

WHAT IS JUSTICE FOR CHILDREN AND YOUTH (JFCY)?

JANE HAS SOME ISSUES AT SCHOOL, HOME, AND WITH THE LEGAL SYSTEM. ONE DAY, SHE ASKS LISA FOR HELP.

I NEED SOME HELP!
I DON'T KNOW WHAT TO DO



JUSTICE FOR CHILDREN AND YOUTH (JFCY) CAN HELP!



WHAT IS JFCY?

JFCY IS A NON-PROFIT ORGANIZATION. THEY CAN HELP CHILDREN AND YOUTH UNDER 18 WITH...



LEGAL ADVICE +
INFORMATION



LEGAL
REPRESENTATION



PUBLIC
ADVOCACY

HOW DO WE KNOW IF IT IS A "LEGAL" PROBLEM?

GREAT QUESTION.
LET'S GO THROUGH
SOME EXAMPLES



Cannabis Laws

Recreational use of cannabis is legal

But do you know there are still regulations and limits?



You can only buy, use, and share with others (above 19) if you are 19 and older



What if you are under 19?



Yeah, that's us ;)

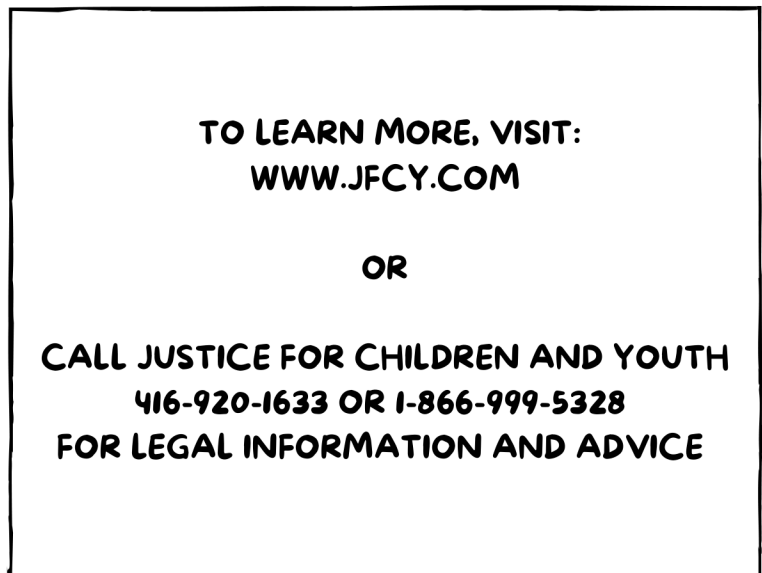
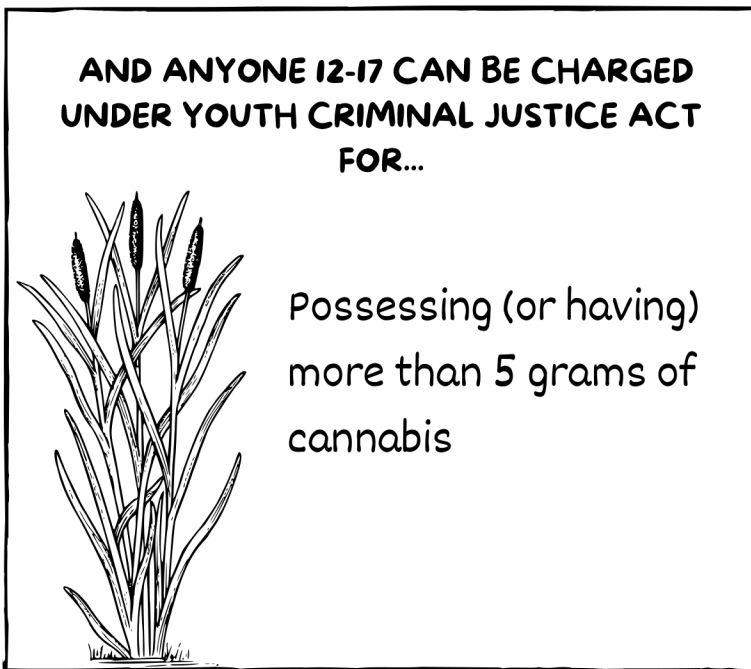


Youth under 19

We are **NOT** allowed to:

1. Buy or use
2. Possess any amount
3. Share with anyone
4. Grow or harvest plants

Cannabis Laws (cont)

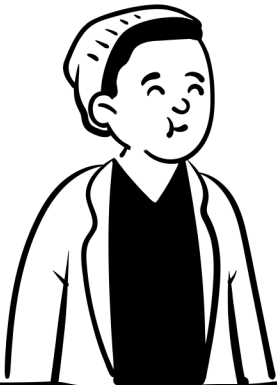


Leaving Home Rights

UNDER 16-YEARS OLD

Your parents have the right to decide where you live and go to school.

