

Chapter 2

Do not use this guide for legal advice. It provides information only, and that information only applies to British Columbia law, services, and benefits. Consult with a lawyer for advice related to your specific situation. Laws, benefits, policies, and procedures are always changing. Always double-check the information you intend to rely on with the appropriate agency or with your lawyer. Indigenous people's traditions and customary laws are outside the scope of this guide; however, we want to acknowledge those customs and traditions and emphasize that nothing in this guide should be misinterpreted as superseding or taking away from them.

Youth and the Law

Having a grandchild who is in trouble with the law can be a stressful and confusing experience. The best thing that you can do for your grandchild is to seek professional legal advice immediately. There are many resources available in the community to help you, many of them free.

This section provides a general overview of issues and resources relating to youth justice in British Columbia. You will also find brief responses to a few frequently asked questions.

The Supporting Grandparents Raising Grandchildren Resource Booklet provides excellent information for caregivers about youth and the tough issues they face, such as drugs, sex, gangs, and violence. You can find this booklet online at http://www.parentsupportbc.vcn.bc.ca/uploads/30/fe/30fe3ee16207a65e61af2e4ea90b0676/GRG_Resource_-Booklet.pdf

Parent Support Services

Lower Mainland: 604-669-1616 Elsewhere in BC: 1-877-345-9777 (toll-free)

If your grandchild is in trouble

There are many things that you can do to help if your grandchild is involved in a court proceeding:

- Give them emotional support and encouragement.
- Make sure they have access to legal advice from an experienced criminal lawyer as soon as possible. (It is important to remember that your grandchild's lawyer will work for your grandchild, not for you, even if you are paying the fees. The lawyer cannot reveal any information about the case to you without your grandchild's consent.)

- Learn how the youth justice system works and what role you can play at various stages (read the next section for more information on the basics of youth justice).
- Find out how certain decisions can affect your grandchild both in the short and long term.
- Make sure your grandchild is aware of the possible consequences of the situation and encourage him or her to ask questions.
- Stay informed about what is happening to your grandchild.

For more detailed descriptions of what you can do, see the following resource by the [Federal Department of Justice: If Your Child is in Trouble with the Law](#).

Youth justice in Canada

In Canada, the federal government makes the laws about what is and is not a crime, and each province is responsible for enforcing those laws. The Criminal Code of Canada applies to everyone in Canada. Young people (those under 18) can be charged with a crime under the code, as well as under the Youth Criminal Justice Act and the Controlled Drugs and Substances Act. The Youth Criminal Justice Act sets out how a young person should be prosecuted, sentenced (punished), and if necessary, detained (kept in jail). Under this act, “youth” means people who have had their 12th birthday but have not yet had their 18th birthday when the incident they are accused of committing took place.

For more information, see the website <http://www.courtprep.ca/>. It is written to help young people and their parents or guardians prepare for court. It has general information about how things work and what a young person can expect when he or she is accused of a crime. The website includes information about being a witness to or victim of a crime, what happens when you report a crime, as well as information on the court process, including details on investigations and arrests, bail, pleas, hearings, judgments, and appeals.

Youth justice in British Columbia

In British Columbia, two ministries are involved in youth justice. The **Ministry of Children and Family Development** has a **Youth Justice Services** division that provides community youth justice services and youth custody services to people aged 12 to 17. Information is available online at: http://www.mcf.gov.bc.ca/youth_justice/index.htm

The **Ministry of Justice** has designated child and youth officers who deal with matters relating to youth court. By law, if a person 12–17 years old is charged with breaking the law, that person’s parent or guardian must be notified. It is important for the young person to have a

lawyer. Children may qualify for free representation through legal aid. It is also important for the parent or guardian to attend court with them.

The **Ministry of Justice** also provides victim services and is responsible for policing and community safety. This ministry also provides funding to support the development of volunteer-based community accountability programs that embrace the principles of restorative justice.

