

# Justice for Children and Youth

Provincial HSJCC Round Table Meeting

26 August, 2019

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Samira Ahmed, Staff Lawyer





- A child rights organization with a provincial mandate
- Funded by Legal Aid Ontario - a “Specialty Clinic”

[www.jfcy.org](http://www.jfcy.org)

416-920-1633

1-866-999-5329

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# Justice for Children and Youth

## JFCY

Justice for Children and Youth strives to protect and advance the legal rights and dignity of children and youth.

Legal services for young people under 18 and homeless youth under 25 in Ontario



# Justice for Children and Youth

## JFCY

We provide child-centered legal services that enhance justice and support inclusion for vulnerable children and youth through:

- Specialized legal expertise and representation;
- Leadership on systemic law reform and advocacy;  
and
- Legal education and outreach



**JUSTICE FOR CHILDREN AND YOUTH**

ABOUT JFCY ASK A LAWYER DONATE FRANÇAIS

# Legal information and services in Ontario for young people under 18 and homeless youth under 25

[LEARN MORE ▶](#)

### Legal Rights Wiki

I am a **victim** of a crime.  
Help with **small claims court**.  
I am in **child welfare court**.  
A **civil suit** against me.  
The **police** have charged me.  
I have been **expelled**.

[LEGAL RIGHTS WIKI ▶](#)

### Ask a Lawyer

Free confidential legal advice for youth under 18 and living in Ontario

**416-920-1633**

[ASK US ONLINE ▶](#)

### Resources

For **Parents**  
For **Youth Workers**  
Links & External **Resources**  
Publications & **Downloads**  
**Rulings** & Case Studies

[GO TO RESOURCES ▶](#)

### AGE BASED LAWS

When can I change my name? Start working? Consent to sexual activity?

[LEARN MORE ▶](#)

Shoplifting Demand Letters

**Mary**

0:00 / 2:43

What can I do with me when I get home or get kicked out?

# JFCY – how we approach our mandate

- Children and youth often face significant barriers to access to justice - overlapping and interconnected legal issues, complex personal and social circumstances, lack of social and personal agency
- We take a multi-disciplinary, trauma informed approach to legal service delivery
- Voice and empowerment are important tenants of our work - Providing children and youth with tools, supports, and context to be heard, preserves their rights and allows them to speak for themselves as individual rights holders



# JFCY - Our Office

- 7 lawyers, 1 admin support person, .5 community worker, 1 office manager, law & social work students
- We are experts on the legal issues as uniquely experienced by children and youth
  - Direct legal representation
  - Public Legal Education
  - Law Reform & Test Cases
  - Community Development - Outreach



# JFCY - Our Client Work

## Direct Client Representation

- Legal information, advice, and brief services - provided to those who call
- Full-service case representation - provided to those who fall below legal aid financial eligibility requirements
- Triage cases based on complexity of personal, legal, & social circumstances – overlapping legal issues



# JFCY – Areas of Law

We represent children and youth on a wide range of legal issues, including:

- Youth criminal justice
- education
- health and mental health
- human rights
- privacy
- discrete family and child protection
- victimization
- employment
- Unstably housed, housing, social and financial support, immigration, policing, lgbtq2s, criminal injuries compensation, etc.



# Subject Areas of Law

## Youth Criminal Justice

- The Police
- Bail
- Right to a Lawyer
- Detention
- EJM & EJS
- Court Process
- Sentencing Process
- Sentences
- Youth Records
- Appeals

## Education

- Attendance Rights
- Special Education
- Suspensions
- Expulsions
- Exclusions

## Leaving Home

- Rights
- Financial Support & Social Assistance
- Shelters
- Tenants

## Health & Mental Health

- OHIP & IFHP
- Consent & Privacy
- Decisions & Capacity
- Psychiatrist Facilities
- Secure Treatment

## Discrimination & LGBTQI2S Rights

- Human Rights & making a claim
- Legal Rights
- GSA & LGBTQ-Specific School Groups
- Trans-Inclusion & Gender Segregated Spaced
- Government-Issued ID

## Provincial Offences

- Tickets
- Trespassing
- Panhandling
- Parks
- Alcohol

## Hot Topics

- Age Based Laws
- CICB
- Cannabis
- Police Stops & Searches
- Police Complaints
- Security Guards
- Shoplifting Demand Letters
- Sexual Activity
- Streets & Sidewalks