If you leave and are unsafe, the authorities may return you to your home or take you into care.



16 OR 17 (IN GENERAL)

You have the right to live independently and choose where you live and go to school.

If you are living with another person, they will not be charged if they do not help you in leaving.

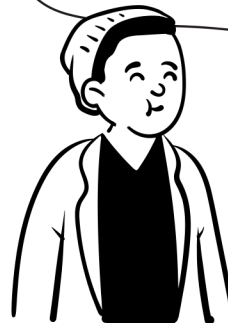


UNDER 16: WHAT IF I CAN'T LIVE AT HOME BECAUSE IT IS HARMFUL TO ME?

Harm and neglect can be reported to the Children's Aid Society (CAS). This should be done ASAP.



What happens next?



Great question! After investigating, CAS may place you with a relative, foster home, or group care if they believe you're being abused or got kicked out.

Talk to your CAS worker if you have any questions or concerns about what's happening.



16 OR 17: WHAT IF I CAN'T LIVE AT HOME?

CAS can offer financial and social supports. Under some circumstances, your parents MAY still have to support you. Visit JFCY website for more info!

Take your personal belongings and ID with you (e.g. OHIP, passport)!



How Does Bail Work?

ONE OF THREE THINGS CAN HAPPEN IF SOMEONE IS CHARGED WITH A CRIME:

1. ARREST, CHARGE, AND GIVEN RELEASE PAPERS



2. ARREST, CHARGE, GO TO POLICE STATION, AND RELEASE WITH PAPERS



3. ARREST, CHARGE, GO TO POLICE STATION, HELD AND WAIT FOR BAIL HEARING



WHAT IS A BAIL HEARING?

A bail hearing usually happens a day after a person is arrested. A Justice will decide whether or not a person should be released while waiting for his/her trial.



If a person is released on bail, he/she/they must follow the rules that the Justice makes.

WHY SOMEONE DOESN'T GET BAIL?

The Justice may not give someone bail (AKA, keep a person in custody) for a few reasons:



1. To make sure someone attends court
2. Protect the public
3. Give confidence to public

WHAT IS A SURETY?



A "Surety" is an adult (> 18 years) that makes sure a person on bail:

1. obeys their bail conditions
2. attends court



IMPORTANT NOTE!



A bail hearing is NOT a trial. Someone **CAN NOT BE FOUND GUILTY** at a bail hearing!



Youth Court Process

THERE ARE TWO WAYS TO ENSURE SOMEONE ATTENDS COURT AFTER ARREST:



1. PROMISE TO APPEAR

The police will let you go home & give you papers that tell you when you have to go to court.

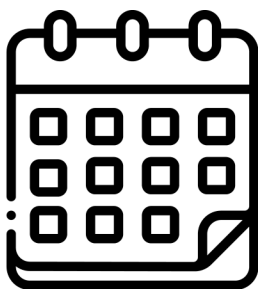


2. BAIL HEARING

A bail hearing is when a Justice at the court decides if you should stay in jail until your trial.

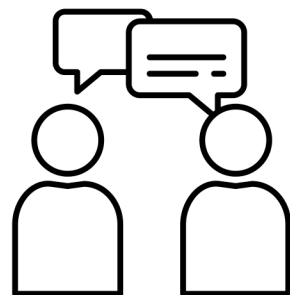
WHAT'S NEXT AFTER THE BAIL HEARING?

SET DATE



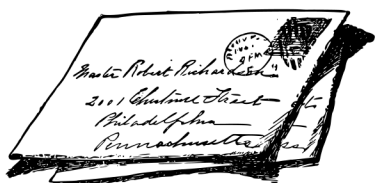
A set date is a court appearance. The prosecutor can give you a copy of the evidence against you. Keep your disclosure safe and give it to your lawyer!

CROWN MEETING



Your lawyer and the prosecutor meet before the trial. They will discuss what options are available (plead guilty, going to trial, and extrajudicial sanctions).

EXTRAJUDICIAL SANCTIONS (EJS) / DIVERSION



Speak to your lawyer about EJS!

