#### Index

#### ABSOLUTE DISCHARGE

Effect of. § 6:174 Sentencing option, § 6:51

#### ACCESS TO RECORDS

Adult sentence, access provisions inapplicable, § 8:13

Application for, § 8:17, § 8:19

Application of usual rules, § 8:17

Assessment records, § 8:17

Authorization required, § 8:15, § 8:16

Disclosure for research or statistical purposes, § 8:4, § 8:17, § 8:25, § 8:29

DNA analysis, § 8:17, § 8:20

Effect of end of access periods, § 8:40, § 8:41

Employee exception, § 8:15

Exception, § 8:17

Extrajudicial measures, § 8:17

Introduction of record into evidence, § 8:17, § 8:23

No subsequent disclosure, § 8:42

Notice, § 8:29

Notice, when not required, § 8:29

Period of record access, § 8:17

Permitted disclosure of information in a record, § 8:36

RCMP records, § 8:25

Record access periods, § 8:17

Subsequent offences as adult,

§ 8:25

Subsequent offences as young person, § 8:25

Time limit, § 8:36

Use of record, § 8:29

#### ACCESS TO RECORDS—Cont'd

When record made available after access period over, § 8:29, § 8:31

Young person, by, § 8:34, § 8:35

### ADDITIONAL YOUTH SENTENCE

Custodial portion, § 6:98

Deemed commencement and expiry, § 6:95

Supervision when additional to supervision, § 6:101

Supervision when custody extended, § 6:101

Supervision when custody not extended, § 6:101

#### ADJUDICATION

Guilty plea, § 5:58

Not guilty plea, § 5:58

#### ADMISSIBILITY

See STATEMENTS

#### ADMISSIONS

Condition of extrajudicial measures, as, § 3:11

Evidence, of, **§ 9:47** 

#### ADULT

Defined. § 2:6

#### ADULT FACILITY

Placement in. § **6:171** 

#### ADULT SENTENCE

Administrative issues, § 6:148, § 6:149

Appeals, § 6:148

Application by Attorney General, § 6:136, § 6:137, § 6:144

#### ADULT SENTENCE—Cont'd

Application of Criminal Code, § 6:159 to § 6:162

Combined with youth sentence, § 7:19, § 10:11

Conviction under another Act, effect of, § 6:169, § 6:170

Defined, § 2:6

Election, § **6:139** 

Factors to be considered, § **6:148**, § **6:149** 

Finding of guilt becomes conviction, § 6:159

Fitness to stand trial, § 9:18

Hearing, § 6:146, § 6:147

Imposition of, § 6:157

Included offences, § 6:136, § 6:144

Notice of application for, § 6:136

Onus, § 6:148, § 6:150

Parole board, obligation to inform, **§ 6:167** 

Placement, § 6:164

Pre-sentence reports, § 6:148,

§ 6:154

Reasons, § 6:148

Release entitlement, § 6:168

Test for, § 6:148, § 6:149

Time of commencement, § 6:159

#### AGE

Evidence of, § 9:46

# AGREEMENTS WITH PROVINCES, § 9:55

#### ALTERNATIVE MEASURES

See EXTRAJUDICIAL MEASURES

# ALTERNATIVES TO CUSTODY

See CUSTODY

#### **APPEALS**

Generally, § 5:61 to § 5:63, § 5:67

Adult sentence, § 6:148

Contempt of court, § 5:61 to § 5:63, § 5:67

Continuation of custody, § 7:41

#### APPEALS—Cont'd

Deemed election, § 5:61, § 5:67 Heard together, § 5:61 to § 5:63, § 5:67

Jointly-tried offences, § 5:61 to § 5:63, § 5:67

No appeal from sentence review decision, § 5:61, § 5:65, § 5:66

No transfer outside province before completion of, § 6:130

Nunavut, § 5:61

Placement of adult sentence, **§ 6:164** 

Publication ban, § 6:163

Right to, § 5:61 to § 5:63, § 5:67

Summary conviction offences,

§ 5:61 to § 5:63, § 5:67

Superior court, appeals from, § 5:61 Supreme Court of Canada, to,

§ 5:61 to § 5:63, § 5:67

#### **APPEARANCE**

Compelling, § 6:132

Continuation of custody, § 7:47

Notice to appear, § 6:127

Not represented by counsel, § 5:34

Review, for, § 7:24, § 7:30

Steps to be taken on first appearance before judge or justice, § 5:34

Waiver, § 5:34

Warrant in default of appearance, § 6:127

# **ARCHIVISTS' RECORDS, § 8:37**

# ASSESSMENT, MEDICAL OR PSYCHOLOGICAL

Access to records, § 8:17, § 8:20

Application to vary, § **5:49 to** § **5:53** 

Cross-examination, § 5:49

Custodial remand, presumption against, § 5:49

Custody for, § 5:49 to § 5:52

Disclosure, § 5:49, § 5:54

# ASSESSMENT, MEDICAL OR PSYCHOLOGICAL—Cont'd

Inadmissibility of statements, § 9:45

Non-disclosure, § 5:49 to § 5:52 Purpose of, § 5:49 to § 5:52

Qualified person 0247 disclosure by, § 5:49, § 5:54

Report in writing, § 5:49, § 5:53, § 5:54

Report to be part of record, § 5:49, § 5:53, § 5:54

Youth justice court may require, § 5:49 to § 5:51

### ATTENDANCE ORDERS, § 6:51 to § 6:54

Restrictions to be applied, § 6:120

#### ATTORNEY GENERAL

Cautions, § 3:9

Consent to private prosecutions, § 5:3

Defined, § 2:6

Disclosure of information in record, § 8:36

Trial by jury, § 6:139, § 6:142

#### BAIL

See JUDICIAL INTERIM RELEASE

#### **BREACH OF CONDITIONS**

Community supervision, § 7:42, § 7:44

Conditional supervision, § 7:51 to § 7:54

see also FAILURE TO COMPLY, with sentence or disposition

#### **CAUTIONS**

Crown, § 3:9 Inadmissibility, § 3:10 Police, § 3:5, § 3:8

#### CHILD

Defined, § 2:6
Evidence of, § 9:49

#### CHILD WELFARE AGENCY

Referral to, § 5:57

#### CLERKS OF THE COURT

Designation continues under YCJA, § 10:10

Powers of, § 4:28, § 4:29

### COMING INTO FORCE, § 10:18

# COMMUNITY-BASED PROGRAMS

Federal government or provincial government may establish, § 9:56

### COMMUNITY SERVICE ORDER, § 6:51

Further time to complete, § 6:120 Restrictions to be applied, § 6:120

#### COMMUNITY SUPERVISION

As part of a custody (non-deferred) sentence for a non-presumptive offence, § 6:51

