

# Youth going to [COURT]



## Which court deals with youth crimes?

The Youth Justice Court deals with youth between the ages of 12 and 17.

The Youth Justice System is different from the adult criminal justice system. Young people have special rights:

You have a right to a lawyer. If you cannot afford a lawyer, one will be provided for you.

Your face and name will not be reported in the news.

Your parent(s) will be told whenever you are involved with the police or court.

As an alternative to being kept in jail, the judge must try to find a responsible adult to take care of you until your court date.

You will be kept separate from adults in the criminal justice system.

Concerned people in the community, like your minister or coach, can help the court decide what legal action should be taken against you.

Youth court judges can give adult sentences to youth who are found guilty of the most serious crimes, like murder.

Custody or jail sentences are to be given mainly to young people who commit violent or repeat crimes.

Most young people will receive legal actions that do not involve jail sentences or criminal records. These include, **warnings, cautions** and being sent to extrajudicial sanctions **programs**.

## Does it matter how I act in court?

**Yes.** It is important to show respect for the court and the judge. Be on time. Dress up. Turn off your cell phone. Listen carefully. Speak clearly. Fooling around, chewing gum and laughing with your friends may show the judge that you do not take the matter seriously. Your attitude and behaviour may affect whether the judge believes what you say and are sorry for what you did.

## Who will be in court?

The **Youth Court Judge** is in charge of the court and decides on whether or not you are guilty and on court sentences.

The **crown prosecutor** presents the case against you.

The **defence lawyer** speaks for you and protects your rights.

The **court clerk** keeps a record of what happens in court.

The **sheriff** provides security in the court.

**Parent(s)** are often in court. The judge can order your parents to be in court.

**Television, radio, and newspaper reporters** may report on court cases.

Other people who may be in court are the **victims**, other **witnesses**, **youth workers** and members of the public.

## What is a court hearing anyway?

If you are given a notice to appear in court, do it! If you do not show up in court, you are breaking the law and may be arrested.

The hearing begins when the court clerk tells everyone in the court to 'please rise' and the judge enters the courtroom.

Your case may be one of many. When it is your turn, the court clerk will call your name.

The judge will read the charges to you.

If you do not have a lawyer, the judge will give you an opportunity to get one. You have a right to a lawyer – use it!

If you are being charged with murder, attempted murder, manslaughter, or aggravated sexual assault, the judge must tell you that the court may give you an adult sentence if you are found guilty.

Before going to court, talk with your lawyer about whether you should plead 'guilty' or 'not guilty.'

At the first hearing, the judge may or may not ask you to plead. If you plead 'guilty' the crown prosecutor will tell the judge the details of why you were charged for breaking the law.

If you plead 'not guilty' you will be given another date to return to court. This will give your lawyer and the crown prosecutor time to prepare their cases. It can take several court appearances before the trial is over and the judge makes a final decision.

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## What type of sentence can I get?

You will only get a sentence if you are found guilty of the offence. The type of sentence you get will depend on the offence you committed. There are two types of criminal offences. A **summary** offence is the least serious, for example loitering. **Indictable** offences are more serious, for example arson, assault with a weapon or murder. Some offences can be both. These are called **hybrid** offences. Your lawyer can give you advice on what kind of sentence you might expect. Some possible sentences are:

**Reprimand** – A serious warning from the judge.

**Absolute Discharge** – A court record that lasts for one year.

**Conditional Discharge** – Follow the judge's orders, for example 10:00 P.M. curfew.

**Fines** – A fine of not more than \$1000.00.

**Community Service** – Work (for no pay) at court approved community agency.

**Compensation** – Pay money to another person.

**Restitution** – Return or replace property.

**Buy it Back** – Buy something back and return it to its owner.

**Personal Service** – Working (for no pay) for the person you hurt.

**Prohibition Order** – Not allowed to use or have something, like a weapon.

**Probation** – May include some of the orders already mentioned such as conditional discharge, community service, compensation, restitution, or personal service.