Programs that let you take responsibility for your actions without pleading guilty (i.e. write an apology letter). If you complete the EJS, your charges will be withdrawn.

GUILTY OR NOT GUILTY?

YOU ALWAYS HAVE THE RIGHT TO A TRIAL.



NOT guilty: you are free to leave the court and there will be no more court appearances.

GUILTY: Never plead guilty until you speak with a lawyer. You might have a defence and might not be guilty according to the laws. Pleading guilty can affect your future.



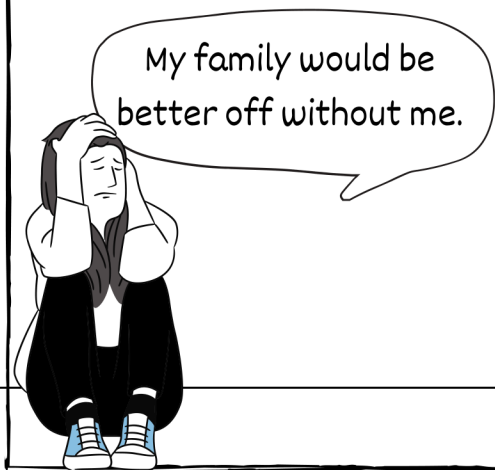
GET A LAWYER!

You should ALWAYS speak with a lawyer if you're charged with a crime. If you can't afford a lawyer, you should call Legal Aid Ontario: 1-800-668-8258



Mental Healthcare

JENNY IS GOING THROUGH A DIFFICULT TIME....

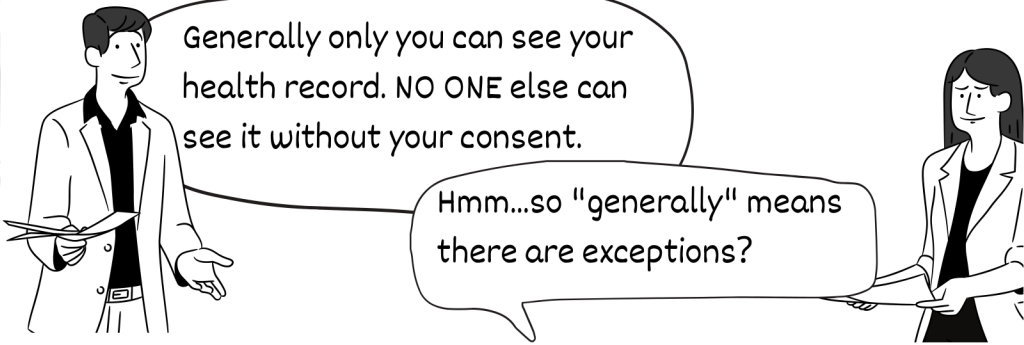


SHE FINALLY DECIDED TO SEEK HELP



PRIVACY

Healthcare practitioners SHOULD NOT give out any info about you to anyone without your CONSENT (even your parents!). Also, you can decide EXACTLY what info you want the healthcare practitioner to share and WHO they're allowed to share it with!



EXAMPLES TO PRIVACY EXCEPTIONS

1. If a child under 16 is being harmed, CAS needs to know.
2. If someone says they're going to harm someone else, the police may need to know.
3. A person's substitute decision-maker can see the health record if the person is found INCAPABLE.

HOW CAN SOMEONE BE FOUND INCAPABLE?

To see if someone is incapable, health practitioners look at their ability to understand:



THE NATURE OF THE ISSUE OR PROBLEM



TREATMENT SUGGESTIONS



CONSEQUENCES OF CONSENTING OR NOT

Mental Healthcare (continued)

WHAT IF YOU ARE FOUND INCAPABLE?

Still, practitioners CAN NOT just go ahead and make treatment decisions for you.

Treatment decisions MUST be made by your substitute decision-maker.

Your substitute decision-maker MUST act in your best interests!



If someone decides you are incapable BUT you feel that you're capable, you can appeal to the Consent and Capacity Board. Talk to your lawyer!

So I know I can go to a psychiatric facility if I want to. But can I get put in a hospital against my will?



INVOLUNTARY TREATMENT

Yes, any person may be put in a hospital if they threaten to harm themselves, others, or can't take care of themselves.

How long someone has to stay depends on the FORMS that Doctors sign.



FORM 1

You can be held for up to 72 hours to assess your conditions. No appeal rights.