Breach of conditions of, § 7:42, § 7:44

Statement to be made on imposing, § 6:51

## COMPENSATION AND RESTITUTION ORDERS, § 6:51: § 6:120

Further time to complete, § 6:120

# CONDITIONAL DISCHARGE, § 6:51

Not to be used with orders under s. 42(2)(k), (1) or (m), § 6:51

# CONDITIONAL SUPERVISION

Breach of conditions of, review of conditional supervision, § 7:51 to § 7:54

Conditions of, § 7:50

Conditions set at first opportunity, § 7:50

Recommendation, § 7:32

Report, § 7:50

# CONDITIONAL SUPERVISION

—Cont'd

Temporary conditions, § 7:50

# CONDITIONAL SUPERVISION SUSPENSION

Generally, § 7:51

Apprehension after, § 7:52

Release or remand into custody, § 7:52

Requirement to bring before provincial director, § 7:52

Review by provincial director, § 7:53

Review by youth justice court, § 7:54

#### CONFERENCES

Convened, § 4:23 to § 4:25 Defined, § 2:6 Implementation, § 6:45 Mandate, § 4:23 to § 4:25 Rules, § 4:23 to § 4:25 Who may convene and purpose

who may convene and purpose served, § 4:23 to § 4:25, § 6:45

# CONFIRMED DELIVERY SERVICE

Defined, § 2:6 Method of serving notice to parent, § 5:13 to § 5:17

## CONSECUTIVE SENTENCES, § 6:51, § 6:92

#### CONSENT

Physical or mental health treatment, right to, § 6:51
Prosecute, to, § 5:1, § 5:2

see also RIGHT TO CONSENT CONSEQUENTIAL

AMENDMENTS, § 10:11, § 10:14 to § 10:16

#### CONTEMPT

Adults, § 4:13 to § 4:15 Appeals, § 5:61 to § 5:63, § 5:67

#### CONTEMPT—Cont'd

Youth justice court, power to deal with, § 4:13 to § 4:15
Youth sentence, § 4:13 to § 4:15

#### CONTINUATION OF CUSTODY

Application and factors to consider, § 7:36, § 7:47 to § 7:49

Court to give reasons, § 7:40

Report from Provincial Director, § 7:39

#### **CONTRAVENTIONS ACT**

Parent's attendance, § 5:16, § 5:17 Ticket, notice of, § 5:13 to § 5:15

#### CONVICTION

Another Act, under, § 6:169, § 6:170 Effect of finding of guilt, § 6:174

# CORRECTIONS AND CONDITIONAL RELEASE ACT

Application of, § 6:168, § 7:14, § 7:19, § 7:22

#### COSTS

Criminal Code provisions, applicability of, § 9:19 Recovery of, § 5:6, § 5:12

#### COUNSEL

Appointment of, § 5:6, § 5:7 Copies to, § 9:18

Direction for representation when youth does not understand, § 5:34

Independent of parents, § 5:6, § 5:12

Non-representation by see NON-REPRESENTATION BY COUNSEL

Notice to, § 9:18

Right to

see RIGHT TO COUNSEL

# COUNTS CHARGED IN INFORMATION

Generally, § 9:20

#### COURT OF APPEAL

Interim release, § 5:39, § 5:42 Superior court as youth justice court, § 5:61

#### COURT OF RECORD

Generally, § 4:1, § 4:4

#### CRIMINAL CODE

Application of, § 9:16, § 9:17 Combination of adult and youth sentences, § 10:11

Copies to counsel and parents, § 9:18

Costs provisions, § 9:19

Dangerous and long-term offender provisions, application of, § 6:159 to § 6:162

Firearm prohibition orders, § 6:114 Limitation period, § 9:19

Mental disorder provisions, application of, § 9:18

Notice to counsel and parents, § 9:18

Recognizance provisions, non-applicability of, § 9:7

Sections applicable, § 9:18

Sentencing provisions, non-application of, § 6:110, § 6:113, § 6:159 to § 6:162

Summary conviction provisions apply, § 9:19

Words and expressions in, § 2:6 Writ provisions, application of, § 9:7

#### CROSS-EXAMINATION

Assessment, § 5:49
Pre-sentence report, § 6:42

#### **CROWN**

See ATTORNEY GENERAL

#### **CUSTODIAL PORTION**

Defined, § 2:6

If additional youth sentence, § 6:98 Maximum total, § 6:103

#### CUSTODIAL REMAND

Presumption against, § 5:49

#### CUSTODY

Alternatives to, § **6:16**, § **6:40**, § **6:41** 

Application for detention in custody, § 5:39, § 5:40

Assessment, for, § 5:49 to § 5:52

Committal deemed continuous, **§ 6:105** 

Committal to, § 6:16

Continuation of, § 7:36

Effect of sentencing order, § 6:127

"Exceptional case" restriction, § 6:16

Factors to be considered, § 6:16

"Failure to comply with noncustodial sentences" restriction, § 6:16

"History indicating a pattern of findings of guilt" restriction, **§ 6:16** 

Intermittent, § 6:105, § 6:106

Length of, § 6:16

Levels of, § 7:4, § 7:11 to § 7:13

Place of, designation, § 10:10

Pre-sentence report requirement of, § 6:16

Reasons for, § 6:16, § 6:41

Restrictions on committal to, § 6:16

Social welfare measure, custody prohibited, § 6:16

Statement to be made on imposing custody under s. 42(2)(n), § 6:51, § 6:52

Transfer, during, § 6:109

"Violent offence" restriction, § 6:16

Warrant of committal, § 6:109

# CUSTODY AND SUPERVISION ORDER

Generally, § 6:51, § 6:75 Conditions to be included, § 7:34, § 7:35, § 7:50 to § 7:54

# CUSTODY AND SUPERVISION SYSTEM

Annual review, § 7:24 to § 7:30
Breach of conditions, § 7:42, § 7:44
Community supervision
see COMMUNITY SUPERVISION

Conditional supervision see CONDITIONAL SUPERVI-SION

Conditions, § 7:34, § 7:35, § 7:50 Continuation of custody ("gating"), § 7:36, § 7:39, § 7:40, § 7:47 to § 7:49

Due process safeguards, § 7:7 Factors, § 7:4

Functions exercised by youth justice court, § 7:11 to § 7:13

Levels of custody, § 7:4 Optional review, § 7:28

Placement separate from adults, § 7:3

Principles, § 7:1
Purpose, § 7:1, § 7:2
Reintegration leave, § 7:18
Youth custody facility 0247
designation of, § 7:4
Youth worker, § 7:17

#### DECLARATION OF PRINCIPLE

See PRINCIPLES Generally, § 2:21

### DEFERRED CUSTODY AND SUPERVISION ORDER

Generally, § 6:51 Rules for, § 6:51, § 6:77 to § 6:79 Rules for breach of, § 7:54, § 7:56

