

Developing Model Update

June, 2016

Since March 2 of 2016, COY has been operating out of 311 Jarvis. The Project offers expertise in the intersection between child welfare and youth justice systems and individually tailored support in creating plans and linking youth with resources. The Project is guided by the United Nations Convention on the Rights of the Child and the principle that the youth's views and wishes must be an integral part of the planning process.

We have had 16 cases, most of which have been direct referrals from lawyers (OCL or Defense) or Judges who have canvassed participation with the parties. Some youth have been identified to us by Crowns or CASs or service providers; however, in each such case we have followed up and completed a referral and consent through Counsel. One youth was not represented and in accordance with our understanding with Justice for Children and Youth that they would assist youth with complex needs across legal systems, that youth was referred to JFCY through her OCL.

The Project will not get involved if the youth does not wish to speak to us or if the youth declines to be part of the Project after speaking with Counsel. If a youth is not represented, we will not engage actively with her until she has Counsel. We do not offer legal advice about defense strategies or options to youth.

No youth have been identified to us or the Courts through the use of the COY forms as the forms are not in play. We will soon be using forms. The goal is for the forms to be filed in either youth court or family court and to trigger a vetting by a Judge or Justice of the Peace of a potential cross-over matter. Counsel for the youth would then be invited to contact the Project.

We currently have 9 active cases, 5 of which are extremely complex and involve coordinating resources and plans across multiple sectors including children's mental health, education, child welfare, policing and group care. In most cases, finding a placement or stabilizing and supporting a placement are critical features. It is in the placement context where there is the greatest intersection between the child welfare and youth justice proceedings. Further, helping to build in supports and access to services also crosses both systems in terms of the overall plan for the youth relating to release planning (youth justice) and safety planning (child welfare).

Part of the overall model is case management of cross-over files by the same (non-trial) Judge. The youth must agree to this approach before it is put in place. This is done through Counsel. The goal is for this to lead to better communication between OCL and Defense Counsel and to more holistic, less intrusive outcomes through children's services as opposed to youth justice where possible. The Project is very cognizant that certain information should remain in its respective sphere and works directly with Counsel in this regard, providing updates as appropriate. In some instances, Counsel for youth with child protection or youth court matters in other courts have had a matter traversed to 311 Jarvis to be part of the Project. This ensures that all matters are housed under one roof with "two hatter" Judges.

We have participated in judicially led conferences (2).

We have also held several informal and formal conferences with the consent and direction of the youth, through Counsel. We have held 6 formal case conferences without crown or judicial participation. We have held two case conferences in one file with crown participation, with the consent of the youth, through defense Counsel. In all conferences, we apply "mediation rules". That is, unless there is an agreement by the youth, through Counsel, no information used in the conference is to be shared. Typically there is an agreement to share information for planning purposes, set out in clearly assigned next steps. Further, there is typically an agreement to share the outcome of the meeting with the Court (but not always). The Project also strictly applies legislated privacy rules. For example, we will not look at a report without a court order where an order is required (e.g. s. 34 reports under the Youth Criminal Justice Act).

Much of our time is spent connecting youth to resources and helping to facilitate better relationships between youth and their workers or group care providers. We also spend time assisting Counsel with release and sentencing plans.

The Project has both individual and a systemic components. As part of our systemic research, we hope to help paint a better picture (there is only B.C. data) of who "cross-over youth" are, their needs and gaps in service. This will be facilitated by our "identification" forms being kept in the Court files. Once our researches have obtained a court order, they will be looking at the files to help get a better understanding of these youth (whether part of the Project or not) and the efficacy of our interventions. We will also be following up on recent recommendations and guidelines that are being developed about conflict resolution in group care.