## Child Discipline, Protection & Custody

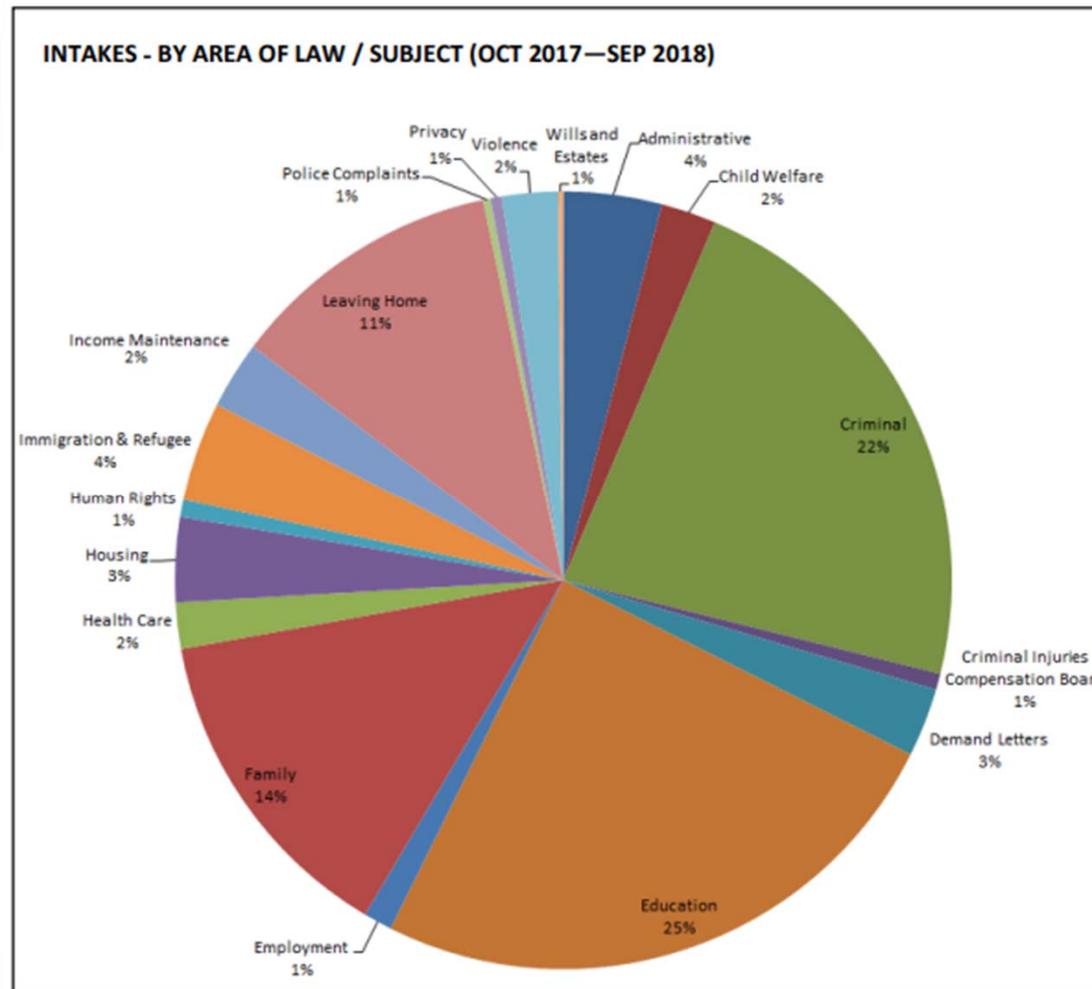
- Corporal Punishment “Spanking”
- Children’s Aid Society
- Child Protection Court
- Custody & Access

## Homeless Youth Over 18

- Warrants
- Criminal Court
- Adults Records
- Record Suspensions
- Immigration
- Victims of Crime
- Small claims court
- Mental health



We served approximately 2000 youth last year



# JFCY Approach

- We take the time to understand and respond to our clients' personal circumstances and needs.
- We prioritize unique and complex cases for vulnerable young people, and refer cases that others will do.
- We collaborate and partner with organizations to holistically address client needs.
- We build awareness and educate others on child and youth rights and legal issues in the community.