#### **DEFINITIONS**

Generally, § 2:6

### DESCRIPTIVE CROSS-REFERENCES

Generally, § 2:6

# DESIGNATION OF YOUTH JUSTICE COURT

By a province, § 4:1 to § 4:4
Previous designations to continue under YCJA, § 10:10
Quebec provision, § 4:1 to § 4:4
Where youth elects a superior court, that court is deemed to be a youth justice court, § 4:1 to § 4:4

### **DESTROY**

In respect to youth record, defined, § 8:40

#### **DETENTION**

Application for detention in custody, § 5:39, § 5:40

Authorization of provincial authority, § 5:27, § 5:28

Designation of temporary detention continued, § 10:10

Detention designated, § 5:27, § 5:28

Detention separate from adults, § 5:27 to § 5:28

Presumed unnecessary, § 5:23 to § 5:26

Social welfare measure, as 0247 prohibited, § 5:23 to § 5:26 see JUDICIAL INTERIM RELEASE

Transfer by provincial director, § 5:27, § 5:29

Transfer to detention in adult facility at age 18, § 5:27, § 5:29

#### DISCLOSURE

Assessment, § 5:49 to § 5:52, § 5:54

Copies of record, of, § 8:28 Court order, with, § 8:39

Defined, § 2:6

Foreign state, to, § 8:36

#### DISCLOSURE—Cont'd

Information, of, § 8:28
Information in record, § 8:36
Information to be kept separate, § 8:36

Insurance company, to, § 8:36
No subsequent disclosure, § 8:42
Pre-sentence report, § 6:42 to
§ 6:44

Qualified person, by, § 5:49, § 5:54
Research or statistical purposes, for, § 8:17, § 8:25, § 8:29
Schools, to, § 8:36

Schools, to, § 8:36 Time limit, § 8:36

# DISQUALIFICATION OF JUDGE

Generally, § 9:1

#### DNA ANALYSIS

Access to, § 8:17, § 8:20

# DNA IDENTIFICATION ACT Generally, § 10:14, § 10:16

# DUE PROCESS SAFEGUARDS Generally, § 2:21, § 2:25, § 2:28, § 7:7

#### **ELECTION**

Adult sentence, § 6:139

Attorney General may require jury trial, § 6:139, § 6:142

Deemed election where prosecutor fails to elect mode of procedure, § 5:61, § 5:67

Mode of trial where co-accused are young persons, § 6:139, § 6:142

Nunavut, § 6:139 to § 6:142

Summary conviction, deemed, § 8:26, § 8:27

Where all co-accused do not elect same mode of trial, § 6:139, § 6:142

Wording of, § 6:139 to § 6:142

#### EMPLOYMENT APPLICATIONS

Generally, § **6:174** 

#### **EVIDENCE**

Admissibility of statements, § 9:23
Admission into evidence a transcript of evidence already given, § 9:2

Admissions, § 9:47

Admissions as condition of extrajudicial measures, § 3:11

Age, evidence of, § 9:46

Child or young person, evidence of, § 9:49

Extrajudicial measures, § 3:10
Material evidence, § 9:48
Parent, testimony of, § 9:46
Proof of service, § 9:51
Record, introduction of, § 8:17,
§ 8:23

Seal not required, § 9:52

# EXCLUSION FROM HEARING

Generally, § 9:3

#### EXTRAJUDICIAL MEASURES

Access to records, § 8:17
Accountability, § 3:1, § 3:2
Admissions as condition, § 3:11
Alternative measures continued, § 10:10

Cautions, § **3:5 to** § **3:9** Continuation of, § **4:5** 

Defined, § 2:6

Inadmissibility of, as evidence, § 3:10

Key factors, § 3:1, § 3:2

Limitation periods, § 4:5

Objectives, § 3:4

Principles, § 3:1, § 3:2

Referrals, warnings, § 3:5

#### EXTRAJUDICIAL SANCTIONS

Admissions not admissible in evidence, § 3:11

Application at pre-charge or postcharge stage, § 3:11, § 3:12

Conditions, § 3:11

Defined, § 2:6

# EXTRAJUDICIAL SANCTIONS

—Cont'd

EJS is no bar to judicial proceedings, § 3:11

Laying of information, § 3:11

Notice to parent, § 3:13

Restriction on use, § 3:11

Victim's right to information about

### FAILURE TO COMPLY

an EJS, § 3:14

With order issued to parent to attend, § 5:16, § 5:17

With sentence or disposition, § 9:9 to § 9:13

With terms of release issues, § 5:39, § 5:40

#### FAMILY

Parental support, § 2:21 Participation of, § 3:4

#### **FINES**

Conditions, § 6:120
Consent of person to be compensated, § 6:120
Crediting, § 6:120
Discharge of, § 6:120
Funding for victims, § 6:119
Means to pay, § 6:120
Representations, § 6:120
Sentencing option, as, § 6:51

#### FINGERPRINTS

Generally, § 8:9

# FIREARM PROHIBITION ORDERS

Generally, § 6:114 to § 6:116 Records of, not subject to record access rules, § 8:17, § 8:20

#### FIRST APPEARANCE

See APPEARANCE

#### FIRST DEGREE MURDER

Election, § **6:139** Sentence, § **6:51** 

#### FITNESS TO STAND TRIAL

Generally, § 9:18

#### FOREIGN STATE

Disclosure to, § 8:36

# FORFEITURE OF RECOGNIZANCE

See RECOGNIZANCE; JUDG-MENT DEBTORS OF CROWN

#### **FORMS**

Generally, § 9:53, § 9:54

#### **GOVERNMENT RECORDS**

Generally, § 8:12

#### **GUILTY**

Finding of, is not a previous conviction, § 6:174

#### **GUILTY PLEAS**

Generally, § 5:58, § 5:59

#### HARM

Acknowledgement of harm done, § 3:4

Repairing harm, § 3:4

### **HEARING**

Adult facility transfer hearing after attaining age of eighteen, § 5:27, § 5:29

Adult sentence hearing, **§ 6:146**, **§ 6:147** 

Breach of supervision conditions, review hearing, § 7:44, § 7:54

Conditional supervision, condition setting hearing, § 7:50

Continuation of custody hearing, § 7:36, § 7:47 to § 7:49

Exclusion of persons from, § 9:3

Judicial interim release, § 5:18 to
§ 5:20, § 5:23 to § 5:26,
§ 5:39, § 5:40

Review of sentence hearing, § 7:24 to § 7:30

Right to counsel at a hearing, § 5:6

#### **HEARING—Cont'd**

When youth pleads not guilty, trial, § 5:58

## IDENTIFICATION OF CRIMINALS ACT

Application of, § 8:9

#### INCLUDED OFFENCES

Generally, § 6:144

#### INDICTABLE OFFENCES

Appeals, indictable offences, § 5:61 to § 5:63, § 5:67

Deemed election where prosecutor fails to elect by, § 5:61, § 5:67

For the purpose of other Acts, an indictable offence is an, § 9:19

#### INDUCING YOUNG PERSON

Unlawfully removing, harbouring, interfering with the performance of a term of a youth sentence by a young person is indictable offence, § 9:8