The following website has additional information on youth justice in British Columbia:

<http://www.justicebc.ca/en/cjis/understanding/youth/index.html>

If you think that your grandchild has not been treated fairly, you can contact the following office:

Representative for Children and Youth

In Victoria: **250-356-6710**

In the Lower Mainland: **604-775-3213**

Elsewhere in BC: **1-800-476-3933 (toll-free)**

Website: <http://www.rcybc.ca/>

The following websites have more general information about youth justice:

<http://www.justicebc.ca/en/cjis/youth/>

<http://www.cbabc.org/For-the-Public/Dial-A-Law/Scripts/Youth-and-the-Law/225.aspx>

Aboriginal youth and the justice system

Native courtworkers can be a great resource if your grandchild is Aboriginal and is charged with a crime. They can help with information about your grandchild's rights, responsibilities, and options under the law, including whether there are alternative justice processes available to them. Courtworkers can also refer your grandchild to other resources to help address any underlying problems that might have caused his or her legal difficulties. They can be found in about 70% of the courthouses in the province. The organization below can put you in touch with a native courtworker.

Native Courtworker and Counseling Association of BC (NCCABC)

Phone: **604-985-5355**

Website: <http://www.nccabc.ca/>

Email: <mailto:nccabc@nccabc.ne>

Frequently asked questions

What should I do if the grandchild I am raising runs away?

First, call any friends or other family members who may have information about where your grandchild is. If you have done so and you still cannot locate your grandchild, report their disappearance to the authorities by calling 9-1-1. You will probably want to file a missing persons report so that the police will help you look for your grandchild and contact you right away if he or she is found.

What should I do if my grandchild is arrested?

If your grandchild is arrested, the police are supposed to try to contact an adult to let them know where the child is. The police may rely on information the child provides when deciding whom to contact and they will probably leave it to the adult they contact to get in touch with everyone else. This means that they might not contact you directly if they arrest your grandchild.

If you get in touch with them, the police will be able to provide information about what is going to happen next and who can be called for more information. If your grandchild is being charged with an offence, the police may choose either to keep the child in custody until the court appearance or release the child on a promise to appear in court on a set date. There are serious legal consequences if your grandchild does not appear in court.

What should I do if my grandchild is on probation?

If your grandchild is released on certain terms and conditions, both a lawyer and the probation officer can explain what this means. The probation officer may also help you get support services for your grandchild, including counselling, mediation, and mentoring services, as well as community support and community work programs, if required. In the event there is a need for temporary alternative housing or for long-term planning, the probation officer can make referrals to respite homes or emergency beds for youth, where available. You should get to know your grandchild's probation officer, since that person can be an important ally in getting your grandchild back on track.

Will my grandchild’s record automatically disappear at the age of 18?

Whether a youth record remains open past the age of 18 or is closed at that point depends on factors such as the type of offence, the type of sentence, and whether the youth commits another offence while the record is still open. A youth record may affect your grandchild’s ability to apply to college or university, to get certain jobs, and to travel to other countries. You can ask a lawyer or a probation officer about youth records.

If your grandchild is the victim of a crime

If you or your grandchild is a victim of crime, there are resources available to help you.

VictimLINK

This telephone service is available province-wide 24 hours a day, 7 days a week. It is also accessible by TDD (Telecommunication Device for the Deaf) and provides interpretation services for all of the major languages spoken in British Columbia. The VictimLINK operators provide information and referral services to all victims of crime, as well as immediate crisis support to victims of family and sexual violence.

Phone: 1-800-563-0808 (toll-free)

Crime Victim Assistance Program

Victims, immediate family members, and some witnesses to crimes may be eligible for financial assistance or benefits from this program. Application forms are available from any community- or police-based victim assistance program in the province, as well as online at:

http://www.justicebc.ca/en/cjis/you/victim/crime/financial_assistance.html

This Legal Guide will be updated regularly. We are counting on readers to alert us to any errors, omissions or unclear content. Please send your feedback to “Communications” via: office@parentsupportbc.ca.