**Deferred Custody** – Will require you to remain at home or other specified locations such as school for a specific period of time – sort of like “jail” in the community – this can be imposed for up to six months.

**Custody and Supervision Order** – A jail term.

A Custody and Supervision sentence has two parts. First, you will live in a youth custody facility, better known as youth jail for two-thirds of the sentence. Second, the last third of your sentence you will live in the community under supervision. For example, if you were sentenced to two years, you would be in a youth custody facility for 16 months and then under community supervision for 8 months. Before the sentence is over, the crown prosecutor can ask the judge to remove the supervision part of the order. This means you will spend the whole time in jail.

## What can I do if I disagree with a guilty verdict or sentence?

You can appeal to a higher court. The higher court may decide to do one of three things: (1) agree with the first court's decision (2) change the decision (3) order a new trial (if you appeal the verdict). Your lawyer is the best person to talk to about making an appeal.

## How does the judge decide on a sentence?

Before giving you a sentence the judge may order a pre-sentence, medical, or a psychiatric report or have a conference with people in the community to help decide on a sentence.

A pre-sentence report is always prepared if you might get a jail term. This report will include information about your health, employment, education, family and your overall attitude. It will also include your history with the police and any past sentences.

Medical and psychological reports are reports that the judge orders if she or he believes you are suffering from some physical, mental or emotional problems.

## How can the Restorative Justice Program help me?

This extrajudicial sanctions program will give you a chance to learn from your mistakes and make up for your crime. This is a voluntary program that involves the community, the victim and you. If you successfully complete your program, you will not receive a youth court record.

## What is a criminal record?

A youth justice court record is not a criminal record. You only get a criminal record if you commit and are convicted of an offence after you turned 18 or if you get an adult sentence for a crime you commit as a youth.

A police record and youth justice court record are two different things, but they are both “youth records”.

A youth justice court record contains documents that keep track of your court hearings, court reports, arrests, charges that were laid, previous findings of guilt and sentences. Only certain people have the right to see your youth justice court record.

The police also keep records about arrests, suspected criminal activity, convictions or findings of guilt, fingerprints, photographs, 911 calls, interviews, and witness and victim reports. Your participation in extra judicial measures programs may also be part of the police records.

You have a right to see your youth records.

Your youth record will be sent to the RCMP and remain there until it is sealed or destroyed. How long your record stays open depends on three things. (1) How serious was the crime that you committed. (2) Your sentence (3) If you committed another crime while your record was still open. Your record can be closed before you are 18 or it can stay open for a long time after you turn 18.

If the youth justice court gives you an adult sentence or if your youth record was still open and you committed a crime as an adult, then your youth record becomes part of your adult record. Adult criminal records do not get sealed without a pardon.

## So, I have a youth record. What's the big deal?

The big deal is that it can change your opportunities in life. Some employers do not want to hire a young person with a youth record and may require a “records check” as a condition of employment. You do not have to agree to allow a records check but then you may not get the job. And what if you want to travel, study or work outside of Canada? Most countries require you to have a visa. This is an official document that allows you to leave the country. People with records cannot always get a visa. You may not be able to go on a family vacation, to a sport event or music concert in another country.

## How can I find a lawyer?

There are several ways to find a lawyer:

- Call the LISNS Lawyer Referral Service
- Look in a telephone book, in the yellow pages, under the heading ‘Lawyers’
- Call Nova Scotia Legal Aid
- Ask an adult to find a lawyer for you

## I need more information. Where can I go for help?

For a list of web sites on youth and the law go to:  
[www.youthjustice.ns.ca](http://www.youthjustice.ns.ca)

LISNS Legal Information Line and Lawyer Referral Service  
455-3135 or toll-free 1-800-665-9779

Nova Scotia Legal Aid  
420-6583 or toll-free 1-877-777-6583

Victim Services 424-3309 or toll-free 1-888-470-0073

Intensive Support and Supervision 424-0955

Restorative Justice Coordinator 424-4222

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