#### INFORMATION

Counts charged in, § 9:20
Proceedings commence with, § 10:7

#### INSURANCE COMPANY

Disclosure to, § 8:36

## INTENSIVE REHABILITATIVE CUSTODY AND SUPERVISION (IRCS)

Generally, § 6:51 Rules for, § 6:51, § 6:82 to § 6:88

## INTENSIVE SUPPORT AND SUPERVISION (ISSP)

Generally, § 6:51

Commencement of order, § 6:127 to § 6:129

Communication of order to youth, § 6:127

Conditions that must appear in orders, § 6:122

Divided ISSP orders, § 6:127

# INTENSIVE SUPPORT AND SUPERVISION (ISSP)

-Cont'd

Not to be combined with conditional discharge, § 6:51

Review of, § 6:117, § 6:118

Validity not effected by failure to sign or serve parent, § 6:127

### INTERMITTENT CUSTODY

Generally, § 6:105, § 6:106

#### INTERPRETATION

Definitions, § 2:6

# INTERPROVINCIAL ARRANGEMENTS

To transfer sentence, § 6:131

### JOINTLY-TRIED OFFENCES

Generally, § 5:61 to § 5:63, § 5:67

#### **JUDGE**

See YOUTH JUSTICE COURT JUDGE

#### JUDGMENT DEBTORS OF CROWN

Judge orders forfeiture of recognizance, and principal and/or sureties become. § 9:7

#### JUDICIAL INTERIM RELEASE

Application for, § 5:18 to § 5:20, § 5:23 to § 5:26, § 5:39, § 5:40

Application of Criminal Code, § 5:18 to § 5:20

Application to youth court (de novo) for release or detention, § 5:39, § 5:40

Authorization of provincial authority, § 5:27, § 5:28

Court of appeal, § 5:39, § 5:42

Designated place of temporary detention, § 5:27, § 5:28

Detention as social measure 0247 prohibited, § 5:23 to § 5:26

# JUDICIAL INTERIM RELEASE

-Cont'd

Detention presumed unnecessary, § 5:23 to § 5:26

Detention separate from adults, § 6:109

Determination of place of detention, § 5:27, § 5:28

Exception, § 5:27, § 5:28

Inquiry to be made about

responsible person, § 5:31 to § 5:33

Notice to prosecutor, § 5:39, § 5:43 Nunavut, § 5:39

Persons 20 years or older, § 5:27

Placement in responsible person's care, § 5:31 to § 5:33

Restrictions on custody, § 5:23 to § 5:26

Review application under ss. 520 or 521 of Code, § **5:39**, § **5:42** 

Review by court of appeal, § **5:39**, § **5:42** 

Transfer by provincial director, § 5:27, § 5:29

Transfer to adult facility, § 5:27, § 5:29

Youth justice court judge is only justice or judge that can release 0247 murder charge, § 5:39

#### JUDICIAL MEASURES

Pre-charge screening, program may set out when consent to prosecute required, § 5:1, § 5:2

Private prosecutions not permitted without Attorney General's consent, § 5:3

Right to counsel, § 5:6

#### JUDICIAL PROCEEDINGS

Continuation of, after age eighteen, § 4:5

Limitation periods, § 4:5

#### JURISDICTION

Concurrent, for contempt, § 4:13

#### JURISDICTION—Cont'd

Exclusive jurisdiction over offences while a young person, § 4:5

Inducing to unlawfully leave custody, § 9:8

No jurisdiction after the end of time limits, § 4:5

Over s. 810 orders, § 4:5

Powers of summary conviction court, § 4:5

Records-related offences, § 9:14

To order access to record, § 8:42

Transfer of charges, § 9:5

Waiver of, § 6:131

Where age of offender uncertain, § 4:16 to § 4:18

Youth justice court, § 4:13

Youth justice court has, to make rules, § 4:19, § 4:20

#### JUSTICES OF THE PEACE

Application before for judicial interim release, § 5:23 to § 5:26, § 5:39, § 5:40

Orders, § 4:26

Proceedings before, § 4:26

#### JUVENILE DELINQUENTS ACT

Proceedings commenced under, § 10:3

Prohibition on proceedings, after YCJA in force, § 10:1 Records, § 10:8

#### LIBERAL CONSTRUCTION

Generally, § 2:21

#### LIMITATION PERIODS

Criminal Code provision 0247 limitation period six months, non-applicability of, re indictable offences, § 9:19

Prosecution prohibited, after limitation period, § 4:5

# MANDATORY PROHIBITION ORDERS

Generally, **§ 6:114** 

#### MATERIAL EVIDENCE

Generally, § 9:48

### MEDICAL OR PSYCHOLOGICAL ASSESSMENT

See ASSESSMENT MEDICAL OR PSYCHOLOGICAL

# MENTAL DISORDER PROVISIONS OF CRIMINAL CODE

Generally, § 9:18

### MISREPRESENTATION OF AGE

Court may rule any statement admissible where, § 9:23

# MODE OF TRIAL WHERE CO-ACCUSED DO NOT ELECT SAME MODE OF TRIAL

Generally, § 6:139, § 6:142

# MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS ACT

Consequential amendments to, § 10:20

# NATIONAL ARCHIVIST OF CANADA

Generally, § 8:37, § 8:40

### NON-CUSTODIAL SENTENCES

Alternatives to custody, § 6:16, § 6:40, § 6:41

Factors to be considered, § 6:16 Imposition of same sentence, § 6:16 Progress report, § 6:132 Review, § 6:132, § 6:134

#### NON-REPRESENTATION BY COUNSEL

Assistance of adult, § 5:6, § 5:11 Direction by court, § 5:34 Pleas and, § 5:34 Understanding of charge, § 5:34

#### NOT GUILTY PLEAS

Generally, § 5:58

#### NOTICE

Access to records, § 8:29
Appear, to, § 6:127
Contents of, § 5:13 to § 5:15
Continuation of custody, § 7:39
Direction of youth justice court judge, re, § 5:13 to § 5:15
Failure to give notice, § 5:13, § 9:18

Non-service of, § 5:13 to § 5:15 Notice of, review of sentence, § 7:24, § 7:30

Parent, to
see NOTICE TO PARENTS
Restitution order, of, § 6:120
Review of placement re adult
sentence, § 6:164
Service, how affected, § 7:24
Specification of custody level, § 7:4
To prosecutor, for review of bail or
detention, § 5:39, § 5:43
To relative or other adult, parents
whereabouts unknown, § 5:13
to § 5:15

Waiver of, § 5:39, § 5:43, § 7:24

#### NOTICE TO PARENTS

Contents of, § 5:13 to § 5:15
Criminal Code mental disorder provisions, § 9:18
Extrajudicial sanction, notice to parents of, § 3:13
Failure to give notice, § 5:13
In other cases where youth not detained, § 5:13
Non-service of, § 5:13 to § 5:15
On arrest or detention, § 5:13
Persons over 20 years of age, § 5:13
Service of, § 5:13 to § 5:15
Ticket under Contraventions Act,