# JFCY – Child & Youth rights in practice

- **Relationship building** – trust, dignity, respect
- **Empower young person as a client & person** – explain, educate, give options, accept instructions, assist in skill development for decision making and advocacy
- **Understand factors affecting child** – social context (discrimination, poverty, family, etc.), consider impact of disabilities, and trauma, take a strengths based approach to problem solving



## JFCY – Child & Youth rights in practice

- **Anti-oppression framework** – recognize power imbalances, support overcoming oppression & discrimination, take client's lead
- **Understand trauma** – provide trauma informed services, let child guide relationship and work, assist in finding other adult supporters
- **Understand development & mental health of children and young people** – evolving capacities are not linear, changeable, situational, will influence behavior, communication, decision making – we adapt
- **Multi-disciplinary approach** – know other resources, diversify supports, don't over-burden



# JFCY – Public Legal Education & Outreach

- Outreach – child and youth serving organizations - including schools, community orgs, government, institutions, professional organizations, etc.
- workshops & presentations – with young people, and adults who work with them, many contexts
- website – information on legal issues, info on JFCY, resource materials for young people & adults
- print materials – available from our office, or on our website



Search ... 

# Legal services for young people under 18 and homeless youth under 25 in Ontario.

## Legal Rights Wiki

I am being [expelled](#).  
The [police](#) stopped me.  
[YCJA Records](#) destruction.  
Help with [leaving home](#).  
I'm in [child protection](#) court.  
I am a [victim](#).  
I received a [ticket](#).

[LEGAL RIGHTS WIKI](#) ▶

## Ask a Lawyer

Free confidential legal  
advice for youth under 18  
and homeless youth under  
25 in Ontario.

**416-920-1633**

**1-866-999-5329**

[ASK US ONLINE](#) ▶

## Research & Resources

Our [Cases](#) & Decisions  
Policy & [Position](#) Papers  
Download JFCY [Publications](#)  
Our [Blog](#) Postings  
YouTube [Videos](#)  
External [Resources](#)

[GO TO RESOURCES](#) ▶



## Youth Criminal Justice

The Youth Criminal Justice Act (YCJA) provides unique rights and procedures for young people between the ages of 12 - 17 who are charged with a criminal offence in Canada.

- [Application of the YCJA](#)
- [The Police](#)
- [Bail](#)
- [Right to a Lawyer](#)
- [Detention](#)
- [EJM & EJS](#)
- [Court Process](#)
- [Sentencing Process](#)
- [Sentences](#)
- [Youth Records](#)
- [Appeals](#)

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### [Application of the YCJA](#)

OPEN ▼

### [The Police](#)

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### [Bail](#)

OPEN ▼

### [Right to a Lawyer](#)

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### [Detention](#)

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### [EJM & EJS](#)

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### [Court Process](#)

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### [Sentencing Process](#)

OPEN ▼

### [Sentences](#)

OPEN ▼

### [Youth Records](#)

OPEN ▼

### [Appeals](#)

OPEN ▼



## Hot Topics

These are some of the common issues that JFCY lawyers are asked about.

[Criminal Injuries Compensation](#) [Marijuana](#) [Police Stops & Searches](#) [Police Complaints](#)  
[Security Guards](#) [Shoplifting Demand Letters](#) [Sexual Activity](#) [Streets & Sidewalks](#)

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[Criminal Injuries Compensation](#)

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[Marijuana](#)

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[Police Stops & Searches](#)

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[Police Complaints](#)

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[Security Guards](#)

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[Shoplifting Demand Letters](#)

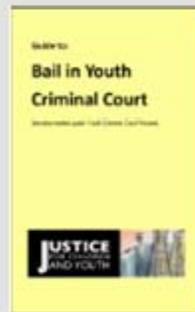
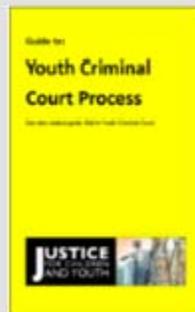
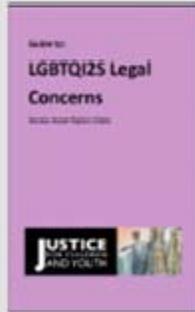
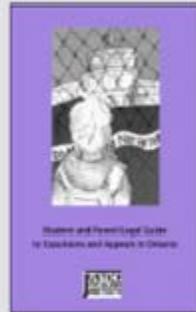
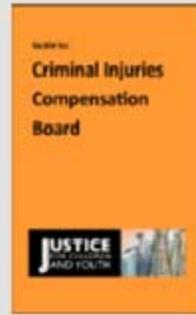
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[Sexual Activity](#)

OPEN ▼

[Streets & Sidewalks](#)

OPEN ▼



"I'm not ashamed to go to a resource centre anymore. I realize that it's OK to say that I am struggling. It's OK to say that I don't have the supports I need at home. It's OK to ask 'where can I get support?'. Now, if I have a problem I know where I can get support and deal with my problem the proper way, instead of getting into fights."



# JFCY – Test Cases and Law Reform

- We identify and prioritize areas of focus for advocacy where systemic impact can maximize the impact of our resources.
- We are proactive and responsive to legislative changes and the evolving needs of our clients.

*Child and Youth Family Services Act, Police Record Checks Reform Act, Cannabis Act*

*R v. KJM (2019), L.D. v. TPS (2018), Ontario (Children's Lawyer) v Ontario (Information and Privacy Commissioner) (2018), Abdi v Minister of Public Safety and Emergency Preparedness (2018)*



**About JFCY**

**In the Community**

**Research & Resources**

- ▶ [Cases & Decisions](#)
- [Policy & Position Papers](#)
- [Publications](#)
- [External Resources](#)
  - [All](#)
  - [Kids Help Phone](#)
  - [Provincial Advocate](#)
  - [Legal information](#)
  - [Finding a lawyer](#)
  - [LGBTQI2S](#)
  - [Education Advocacy](#)
  - [Child Policy & Advocacy](#)

**Legal Rights Wiki**

**Ask a Lawyer**

**Cases & Decisions**

**Toronto Police Service v LD v Mignardi [Access to Youth Records for Police Discipline]**

Court: Ontario Court of Appeal, 2017

Appealed to Ontario Court of Appeal, hearing held Nov 7, 2017. Currently awaiting the decision JFCY intervened in an appeal where a youth worker at a facility, where LD was detained, filed a complaint against an officer for assaulting LD. The officer then sought access to LD's youth record (including police notes and materials, and youth court...

[Read Full Case Article](#)

**Curtis Lewis v The Minister of Public Safety and Emergency Preparedness [Deportation of Parent, Aboriginal Child]**

Court: Federal Court of Appeal, 2017

This is an appeal of an Enforcement Officer's decision to deport the Appellant, the father of an Aboriginal Canadian child. The Appellant argued that deporting him would violate his child's rights under section 7 of the Charter and overlooked the Best Interests of his child. The child would accompany the father if he were to be deported. JFCY's...

[Read Full Case Article](#)

**Boyer v John Doe et al [YCJA records disclosure sought for civil proceeding]**

Court: Ontario Court of Justice, 2017

A civil proceeding was commenced by the Applicant, seeking damages in relation to a fire to the Applicant's home against the "John Doe Respondents" (and others). The John Doe Respondents are young people who's privacy rights are protected by the Youth Criminal Justice Act. In these proceedings, the Applicant asked a Youth Court for access...

[Read Full Case Article](#)



## Case Scenario – a Typical Client:

- Khalid is a seventeen year old who is in the extended care of a children's aid society. He was brought into child services because his parents could not meet his needs and were acting contrary to his well-being. Khalid has a severe developmental disability and his chronological age does not match his cognitive age. He has been bounced from group home to group home. He hates it. He gets so frustrated with staff and sometimes lashes out when staff interact with him. The staff are afraid when he behaves this way and often call the police. This only makes him more angry and aggressive. Khalid has a number of outstanding youth criminal justice charges related to this behaviour.
- Because of his frustration, he often runs away from the residence. When he leaves, he has no cell phone, no money, no ID and nowhere to go. No one knows what happens to him when he has run away.

## Case Scenario – a Typical Client cont.:

- Presently, he is stuck in court waiting for bail on a “breach” charge but his current group home won’t take him back this time. He spent the last four days before he was arrested in a rooming house with an older man he met in front of the local liquor store. He has a black eye and indicated he is terrified of the man he stayed with. His child services worker says that they don’t have a place for him and he’ll have to stay in jail while they try to figure something out. His group home staff have previously told him that he should be in jail to keep himself and others safe.
- There is presently no transition plan for him for his transition to adulthood. Khalid will require services from Developmental Services Ontario.

We look forward to the opportunity to make a contribution to the Provincial HSJCC Table

Questions?

Thank you!

