



Legal Representation for Children and Youth Project

Stakeholder Consultation Guide

February 2006

About this Guide

This consultation guide provides background and information that will help stakeholders provide input to the Legal Representation for Children and Youth (LRCY) Project. Several aspects of the LRCY Project are highlighted in this guide. These are areas under development where it would be particularly helpful to have stakeholder opinions and comments.

Questions in this guide are designed to help stakeholders focus their thoughts and responses. Of course, stakeholders are welcome to comment and make suggestions regarding any aspect of the LRCY Project.

Individuals and organizations that wish to provide written input are asked to forward their comments to the Office of the Child and Youth Advocate, Legal Representation for Children and Youth Project. This can be done in several ways:

- By e-mail to:
lrcy.information@gov.ab.ca
- By regular mail to:
LRCY Project
#430, 9942-108 Street
Edmonton, AB T5K 2J5
- By fax to: 780.644.7227

This consultation guide is available on-line at www.gov.ab.ca/LRCY or by calling 780.644.6951 or 1.888.890.2020.

About the LRCY Project

MANDATE

In March 2005 a joint decision was made by the Ministers of Alberta Justice and Alberta Children's Services to transfer the administrative process of appointing legal counsel for children and youth under the *Child, Youth and Family Enhancement Act (Enhancement Act)* to the Office of the Child and Youth Advocate (OCYA). At a later date, the scope of the project was expanded to include children and youth receiving services under the *Protection of Children Involved in Prostitution Act (PCHIP Act)*.

The OCYA was considered a logical place to house the service because it has a legal mandate to represent the rights, interests and viewpoints of young people who receive services under the two *Acts*. The Child and Youth Advocate operates at arm's length from the Ministry of Alberta Children's Services.

This transfer of responsibility does not affect the process for appointing lawyers for children and youth involved in criminal, civil or custody/access cases. The current process will remain unchanged.

CURRENT APPROACH

The *Enhancement Act* and the *PCHIP Act*

describe situations in which a child or youth has a right to, or would benefit from, legal representation. In these situations, a request may be made for legal representation. In addition, under section 112 of the *Enhancement Act*, the Court may direct that a lawyer be appointed to represent a child if the Court is satisfied that the child's interests would otherwise not be well represented.

Alberta Justice's Family Law Branch assigns lawyers for children and youth 11 years of age and younger. This service is paid for by Child and Family Services Authorities. The process is different for children and youth who are receiving services from Delegated First Nation Agencies.

For children and youth 12 years of age and older, the Legal Aid Society of Alberta assigns and pays lawyers to provide representation. Lawyers are selected on a rotating basis from an established roster. Legal Aid receives funding from Alberta Justice to provide these and other services.

GOAL

The goal of the new process is to provide a youth friendly, consistent service that can be accessed from anywhere in Alberta. While LRCY will appoint lawyers for children and youth, it will not be involved in providing legal advice or counsel.

TIMING

Transfer of administrative responsibility for appointing legal counsel for children and youth who fall under the *Child, Youth and Family Enhancement Act* and *Protection of Children Involved in Prostitution Act* will take place on April 1, 2006.

CONSULTATION PROCESS

The transfer to the OCYA provides an opportunity to build on current policies and practices that work well. Information gathering activities such as youth focus groups and a recent project completed in October 2005 by Calgary legal consultant Jonathan Carlzon have helped identify where new or modified policies and procedures may add value to LRCY's administrative process. Mr. Carlzon's report can be accessed on-line at www.gov.ab.ca/LRCY

As part of developing an optimum process that is in the best interests of children and youth, the LRCY Project Team is consulting with lawyers, young people and other stakeholders. Meetings, presentations, consultation sessions, direct mail and the Internet are being used to provide stakeholder organizations and individuals with input opportunities.

The LRCY Project Team has approached the Legal Aid Society of Alberta and Alberta Justice to learn from their experiences, note best practices and work collaboratively toward a smooth transition.

The consultation process will not address the decision to move administrative responsibility to the OCYA. It will also not address amendments to legislation. Decisions about amending legislation are beyond the scope of the LRCY Project.

Alberta Children's Services will amend Section 112 of the *Child, Youth and Family Enhancement Act* when the legislation is opened for other amendments. The *Protection of Children Involved in Prostitution Act* will also be changed when other amendments are being considered.

POINTS FOR DISCUSSION

Reports and stakeholder input and feedback to date suggest there are certain areas under development where it would be particularly helpful to have stakeholder opinions and comments.

The following section provides a brief outline of these points for discussion and poses some questions. Readers are asked to consider these when providing input and comments.

Points for Discussion

1. EXPECTATIONS OF CHILDREN AND YOUTH

Children and youth may have little experience in client-lawyer relationships. Young people have told us that the court process can be very confusing and frightening. Many have told us that it is not easy for them to contact a lawyer and that they don't know what to expect when they do have a lawyer. They have told us that in some situations they have little or no opportunity to talk to their lawyer before or after court.

LRCY is committed to making information available to children and youth to deal with the concerns they have raised.

Questions to consider:

- 1.1. What can a child or youth expect from a lawyer?
- 1.2. What do they need to know at the time legal counsel is appointed?

2. SERVICE DELIVERY

The appointment of lawyers to represent children and youth respects their right under the *Acts* to have legal representation. The goal of LRCY's administrative process is to provide province wide access to this service in a youth friendly, consistent manner.

The process should be clear and transparent to all. The level of service should be equitable and responsive to the needs of stakeholders and, as much as possible, not limited by geography, process or compensation.

Questions to consider:

- 2.1. Can service delivery regarding the appointment of legal counsel for children and youth be improved? If so, what are the priority areas for improvement?
- 2.2. How can the appointment process developed by LRCY demonstrate transparency, equity and responsiveness?
- 2.3. How can the request for a lawyer be made simple and easy?

3. APPOINTMENT ROSTER

In April 2005, Child Representation Workshops were held in Edmonton and Calgary for lawyers interested in representing children and youth.

Approximately 200 lawyers attended. This group will form the first roster from which LRCY will appoint lawyers for children and youth in need of legal representation.

Individuals who attended the April 2005 session but do not want to be on the LRCY appointment roster can opt out. Similarly, lawyers who did not attend the session but would like to be on the roster will be added upon request.

This process is an interim measure until more specific eligibility criteria can be established in consultation with the legal community.

Questions to consider:

- 3.1. What criteria should there be for a lawyer wanting to be on the appointment roster?
- 3.2. How should lawyers be appointed from the roster? (i.e. rotation, best match for the child, location, other criteria?)

4. EVALUATION FRAMEWORK

An evaluation framework is being developed at the same time as the administrative process.

We will use this framework to assess the achievement of specific outcomes and whether implementation of the administrative process is effective.

Specific outcomes will be developed in consultation with stakeholders.

Questions to consider:

- 4.1. Who should be involved in developing the evaluation framework?