#### NUNAVUT

Appeals, § 5:61

§ 5:13 to § 5:15

### NUNAVUT-Cont'd

Application for release from or detention in custody, § 5:39

Election re adult sentence, § 6:139 to § 6:142

## **OBJECTIVES**

Declaration, § 2:21

Extrajudicial measures, § 3:4

Sentence purposes and, § 6:1

#### **OFFENCES**

Defined, § 2:6

Failure to comply with sentence or disposition, § 9:9 to § 9:13

Inducing young person to not comply with sentence or disposition, § 9:8

Related to privacy and records, § 9:14

Responsible person violation of undertaking, § 9:15

#### ORAL STATEMENTS

Generally, § 9:23

#### **ORDERS**

Attendance, § 6:51

Community service, § 6:51 to § 6:55

Compensation, § 6:51

Custody and supervision, § 6:51

Deferred custody and supervision,

§ 6:51, § 6:77 to § 6:79

Forfeiture of recognizance, for, § 9:7

Intensive rehabilitative custody and supervision (IRCS), § 6:51, § 6:82 to § 6:88

Intensive support and supervision (ISSP), § 6:51

Jurisdiction of youth justice court, § 4:5

Justices of the peace, § 4:26

Orders under s. 810 (Code), § **4:5**, § **4:26** 

Orders under ss. 97, 98, 103, 104, 105, 109, are deemed youth

#### ORDERS—Cont'd

sentences for the purpose of s. 94 reviews, § 7:31

Parent's attendance, § 5:16

Personal service, § 6:51

Probation, § 6:51

Prohibition, § 6:51

Restitution, § 6:51

Sentencing

see SENTENCING ORDER

#### OVER 20 YEARS OF AGE

See YOUNG PERSON AGED 20 OR OLDER

#### **PALMPRINTS**

Generally, § 8:9

#### PARENT

Counsel independent of, § 5:6, § 5:12

8 5:12

Defined, § 2:6

Failure to attend court, § **5:16**, § **5:17** 

Mental disorder assessment, copies to, § 9:18

Notice to

see NOTICE TO PARENTS

Not person in authority, § 9:23, § 9:28, § 9:29

Order requiring court attendance, § 5:16

Participation of, § 3:4

Recovery of costs from, § 5:6

Sentencing order, copy of, § 6:127

Testimony of, as to age, § 9:46

Warrant to arrest, § 5:16, § 5:17

#### PAROLE BOARD

Obligation to inform, § 6:167

#### PEACE OFFICER

See POLICE

#### PERSONAL SERVICE ORDER

Consent of complainant required, § 6:120

Duration, § **6:120** 

# PERSONAL SERVICE ORDER

#### -Cont'd

Restrictions on, § 6:120 Sentencing option, as, § 6:51

### PERSONS IN AUTHORITY

Generally, § 9:23, § 9:28, § 9:29

#### **PHOTOGRAPHS**

Generally, § 8:9

#### **PLACEMENT**

Adult sentence, § 6:164

Age limit, § 6:164

Conviction tinder another Act, § 6:169, § 6:170

Responsible person's care, § 5:31 to § 5:33

Separate from adults, § 7:3

Service of subsequent adult sentence in adult facility, § 6:171

When adult and youth sentences to be served at same time, § 7:19 Young person aged 20 or older,

§ 7:14

#### **PLEAS**

Guilty, § 5:58

Non-representation by counsel, and, § 5:34

Not guilty, § 5:58

Youth does not understand charge, court enters plea of not guilty, § 5:34

#### **POLICE**

Arrest without warrant, § 7:52

Cautions, § 3:5, § 3:8

Disclosure of information in record, § 8:36

Option to warn, caution or refer, § 3:5

RCMP records re prohibition order, § 8:17, § 8:20

Records, § 8:11

Right to counsel, need to advise of, § 5:6 to § 5:12

#### POLICE CAUTION PROGRAM

Generally, § 3:8

#### PRE-CHARGE SCREENING

Generally, § 5:1 § 5:2

Programs, § 5:1, § 5:2

# PRELIMINARY INQUIRY

Youth justice court to conduct, upon election, § 6:139

#### PRE-SENTENCE REPORT

Generally, § 6:42 to § 6:44

Adult sentence, § 6:148, § 6:154

Consent of counsel, dispense with, **§ 6:16** 

Contents of, § 6:42 to § 6:44

Copies of, § 6:42 to § 6:44

Cross-examination, § 6:42

Defined, § 2:6

Disclosure, § 6:42 to § 6:44

Inadmissibility of statements, § 6:42

Oral report with leave, § 6:42

Part of record, § 6:42

Requirement of, § 6:16

Withholding from private prosecutor, § 6:42

#### PRESUMPTIVE OFFENCE

See also ADULT SENTENCE; ELECTION

Application by Attorney General, § 6:136, § 6:137

Custody and conditional supervision order, § 6:51, § 6:75

Defined, § 2:6

Publication ban, § 6:163

#### **PRINCIPLES**

Custody and supervision system, § 7:1

Declaration of, § 2:21

Extrajudicial measures, § 3:1, § 3:2

Sentencing, § 6:1 to § 6:15

### **PRISONS AND**

#### REFORMATORIES ACT

Application of, § 6:168, § 7:14, § 7:19, § 7:22

#### PRIVACY PROTECTION

See also PUBLICATION

Application for leave to publish, § 8:1

Exception, after age eighteen, § 8:1

Ex parte application for leave to publish, § 8:1

Limitation, § 8:1

Offender identity not to be published, § 8:1

Privacy provisions non-applicable, § 8:8

Victim or witness identity not to be published, § 8:6, § 8:7

#### PRIVATE PROSECUTIONS

Attorney General consent required, § 5:3

Pre-sentence report 0247 withholding of, § 6:42 to § 6:44

#### PROBATION ORDERS

Generally, § 6:51

Commencement of order, § 6:127 to § 6:129

Communication of order to youth, § 6:127

Conditions that must appear in orders, § 6:122

Divided probation orders, § 6:127

Not to be combined with conditional discharge, § 6:51

Review of, § 6:117, § 6:118

Validity not effected by failure to sign or serve parent, § 6:127

#### **PROCEDURE**

Indictable and summary conviction offences may be tried jointly, § 9:20

Subpoenas, § 9:21

Warrant, execution of, § 9:22

#### PROGRESS REPORT

Review of, for 0247 custodial sentence, § 7:24 non-custodial sentence, § 6:132

#### PROHIBITION ORDERS

See also FIREARM PROHIBI-TION ORDERS

Discretionary, § 6:114 to § 6:116

Duration, § 6:114 to § 6:116

Mandatory, § 6:114

Period of record access to determination of, § 8:17

Reasons for, § 6:114 to § 6:116

Records resulting in, § 8:17, § 8:20

Review of prohibition order, § 6:117, § 6:118

Sentencing option, § 6:51

#### **PROPORTIONALITY**

Principle of, § 2:21, § 2:23, § 2:24, § 6:1, § 6:9

#### **PROSECUTIONS**

Attorney General consent to prosecute, private, § 5:3
see also PRIVATE PROSECUTIONS