FORM 3

If the Doctor thinks you should stay, Form 3 allows the facility to hold you for up to 2 more weeks. You can appeal this.

FORM 4

You can be held for up to 2 more months. After that, every Form 4 can hold you for up to 3 more months. You can appeal this.

IT'S YOUR DECISION IF CAPABLE

How do you feel about getting treatment?

I'm ready. I think getting treatment would be best for me.



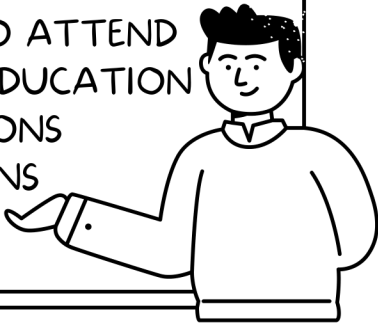
AFTER 3 MONTHS OF TREATMENT AND PRACTICING MEDITATION, JENNY FINALLY FINDS HER BALANCE AGAIN

Hello, new-me.



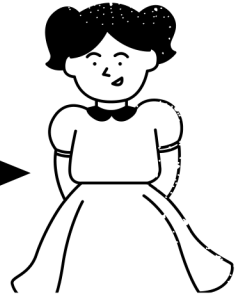
Education Laws

- RIGHT TO ATTEND
- SPECIAL EDUCATION
- SUSPENSIONS
- EXPULSIONS



In Ontario there are many things to consider about your education.

Any child that is a resident pupil in Ontario has a right to attend school without paying a fee.



However, principals can "refuse to admit" a student if they have reason to believe that their presence is detrimental to the well-being of the pupils. This is called an exclusion.

But what if I need accommodations to attend school?

Every public school board in Ontario must provide special education programs and services to students who have special education needs. Students who have these needs have a right to accommodation to enable them to succeed in their education.



To succeed in school, you need to stay in school!

Students between 12-15 that regularly skip school can also be charged with truancy, with a max. fine of \$1000 and/or up to one year of probation..



Legal Excuses to NOT attend school:

- Being home-schooled
- Sick or unable to attend school
- Distance from school and lack of transportation
- Already completed high school
- Religious holiday
- Have been **SUSPENDED** or **EXPELLED**

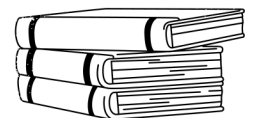
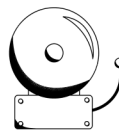
What's the difference between a Suspension and an Expulsion?



SUSPENSION: student not allowed to attend school for up to **20** days for breaking the school board's code of conduct.

EXPULSION: student not allowed to return to their school and must go to another school. Or they are not allowed to go to any schools in their school board; and must attend an Expelled Students Program.

It is important to know your rights as a student!
Learn more at www.jfcy.org



Police Contact Rights

Dakila has been stopped by a police officer while walking on the sidewalk...

What's wrong officer?

Please stop right there.

Why are you questioning me?

You seem suspicious and I need to search you. What is your name and address?



Dakila did the right thing by asking.

A police officer can stop and ask you questions at any time, but unless they are...

ARRESTING or
DETAINING
YOU



INVESTIGATING
YOU FOR A
CRIME



WRITING YOU A
TICKET



They **MUST** let you go if you do not want to talk with them.

Should I give my name and address?



Sometimes you must tell the police your name & address, like when driving a car.

Other times, you have no legal obligation to give your name & address **BUT** you may be charged with obstructing justice if they had a right to know your name.

The police may only search you if:

1. The police have a search warrant;
2. You are being detained and investigated by the police for a criminal offence (safety search only);
3. You are being arrested by the police for allegedly committing an offence; and/or
4. You give your permission.

Is this an unlawful search?



SO WHAT NOW?

Officer, I will not give my name and I do not consent to this search. If there is no crime nearby or any reason to stop me, may I leave?

No you can't leave, we just want to talk to you some more.



This type of detention is **UNLAWFUL**

The police officer is detaining Dakila "arbitrarily" or without good reason.

They can only detain you if they believe that you are connected to a recent or ongoing criminal offence.

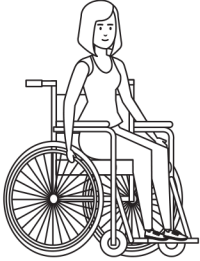
As a next step, Dakila should **NOT** physically resist or walk away, to avoid being charged with resisting arrest or assault.



Dakila should instead focus on their right to speak to a lawyer for advice.

