

**Summary Notes of a  
Consultation Session with Youth**

**February 2006**



## INTRODUCTION

On April 1, 2006, the administrative process for appointing legal counsel for children and youth who receive services under the *Child, Youth and Family Enhancement Act* and the *Protection of Children Involved in Prostitution Act* will be transferred to the Office of the Child and Youth Advocate. The transfer provides an opportunity to build on existing policies and practices for appointing legal counsel that work well and to develop a process that is youth friendly.

Consultation with key stakeholders is seen as an important part of developing a good administrative process. To this end, the Legal Representation for Children and Youth (LRCY) Project Team recently scheduled a face-to-face consultation session with youth at the Yellowhead Youth Centre in Edmonton.

These notes summarize the input provided by the four teenagers who attended the session. Two of the youth had extensive histories with the PChIP program while the two others were experiencing it for the first time. All of the participants were being confined at the Centre under the *Protection of Children Involved in Prostitution Act*.

## SUMMARY NOTES

### **Awareness of the Right to Legal Representation**

Participants indicated they were first informed of their right to counsel after they had been admitted into the Yellowhead Youth Centre. In one case this was many hours after being first apprehended by the police. Being informed of their right to counsel by Centre staff was usually combined with a discussion of court proceedings, their court date and possible outcomes regarding length of stay at the Centre.

Participants indicated they would like to be told of their right to legal representation at the time of apprehension, either by the police or the social worker involved in the case. They indicated a card outlining the legal right to counsel with LRCY contact information would help raise awareness. They suggested this could be provided at the time of apprehension.

Posters and brochures would not be effective communication tools for this purpose, said participants.

### **Information about Legal Proceedings**

Participants agreed the process for obtaining a lawyer was simple and quick, as Centre staff acted on their behalf to make contact with Legal Aid and submit the application. All youth were given the name of the lawyer at the time of appointment but two did not receive the lawyer's phone number. In all but one case, the lawyer made the initial contact. Time of initial contact following appointment ranged from two to five days.

First contact was reported by participants as very brief and by telephone. This usually occurred just prior to their assigned court date. Only one participant was aware that a child or youth has a right to be present in court. This person has had an appointed lawyer several times. The participants new to the PChIP program were unaware they could attend court and argue against their confinement orders. They indicated they were not aware their lawyer was there to assist them in that process should they wish to fight the Crown's recommendation.

Most of the participants said they would appreciate knowing more about the court process, their lawyer's role and their ability to make choices. The majority of participants felt they had little control over decisions that affected them.

### **Choice of Counsel**

All participants said they would like to have the opportunity to choose their own lawyer. In one case, the person has had the same lawyer appointed to her several times. She indicated this was beneficial. In making a selection, participants said it would be valuable to know the lawyer's name, background, experience, and work location.

Where a selection is made on their behalf, the participants said it wasn't important whether the lawyer was male or female.

All participants believed lawyers are good and helpful. However, they agreed children or youth should have the right to dismiss a lawyer and ask for another one to be appointed.

### **Expectations of Lawyers**

Participants had a number of expectations of lawyers. The following were mentioned:

- Support the person to "get through" the court process
- Inform the individual about his/her rights, choices and options, including the right to attend court and fight detention.
- Communicate with the child or youth after court to relate what happened
- Meet face-to-face at least once\*
- "Be on my side"

\* Only one participant indicated she had met face-to-face with her lawyer. This person has had 9-10 interactions with the court over the years but has seen the lawyer appointed for her only once during that period of time.