#### PROVINCIAL AUTHORITY

Application to transfer to, after age eighteen, § 7:19, § 7:22, § 7:23

Authorization of detention, § 5:27, § 5:28

Determination of place of detention, § 5:27, § 5:28

Determine the level of custody, to, § 7:11 to § 7:13

Youth twenty years of age shall be committed to, § 7:14

#### PROVINCIAL DIRECTOR

Agreement to s. 42(2)(1) or (m) sentence required, § 6:51

Conditional supervision early release recommendation, by, § 7:32

#### PROVINCIAL DIRECTOR

—Cont'd

Defined, § 2:6

Designation of, under YOA, § 10:10

Disclosure of pre-sentence report, § 6:42

Duties, functions and powers, § 4:30

Parole board, P.D's obligation to inform, § **6:167** 

Review after suspension of conditional supervision, § 7:53

Sentence option program availability determined by, § 6:51, § 6:77 to § 6:79

Specification of custody level, § 7:4
Transfer by, to another place of temporary detention, § 5:27, § 5:29

Withholding of information, § 7:7

### PSYCHOLOGICAL ASSESSMENT

See ASSESSMENT, MEDICAL OR PSYCHOLOGICAL

#### PUBLICATION

Application for leave to publish, § 8:1, § 8:6, § 8:7

Defined, § 2:6

Ex parte application for leave to publish, § 8:1

Prohibition on, § 8:1, § 8:6, § 8:7

Publication ban hearing, where a youth found guilty of a presumptive offence receives a youth sentence, § 6:163

#### **PUNISHMENT**

Inducing young person to breach a sentence or disposition, § 9:8

Responsible person, violation of undertaking, § 9:15

Unlawful use of employment application, § 9:15

## **QUALIFIED PERSON**

Defined, § 5:49

Disclosure by, § 5:49, § 5:54

#### REASONS

Adult sentence, court to give reasons for, § 6:148

Custody sentence, court to give reasons for imposing, § 6:16, § 6:41

Prohibition orders, **§ 6:114 to § 6:116** 

Youth sentence, reasons to be given, § 6:107

#### RECOGNIZANCE

Criminal Code provisions applicable, § 9:7

Criminal Code provisions not applicable, § 9:7

Deposit made, § 9:7

Filing of order, § 9:7

Forfeiture of, § 9:6

Judgment debtors of Crown, § 9:7

Justices of the peace orders of, § 4:26

Order for forfeiture of recognizance, § 9:7

Proceedings in case of default, § 9:7

#### RECORDS

Access to

see ACCESS TO RECORDS

Access to records after access period, § 8:29, § 8:31

Access to records during access period, § 8:17, § 8:19

Assessment as pail of record, § 5:49, § 5:53, § 5:54

Custody of archivists, in, § 8:37

Defined, § 2:6

Destruction, defined, § 8:40

Disclosure of copies, § 8:28

Disclosure of information in, § 8:36

Disclosure with court order, § 8:39

Disposal of, § 8:40

#### RECORDS—Cont'd

Effect of end of access periods, § 8:40

Government, § 8:12

Kept by youth justice court, review board and other courts, § 8:10

Other records, § 8:12

Police, § 8:11

Pre-sentence report as part of, § 6:42

Previous acts, under, § 10:8

RCMP, of, § 8:11, § 8:25, § 8:34, § 8:35, § 8:40

Related offences, § 9:14

Resulting in prohibition orders, § 8:17, § 8:20

# RECOVERY OF COSTS FROM PARENTS

Generally, § 5:6

#### REFERRALS

Child welfare agency, to determine if youth in need of services, \$ 5:57

Police referral to program in the community, § 3:5

#### REGULATIONS

Generally, § 9:54

#### REHABILITATION

Declaration of principle, § 2:21, § 2:22

Sentencing purpose and principles, § 6:1, § 6:12

#### REINTEGRATION

Leave, § 7:18

Principle of, § 2:21, § 2:22

Purpose and principles of, on sentencing, § 6:1, § 6:12

Renewal of, revocation and arrest, § 7:18

# RELEASE HEARING

See also JUDICIAL INTERIM RELEASE

#### RELEASE HEARING—Cont'd

Generally, § 5:6

#### REPEAT OFFENDERS

Sentencing, § 6:1

#### REPORTS

Conditional supervision, § 7:50
Conditional supervision suspension, § 7:54

Continuation of custody, § 7:36
Disclosure of information in record,
§ 8:36

Medical or physical assessment see ASSESSMENT, MEDICAL OR PSYCHOLOGICAL

Preparation of, § 8:36

Pre-sentence reports

see PRE-SENTENCE REPORT

Progress reports

see PROGRESS REPORT

#### REPRIMAND

Generally, § 6:51

#### RESPONSIBLE PERSON

Mandatory inquiry in event of detention, § 5:31 to § 5:33

Placement in care of, § **5:31 to** § **5:33** 

Removal from care, § 5:31 to § 5:33

Undertakings to be given as condition of placement with, § 5:31 Violation of undertaking, § 9:15

