confidentiality can only be waived if the youth grants permission. As a result, the young person and his or her lawyer may make decisions about how to handle the case that parents or guardians may not agree with.