Human Rights in Ontario

Nikaido is a new student at her high school and finds out that the elevators are broken, and she has no accessible way to get to her classrooms on the 2nd floor.



THIS IS A FORM OF DISCRIMINATION

Discrimination is when someone or a group of persons is treated unfairly or unequally. This includes lack of access & inclusivity, and harassment.



The Ontario Human Rights Code is the law that protects people from discrimination.

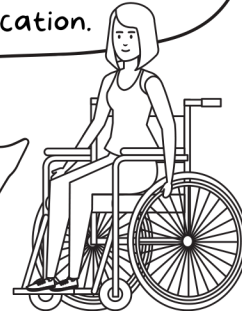


The Human Rights Code protects people from discrimination based on the "grounds" of:

- | | | |
|-----------------|------------------------------|----------------------------|
| Place of origin | Disability | Creed (religion / beliefs) |
| Citizenship | Family status | Record of offences |
| Ethnicity | Marital status | Sexual orientation |
| Sex | Age | Gender identity |
| | Receipt of public assistance | Gender expression |

On the grounds of disability, I am being discriminated against in the social area of my school facilities and access to education.

What should I do?



TALKING TO SCHOOL ADMIN TO ACCOMMODATE HER IS AN IMPORTANT FIRST STEP

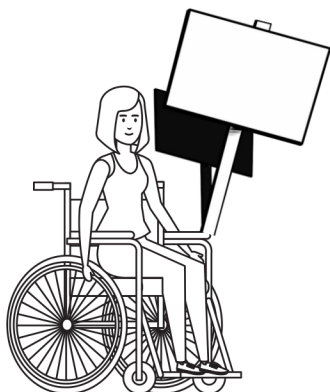
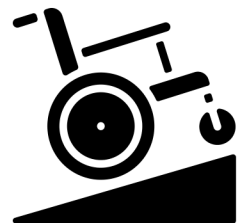
In the following "social areas":

- Employment
- Housing (such as renting an apartment)
- Goods, services, and facilities (such as in stores, restaurants, hospitals, and police)
- Contracts (such as an agreement to buy a bicycle or a cell phone)
- Membership in a union or a professional association for your job

Special arrangements must be made by a service provider to ensure that someone like Nikaido is not treated unfairly or unequally.



They can accommodate her by building a wheelchair access ramp at school

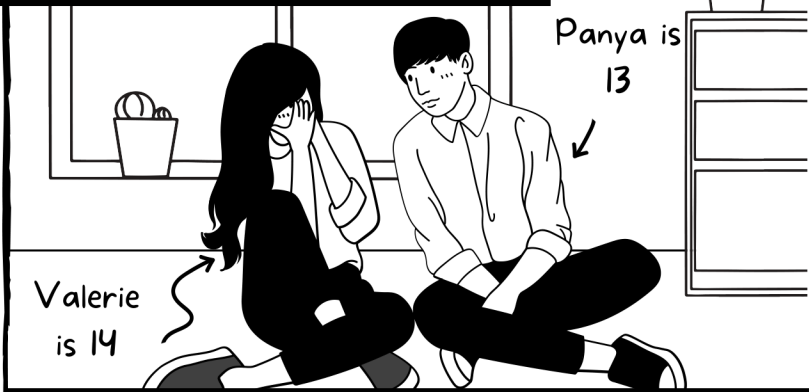


Employers, service providers and landlords must always accommodate you unless they can show it would cause them "undue hardship". Undue hardship means that it would be too difficult or expensive to accommodate you. Undue hardship is a complex legal principle. If someone is telling you that they cannot accommodate you for this reason, you should talk to a lawyer.

IF YOU KNOW SOMEONE WHO IS BEING DISCRIMINATED AGAINST, KNOW THE LAW AND HAVE THEM TALK TO A LAWYER ABOUT THEIR SITUATION

Sexual Consent

Valerie and Panya have been dating for 2 months, and want to further their relationship sexually...