#### RESTITUTION ORDER

See also COMPENSATION AND RESTITUTION ORDERS

Conditions, § 6:120

Consent of person to be compensated, § 6:120

Means to pay, § 6:120

Notice of order to be given to person to be compensated, § 6:120

Representations respecting orders, court may hear from person to

### RESTITUTION ORDER—Cont'd

be compensated, § 6:120 Sentencing option, as, § 6:51

# RESTITUTION TO PURCHASER OF PROPERTY

Generally, § 6:51

# RESTRICTIONS ON COMMITTAL TO CUSTODY

See CUSTODY

#### RESTRICTIONS ON CUSTODY

Generally, § 5:23 to § 5:26, § 6:16

#### REVIEW

Annual review of custody, § 7:24 to § 7:30

Application for, § 7:9, § 7:10

Breach of community supervision conditions, § 7:44

Conditional supervision suspension, § 7:54

Decision is final, § 7:9

Exclusion of persons during, § 9:3

Factors for level of custody, § 7:9

If appeal pending, no review, § 7:24

Non-custodial sentence review,

§ 6:132, § 6:134

Notice of review of custody sentence, § 7:24, § 7:30

Optional review of custody sentence, § 7:24, § 7:28

Ordering youth to make court appearance, § 7:24, § 7:30

Orders deemed youth sentences for purposes of review, § 7:31

Placement on adult sentence, review of, § 6:164

Probation order, § 6:117, § 6:118

Procedural safeguards, § 7:9

Progress report required for review, § 6:132, § 7:24

Review of interim release order, § 5:39, § 5:40

#### REVIEW—Cont'd

Sentence, review of, § 6:132, § 6:134, § 7:24 to § 7:30, § 10:5

Where sentence review notice not given, § 7:24

Youth custody sentence review, § 7:24 to § 7:30

#### REVIEW BOARD

Defined, § 2:6, § 9:18

Designation of, § 10:10

Records permitted to be kept by, § 8:10

Right to counsel 0247 need to advise of, § 5:6 to § 5:8

Withholding of information where safety in jeopardy, § 7:9

#### RIGHT TO CONSENT

To physical or mental health treatment or care, § 6:51

#### RIGHT TO COUNSEL

Appointment of counsel, § 5:6, § 5:7

Arresting officer to advise of, § 5:6 to § 5:12

Assistance of adult, § 5:6, § 5:11

Costs of counsel, recovery of, § 5:6, § 5:12

Counsel independent of parents, § 5:6, § 5:12

Court to advise youth of right to counsel, § 5:6 to § 5:8

Persons over 20 years of age, § 5:6

Release hearing, right to counsel, § 5:6

Review board, § 7:9

Right to counsel, described, § 5:6

Statement of right, § 5:6, § 7:24, § 7:39

Trial, hearing or review, right to counsel at, § 5:6 to § 5:12

Youth justice court to advise of right, § 5:6, § 5:11

# ROYAL CANADIAN MOUNTED POLICE

Records of, § 8:11, § 8:20, § 8:25, § 8:40

### RULES OF COURT

Youth justice court for a province may make rules, § 4:19, § 4:20

#### SCHOOLS

Disclosure limited to record access period, § 8:36

Disclosure of youth record to, § 8:36

Youth record to be kept separate and private, § 8:36

#### SEAL NOT REQUIRED

Validation of youth court documents, § 9:52

#### SECOND DEGREE MURDER

Election of mode of trial, for, § 6:139

Sentence for murder, § 6:51, § 6:75 see also PRESUMPTIVE OFFENCE

# SECTION 56(2) RIGHTS ARISE AT EVERY NEW QUESTIONING SESSION

Generally, § 9:23

#### SENTENCE CALCULATIONS

Different offences, § 6:51
Different sentences, § 6:95 to § 6:103

#### SENTENCING

See also CUSTODY; YOUTH SENTENCE

Adult sentences

see ADULT SENTENCE

Alternatives to custody, § **6:16**, § **6:40**, § **6:41** 

Application of Criminal Code, § 6:110, § 6:113

Committal to custody, § 6:16

#### SENTENCING—Cont'd

Conferences' recommendations, § **6:45** 

Considerations as to youth sentence, § 6:51

Custodial sentences, § 6:16

Custody as social measure prohibited, § 6:16

Duration of sentence, § 6:51

Factors to be considered, § 6:1, § 6:16

First-degree murder, § **6:51**, § **6:75** 

Imposition of same sentence, § 6:16

Maximum duration of custodial portion, § 6:103

Pre-sentence report to be obtained before, § 6:42 to § 6:44

Principles, § 6:1 to § 6:15

Purpose, § **6:1** 

Reasons for sentence to be stated, § 6:107

Repeat offenders, § 6:1

Restrictions on custody, § 6:16

Second-degree murder, § **6:51**, § **6:75** 

Sentences available, § 6:51

Sentencing provisions of Code do not apply to YCJA, § 6:110, § 6:113

When order in effect, § 6:51

#### SENTENCING ORDER

Commencement, § 6:127 to § 6:129

Communication of order, § 6:127

Effect of probation or ISSP orders in case of delayed custody, **§ 6:127** 

Endorsement by young person, § **6:127** 

Notice to appear, § 6:127

Required conditions in probation or ISSP orders, § 6:122

Validity of orders where failure to endorse or receive copy, § 6:127

#### SENTENCING ORDER—Cont'd

Warrant in default of appearance, § 6:127

When it comes into effect, § 6:51 Where payment ordered, means to pay to be considered, § 6:120

#### SERIOUS VIOLENT OFFENCE

Defined, § 2:6
Notice of intention to establish, § 6:136

#### **SERVICE**

Definition, confirmed delivery service, § 2:6

Failure to give notice to parent, effect of, § 5:13 to § 5:15

Notice of application for continuation of custody, § 7:39

Notice of review, § 7:24

Notice to parents, how notice to be served, § 5:13 to § 5:15

Order requiring parent's attendance, § 5:16, § 5:17

Proof of service, § 9:51 Subpoenas, § 9:21

#### **SHORT TITLE**

Generally, § 2:5

#### **STATEMENTS**

Admissibility of, § 9:23 Duress, inadmissible if under, § 9:23

Misrepresentation of age, § 9:23 Parent not person in authority, § 9:23, § 9:28, § 9:29

Rights arise after every new questioning session, § 9:23 to § 9:25

Right to counsel, statement of, to be given to youth, § 5:6 to § 5:8, § 7:24, § 7:39

Spontaneous oral exception, § 9:23 Statements made during a s. 34 assessment, inadmissible, § 9:45

#### STATEMENTS—Cont'd

Statements made re pre-sentence reports inadmissible, § 6:42 Technical irregularities, § 9:23 to § 9:25

Waiver of right to consult, § 9:23 Youth justice court statement to be made re split between custody and supervision, § 6:51

#### **SUBPOENAS**

Generally, § 9:21

# SUBSTITUTION OF JUDGE

Generally, § 9:2

# SUMMARY CONVICTION OFFENCES

Appeal, on, § 5:61, § 5:67

Appeals, § 5:61 to § 5:63, § 5:67

Criminal Code provisions, application of, § 9:19

Deemed election, § 8:26, § 8:27

### SUPERIOR COURT JUDGE

Appeals from, § 5:61 Powers of, § 4:5, § 4:12

#### SUPREME COURT OF CANADA

Appeals to, § 5:61 to § 5:63, § 5:67

# SUSPENSION OF CONDITIONAL SUPERVISION

Generally, § 7:51

### TICKET UNDER CONTRAVENTIONS ACT

Generally, § 5:13 to § 5:17

#### **TIMELINESS**

Extrajudicial measures should be designed to provide an effective and timely response, § 3:4

Timely intervention and prompt action re enforcement of Act, § 2:21, § 2:26

#### TIMING OF OPTIONAL REVIEW

Generally, § 7:24 to § 7:30

# TRANSFER HEARINGS (PROCEDURE ABOLISHED UNDER YCIA)

See ADULT SENTENCE; PRESUMPTIVE OFFENCE

#### TRANSFER OF CHARGES

For plea of guilty in another province, § 9:5

# TRANSFER TO ADULT FACILITY

Youth attains age of eighteen in pretrial detention, court determines if, § 5:27, § 5:29

Youth over age twenty, automatic transfer to, § 5:27

Youth sentenced to custody and attains age of eighteen, § 7:19

#### TRANSITIONAL PROVISIONS

Agreements under YOA continue in force, § 10:9

Alternative measures continued, § 10:10

Clerks of the court designated under YOA, deemed designated under YCJA, § 10:10

Places of custody designations continue under YCJA, § 10:10

Proceedings commence with information, § 10:7

Proceedings under YOA continue under YOA, § 10:3

Prohibition on YOA proceedings once YCJA in force, § 10:1

Provincial director, designation of, § 10:10

Records sections under YOA, § 10:8

Review board, designation of, § 10:10

Temporary detention, open and secure custody designations continue, § 10:10

YOA charges resulting in guilty finding, sentenced under YCJA, § 10:5

# TRANSITIONAL PROVISIONS

-Cont'd

Youth justice committee, designation of, § 10:10

Youth justice court, designation under YOA continues, § 10:10

Youth justice court judge, appointment of, continues, § 10:10

Youth worker, designation under YOA continues, § 10:10

#### UNCERTAIN STATUS

Where it is unclear if accused an adult or youth at time of offence, § 4:16 to § 4:18

#### VICTIM FINE SURCHARGE

Court that imposes fine may impose, § 6:119

Work credits to discharge, § 6:120

#### VICTIMS

Harm done to and reparations made to, § 6:1

Participation of victims in extrajudicial measures, § 3:4

Province may order percentage of fine for, § 6:119

Publication prohibition on information that would identify, § 8:6, § 8:7

Right to information on extrajudicial sanction, § 3:14

Youth justice committee may facilitate reconciliation between youth and, § 4:21, § 4:22

# WAIVER OF RIGHT TO CONSULT

Valid waiver of right to consult, § 9:23

Waiver not invalid if technical irregularity, § 9:23

#### WARNINGS

Police officer shall consider whether a warning would be sufficient, § 3:5

#### WARRANT

Committal warrant when youth sentenced to custody, § 6:109

Default of appearance after youth ordered to appear in court, § 6:127

Execution of, anywhere in Canada, § 9:22

Suspension of conditional supervision, provincial director may issue. § 7:52

### YCJA TRANSFER ADMINISTRATIVE ISSUES

Generally, § 6:148, § 6:149

#### YOUNG OFFENDERS ACT

Agreements continue in force, § 10:9

Designations under, continue, § 10:10

Dispositions under YCJA when Act in force, § 10:5

Proceedings commenced under, continue, § 10:3

Prohibition on proceedings under YOA once YCJA in force, § 10:1

Records access provisions continue, § 10:8

Repeal, § 10:17

Review of sentence determined from date disposition in force, § 10:5

#### YOUNG PERSON

Access to record, § 8:34, § 8:35

Defined, § 2:6

Evidence of, instructions by court, § 9:49

Notice of application for release from detention in custody, § 5:39, § 5:43

Over 18 years of age, YCJA applies if offence alleged while under 18, § 4:5

#### YOUNG PERSON—Cont'd

Respect for rights of, § 2:21, § 2:28, § 3:4

Status uncertain, age at time of offence, § 4:16 to § 4:18

Understanding of charge, court not satisfied youth, § 5:34

#### YOUNG PERSON AGED 20 OR OLDER

Detention in adult facility, § 5:27 Notice to parents not applicable, § 5:13

Placement on custody sentence, § 7:14

Provincial correctional facility, transfer to, when attains age of twenty in custody, § 7:22, § 7:23

Right to counsel provisions not applicable, § 5:6

# YOUTH CRIMINAL JUSTICE SYSTEM

Organization of, § 4:1 to § 4:20

#### YOUTH CUSTODY FACILITY

Defined, § 2:6

Levels of custody, designation of, § 7:4

Limit on age in youth custody, with exceptions, § 6:164

Provincial director to specify custody level if province elects under s. 88, § 7:4

#### YOUTH JUSTICE COMMITTEE

Designation continues under YCJA, § 10:10

Purpose of, § 4:21, § 4:22

#### YOUTH JUSTICE COURT

Concurrent jurisdiction, for contempt, § 4:13

Contempt against, § 4:13 to § 4:15

Court of record, § 4:1, § 4:4

Custody and supervision order, statement by, § 6:51

# YOUTH JUSTICE COURT

—Cont'd

Deemed, superior courts, § 4:1 to § 4:4

Defined, § 2:6

Designation by province, § 4:1 to § 4:4

Designation under YOA continued, § 10:10

Direction for representation by counsel, § 5:34

Exclusive jurisdiction over federal offences, § 4:5

Functions (determine level of custody) exercised by, § 7:11 to § 7:13

Interprovincial arrangements for serving sentence in different provinces, § 6:131

Orders under s. 810, Code, § **4:5** 

Permitted records, kept by youth court, § 8:10

Right to counsel, need to advise of, § 5:6 to § 5:8

Rules of court, may be made by, § 4:19, § 4:20

Uncertain status of offender re age and date of allegation, § 4:16 to § 4:18

#### YOUTH JUSTICE COURT JUDGE

Defined, § 2:6

Designation of, § 10:10

Direction as to notice, § 5:13 to § 5:15

Disqualification of, § 9:1

Interim release by, § 5:39

Powers of, § 4:5, § 4:12

Substitution of, § 9:2

#### YOUTH SENTENCE

See also SENTENCING; SENTENCING ORDER

Additional sentences and sentence calculation rules, § 6:95 to § 6:101

#### YOUTH SENTENCE—Cont'd

Agreement of provincial director necessary for ISSP or attendance order, § 6:51

Application for further time for completion, § 6:120

Combined with adult sentence, § 7:19, § 10:11

Coming into force as specified, § 6:51

Consecutive, § 6:51, § 6:92

Consent of youth required for physical or mental health treatment, § 6:51

Considerations, evidence court may take into account. § 6:51

Continuation in force when youth becomes an adult, § 6:51

Defined, § 2:6

Duration for single offence, § 6:51

Duration of sentence for multiple offences, § 6:51

Duration when made at different times, § 6:51

Effect of termination of sentence, § 6:174, § 6:175

Exception when in respect of earlier offence (six-year cap), § 6:103

Imposition of youth sentence, § 6:157, § 6:158

Inconsistency of certain sentence orders, § 6:51

Interprovincial arrangements to transfer sentence, § 6:131

No appeal from review of sentence, § 5:61, § 5:65, § 5:66

Orders deemed youth sentences for purpose of reviews, § 7:31

Provincial correctional facility, where youth is twenty, § 7:14

Range of sentencing options, § 6:51 to § 6:54

Reasons for, § 6:107

Review of sentence, § 7:24 to § 7:30

### YOUTH SENTENCE—Cont'd

Review where custody not involved, § 6:132, § 6:134

Transfer of certain sentences to another jurisdiction, § 6:130

### YOUTH WORKER

Defined, § 2:6
Designation continues, § 10:10
Role of, § 7:17