

Presentation

Topic: Youth Mental Health Court Program

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(1911 Eglinton Ave. East Court)

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(2201 Finch Ave. West Court)

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(311 Jarvis Court)

Normal Court Process

- Police Arrest and Charges Laid (Pre-charge and Post-charge stages)
- Police Station or "Promise to appear"
- Bail/ Show Cause Hearings
- First Appearance for In Custody & Out of Custody matters
- Court Appearances in the interim (between bail stage and sentence/trial)
- Charge Screening by Crown Attorneys
- Trial (normal court proceedings)

Possible Youth Sentences - Guilty Plea

- Absolute or Conditional Discharge
- Fines (maximum \$1000)
- Compensation/Restitution/Personal Service (\$\$)
- Community Service Order (240 hrs/1 year)
- Probation Order (max. 2 years)
- Restraining Order
- Peace Bond
- Supervision Order / Supervision Programs
- Custody

Possible Programs / Alternatives

- Warning, Caution at Pre-charge Stage (special caution programs in some places) – police or prosecutors agreed upon ("EJMs")
- Extra-Judicial Sanctions (EJS)
- EEJS
- Restorative Justice
- Youth Bail Program; African-Canadian Youth Justice Program (ACYJ); Native Court Program, Youth Court Action Planning Program (YCAPP), East Metro Youth Services, Turning Point Youth Services, Griffin Centre, Operation Springboard, Children's Aid Society, Central Toronto Youth Services, Centre for Addiction and Mental Health and others.....)
- **Youth Mental Health Court Worker Program**

Youth Mental Health Court Support Services

- Toronto: 311 Jarvis Street-Turning Point Youth Services)
- Scarborough: 1911 Eglinton Ave. East-Griffin Centre
- North West: 2201 Finch Ave. West-Griffin Centre
- Newmarket : Canadian Mental Health Association
- Barrie: Canadian Mental Health Association
- Brampton: Associated Youth of Peel Services
- Oshawa: Durham Mental Health Services
- Ottawa: Youth Services Bureau of Ottawa
- London: London Family Court Clinic
- Thunder Bay: Canadian Mental Health Association
- Sudbury: Canadian Mental Health Association
- Hamilton: Banyan Community Services
- Windsor: Windsor Regional Hospital

Youth Mental Health Court Worker Program

- Support any youth who presents with mental health issues and/or developmental challenges that come into the criminal justice system
- Implement bail plans and meet youths in holding cells
- Advocate for youths and families; make referrals to appropriate agencies
- Educate Youth/caregivers on MH diagnosis
- Carry out initial assessments and provide case management services **IN** the court; liaising with other stakeholders in the court or outside agencies
- Initiate Section 34 assessments whenever necessary
- Participate in meetings/case conferences with other service providers
- Provide brief counseling while youth awaits services within the community ** long waitlist for services
- Propose Mental Health Diversion to the Crown and discuss plans
- Produce court reports on progress and/or challenges
- Assist with trial process and/or sentencing (e.g. PSR)

What is Mental Health Diversion ?

- Diversion is **NOT** going through the normal court system
- Diversion is a **Pre-trial** procedure where the Crown uses their discretion on a case-by-case basis NOT to prosecute an accused person – Eligibility for Mental Health Diversion
- Diversion must not be contrary to the public interest
** **Public Safety** is paramount
- Participation in Diversion Program is **voluntary**
- Charges are **withdrawn** upon successful completion of diversion as opposed to EJS where charges withdrawn or stay for 2 years (diversion record is **NOT** a criminal record)
- If diversion process is not successful, Crown may **recommence** criminal proceedings
- Individualized treatment plan over a period of time (3-12mths or varies depending on case situations)

Mental Health Diversion Cases Referrals

- Age:** 12–18, or Youth Justice Court matters in Traditional Courts
- Criteria:** Official diagnoses or is suspected of having mental health issues/traumatic brain injury/developmental issues/ special cases
- Referrals:** Cases referred by court personnel/ community / individuals/Schools/Children's Aid Society /young persons/ parents/ guardians
- Process :** Agreement to participate in MHD program; Cases screened by Crown; Case approved by Crown; and service plan made. In some courts, referrals made to Specialised Youth Mental Health Courts

History Of Specialised Youth Mental Health Courts

- YMHCW program showed the need for mental health support in the youth justice system
- Some courts used this program to launch specialized youth mental health courts modeled on adult specialized courts
- Ottawa and London spearheaded this process

311 Jarvis: The Community Youth Court (CYC)

- Specialized court designed to address the needs of youth with mental health and addiction issues
- NOT a trial court: Problem Solving Court
- