

Youth Mental Health Court - Ottawa

What is the Youth Mental Health Court?

The Ottawa Youth Mental Health Court (YMHC) represents an effort to increase effective cooperation between the mental health system and the criminal justice system. The Court aims to achieve improved general well-being among young persons with mental health needs.

The services provided by the YMHC include, but are not limited to:

- Determining whether referred youth are appropriate for the program.
- Identifying the mental health needs of presenting youth.
- Facilitating referrals to community-based mental health resources and services.
- Providing information and support to family members and caregivers.
- Providing support and monitoring of youth's progress while under court supervision.

The YMHC is NOT:

- A crisis response. The Court is NOT set up to provide immediate assessment or assistance.
- An automatic pathway to obtain a YCJA Section 34 medical or psychological assessment. These assessments MAY be ordered for some youth, but not all.
- To be confused with youth diversion.

The YMHC is intended to result in:

- Enhanced collaboration between the Judiciary, Crown Attorney's Office, Defence and Duty Counsel, Probation Officers and community agencies.
- Improved access to community mental health treatment services for youth.
- Reduced risk of recidivism and reduced barriers to appropriate services.

Who is it for?

The court serves youth ages 12-17 (or older if charges occurred before their 18th birthday) who are in conflict with the law and have one or more of the following: a mental health disorder (including substance use disorders), developmental needs (including Acquired Brain Injury), or chronic behavioural problems.

To be eligible for the YMHC the young person must be willing to acknowledge accountability for the charges and to engage with any community services recommended during the process. YMHC Crown reviews all referrals and makes a decision on eligibility. In assessing eligibility, the Crown will consider program criteria, reasons for referral, the nature of the offence, and prior offences.

How do I refer?

Referral forms are available through the Crown's office, and need to be completed by a Defence Attorney. Youth, families and community service providers can also connect with the YMHC Worker for more information prior to requesting a referral to the YMHC. In such a case, the YMHC Worker can connect with Defence Counsel in order to encourage an application and arrange submission.

Once a referral form is completed and submitted to the Crown, a decision on eligibility will be made and communicated by the Crown. **Referrals are accepted or excluded at the discretion of the Crown.** A referral may be turned down for many different reasons including:

- the referral does not fit the program criteria (appropriate age, diagnosis and acknowledgement of accountability);
- the youth in question is not interested in receiving services; and/or
- there is another program that is a better fit for the youth.

A youth who has been re-arrested after being discharged from the program may be eligible for re-admission.

What will happen if I decide to refer to the Court?

Referral to Youth Mental Health Court

Defence / Duty Counsel complete referral form and submit to YMHC Crown. Youth, families and community service providers must contact YMHC worker for referral support.



Referral Review

YMHC Crown reviews all referrals and makes a decision on eligibility. In assessing eligibility the Crown will consider program criteria, reasons for referral, the nature of the offence, and prior offences.

If the referral is accepted, YMHC process proceeds as below. If not, youth continue within the court system.



Psychiatric Consultation

YMHC Worker obtains consent and collects information required to assess the youth's needs and shares it with the Adolescent Forensic Psychiatrist.

This brief screening by the Adolescent Forensic Psychiatrist will result in one or more of the following:

- An immediate recommendation on an interim treatment plan;
- A scheduled in-person assessment resulting in a recommendation on an interim treatment plan; or
- A Youth Criminal Justice Act Section 34 medical or psychological assessment.



Counsel Pre-Trial

Defence / Duty Counsel, YMHC Worker, Probation Officer, Police, YMHC Crown Attorney and community service partners meet to (more than one counsel pre-trial may be necessary):

- Review the case and make recommendations on appropriate service referrals;
- Monitor the youth's progress during their involvement with the Court; and
- Discuss appropriate resolutions.



YMHC in Session

Youth appears in YMHC, submissions are made by YMHC Crown Attorney and Defence / Duty Counsel (with input from the Adolescent Forensic Psychiatrist) and the Court makes a ruling. This process is likely to span several Court appearances. Updates are provided in YMHC with respect to service involvement, engagement and progress.

What will my role be? Who else is involved?

YMHC Crown Attorney: The Crown attached to the YMHC is responsible for reviewing each referral that has been submitted to ensure that the youth meets the program criteria of the YMHC. They also lead the Counsel Pre-Trial and prosecute the youth file once it is accepted into the court.

Defence Counsel: They advocate on behalf of the youth from referral and acceptance to the court, facilitating access to appropriate services while in the program, to ensuring the receipt of a just and fair disposition at the end of the youth's participation in the program. Defence Counsel also assists by explaining the court process to the youth and their family. They attend the Counsel Pre-Trial meetings in order to both communicate the youth's needs and progress as well as to get updates from the involved community service partners. Defence Counsel acts as a liaison between community service partners, the YMHC Crown and the youth.

Duty Counsel: They are lawyers and paralegals available to assist individuals (who qualify) with bail hearings, guilty pleas, set dates, and general legal advice. They hold the same responsibility as Defence Counsel regarding initiating the referral process, and tend to only hold on to the file if it can be resolved quickly and does not have a long court process.

Judge: In addition to sentencing and decision making, the Judge is responsible for facilitating cooperation amongst the different partners involved in a YMHC case and supervising treatment programming. The Judge also provides support to both the YMHC Crown Attorney and Defence / Duty Counsel through the use of case conferences (sec. 19 YCJA) that are conducted off the record with the youth, family, guardian, probation officer and/or community service partners that are currently supporting the file.

Probation Officer: In cases where a Probation Officer is already involved with a youth, they monitor and enforce compliance within the YMHC, including court orders, restitution to victims and community service orders. They also prepare detailed and comprehensive pre-sentence reports for the YMHC when deemed necessary. Probation Officers can be involved in the Counsel Pre-Trial and act as advocates for counselling and other treatment services such as life skills, mental health and addiction services. They provide an important link between the Court and the community.

YMHC Worker: They collaborate with the youth and key stakeholders to inform and facilitate screening and assessment of the youth and the development of an individualized plan that addresses the mental health needs of the youth. They also provide consultation to the Judiciary, Crown Attorney's Office, Defence/Duty Counsel and community agencies; and facilitate referrals to community-based mental health resources and services. In addition, they can provide support to family members and one-to-one counselling as a short-term "bridge" between services to the youth.

Adolescent Forensic Psychiatrist: The role of the psychiatrist in the YMHC is to act as medical expert and consultant to the Court, to collaborate with community service partners, to communicate with youth, families and colleagues, and to be a health advocate. The psychiatrist works in close partnership with the YMHC Worker.

Police : The police attend YMHC and the Counsel Pre-Trial to assist the court and provide updated information when required, working within the YMHC process to ensure that the appropriate supports are put in place for youth and their families.

What are the outcomes for the youth?

All available dispositions pursuant to the Youth Criminal Justice Act may be considered, on a case-by-case basis.

Questions?

For any additional information or questions, please contact:

Crown Attorney's Office

613-239-1200

Youth Mental Health Court Worker

Youth Services Bureau

613-738-7776