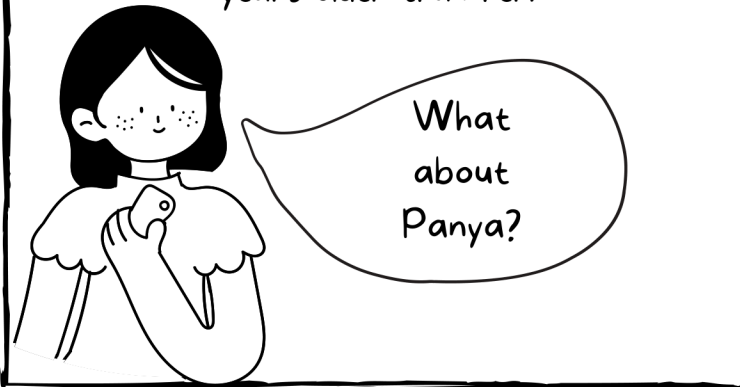
But due to their age difference, they do not know what is legal to consent to and what isn't

If you are 16 - 17 years old, you can consent to sexual activity with a person who is older than you by any number of years.

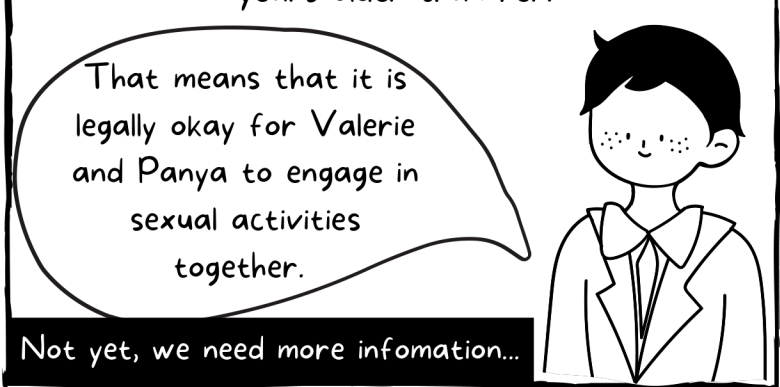


But what about Valerie and Panya?

Since Valerie is in the age range of 14 - 15 years old, she can only consent to sexual activity with a person who is less than 5 years older than her.



Since Panya is in the age range of 12 - 13 years old, she can only consent to sexual activity with a person who is less than 2 years older than her.



The older person in the relationship must NOT be in a position of authority or trust over you (i.e., teacher, coach, doctor, lawyer).



This makes it legal for them since they are both students!

It is important to make sure there is no power dynamics occurring in a relationship with an age difference. Regardless, it is important to know that:



Young People Without Immigration Status

Nadia has been living in Canada since she was 10. She is now in grade 12 and is about to graduate high school.

So **EXCITED** to graduate soon!

That is **AWESOME!** Do you have any plans?

I have **SO** many plans! University, student jobs, and much more.



Unfortunately, she found out that because she has no immigration status, she is unable to....

Access post-secondary education



Access healthcare through OHIP



Start her career and future



Nadia has not told anyone, not even a friend and she is terrified of what her future holds.

I need help, I don't know what to do

Oh wait...what is that poster about?



CASA Program

CASA

CHILDHOOD ARRIVALS
SUPPORT & ADVOCACY



The Childhood Arrivals Support and Advocacy program, or **CASA**, is a special program within **JFCY** that helps young people without immigration status.

Hi. I saw your poster about **CASA** Program. How can you help me with my immigration issues?

Hi Nadia. Thanks for reaching out! At **CASA**, we can help young people like you in many ways, such as...

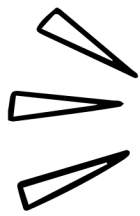


What does **CASA** do?

1. Provide free and confidential legal support, advice, and representation.
2. Help navigate your immigration options and pathway.
3. Support with accessing services and resources like healthcare and education.
4. And more!

SCAN ME





JUSTICE FOR CHILDREN AND YOUTH



LEGAL SERVICES FOR YOUNG PEOPLE UNDER 18 AND HOMELESS YOUTH UNDER 25 IN ONTARIO

Do you have a "legal question or problem"?

- I am a **victim** of sexual and/or family violence
- I am being **suspended or expelled** from school
- The police **arrested** me
- **YCJA Records** destruction
- Help with **leaving home**
- I received a **ticket**
- I need **immigration status** and want to **attend school**

WE CAN HELP!

Call us: 416-920-1633
or 1-866-999-JFCY [5329]
Check out our website for more!



FREE & CONFIDENTIAL LEGAL SUPPORT

Justice for Children and Youth (JFCY) is a non-profit legal clinic that works to protect the rights of children and young people.



Our staff lawyers:

- Give legal advice, information and assistance to young people
- Provide direct legal representation in all areas of children's law
- Advocate for law & policy reform to the laws which affect children & youth
- Produce a wide range of publications and legal materials for public use