

Definitions

A

Absolute Discharge

When the judge has found you guilty of an offence but decides that you should not be punished.

Acquitted

When the court finds you not guilty.

Adjournment

When the judge postpones the matter before the court. The time may be used to prepare a report, get a lawyer, or prepare for trial.

B

Bail Hearing

A hearing where the prosecutor* must show the judge why you should remain in detention*. But if you are charged with a very serious offence, or you are out on a release already, your lawyer may have to show why you should not be detained until trial.

C

Charge(s)

The formal claim(s) that you committed an offence.

Conference

A conference is a group of people who meet and then give advice to the judge about many different parts of the court process including sentencing. It may be the same as a youth justice committee*.

Conviction

In this booklet, conviction means the formal declaration by the judge that you are guilty. This happens after you plead guilty or are found guilty.

Criminal Law

The offences listed in the Canadian Criminal Code. The Criminal Code is a law passed only by federal government. The offences in the Criminal Code are those offences that the federal government considers most serious and harmful in Canada. If you are charged with breaking the criminal law and you are under 18 years old, the Youth Criminal Justice Act will apply.

Crown Attorney

A prosecutor* who is a trained lawyer.

Custody

Criminal law – if you are found guilty, the judge may sentence you to custody. This means you will not be free to go home for a specified period of time and you must live in the place to which you are sent.

Family law – if your parents separate or divorce, a decision will be made about who you will live with and who will be making certain decisions for you. This is called custody.

D**Detention**

Detention is a way of controlling you if the court finds that this is necessary, between the time you are charged* with an offence and the time your trial ends. You may be put under the control of a responsible adult, into a group home, or into a locked facility.

Duty Counsel

Trained lawyers who are available to give you advice on the day of your appearance in court. They are free to all young people but do not handle trials.

E**Evidence**

The information that is introduced into court at a trial, and that is used to decide on the guilt or innocence of the person charged* with an offence. If you are found guilty, the judge will also consider evidence when he or she decides what your punishment will be.

Extrajudicial Measures or Extrajudicial Sanctions

A consequence or punishment that is designed to hold a young person responsible for having done something wrong without creating a youth “criminal” record. See Chapter 5 – Extrajudicial Measures/Sanctions.

F**First Appearance**

This is the first time you go to court on any particular matter. People who are charged with an offence often go to court on more than one date. If you are pleading not guilty, the judge will usually set a date for trial. If you are pleading guilty, the judge may decide on your punishment on your first appearance. If you do not have a lawyer, the judge may put off your case to give you time to get a lawyer.

I

Indictable Offence

Offences are divided into two types, summary and indictable. Indictable offences are the more serious kind and result in harsher punishment than do summary offences*.

L

Law Society

An organization in each province that controls and supervises lawyers

Lay Charges

This happens when a police officer or any person formally accuses you of committing an offence.

Legal Aid

This is where you can apply for financial help to get a lawyer if you are not able to pay for one.

M

Medical and Psychological Reports

These are reports that will be prepared at the request of the court if it is believed that you are suffering from some physical, mental, learning, or emotional problem. These reports can be ordered if the court is thinking about moving your case to adult court, if there is any question about whether you are physically or mentally able to have a trial, or if the court wants this information to help it make or review your sentence*.

P

Parent(s)

Parent includes any person who has custody or control of you, and may include an adult with whom you live or the Children's Aid Society.

Pre-sentence report

This will be prepared if the judge feels he or she needs more information before you are sentenced*, and will always be prepared if the judge is thinking about sentencing you to custody*. The purpose of the report is to help the judge decide what would be the most appropriate sentence for you. You can ask the court not to have this report prepared if you and your lawyer do not want one. This may also be called a pre-disposition report.

Probation

This is one kind of sentence* the court can order. You will not be put on probation for a certain period of time when you are to be of good behaviour, appear when asked by the Youth Justice Court*, and tell your youth worker* of any change of address, school or employment. You may also have to obey other conditions, such as reporting to your youth worker or keeping a curfew.

Prosecutor

He or she is the person who will present the evidence* against you in court. He or she may be an experienced police officer, a trained lawyer, or some other person. This person may also be called the Crown or Crown Attorney.

Provincial Director(s)

A person, or group of people, who work for the provincial government. The provincial director(s) are responsible for carrying out the judge's order(s), and deal with the probation* and place of custody*.

R**Represent**

When someone, usually a lawyer, gives you legal advice or speaks for you to the police, a judge, or a review board*.

Review Board

If you are having your sentence* reviewed, you may go before a review board instead of the Youth Justice Court*. The people on the board will review your sentence in the same way the Youth Justice Court would. Some provinces, like Ontario, may not have review boards. Reviews of sentences will be made by the Youth Justice Court when there is no review board. Ontario does have a Custody Review Board to look at your actual custody placement. For example, if you were put in a facility in Toronto but you want to be closer to your family in North Bay, the Custody Review Board can change your place of custody.

S**Search Warrant**

A court order allowing the police to search a specific place on a certain date.

Sentence

The consequence given by a judge for the offence that you committed. It may be an absolute discharge* or a punishment. In Youth Justice Court it is called a disposition*.

Summary Offence

Offences are divided into two types, summary and indictable. Summary offences are less serious than indictable offences* and your sentence is not as harsh.

Supervision Order

An order that requires you to live with your parents or another person who knows you. The court may order you and your family to obey certain conditions while you are at home.

Y**Youth Justice Court**

The court you will go to if you break a criminal law*. The judges will usually be experienced in dealing with young people and their families.

Youth Justice Committee

Provinces or territories may set up youth justice committees made up of various people from the community who would have something to add to the conference*.

Youth Worker

A person designated by the province or territory that works with and helps a young person with their reintegration into the community.

Justice for Children and Youth (JFCY) is a community legal clinic and children's rights organization, mostly funded by Legal Aid Ontario. It is especially interested in the rights of young people.

JFCY is a registered charitable organization with a large membership of individuals and organizations. JFCY is incorporated under the name: Canadian Foundation for Children, Youth and the Law.

JFCY depends on its memberships and contributions to continue their programs. Any contributions will be appreciated and acknowledged. All contributions are tax deductible. Membership information is available from our office or online.

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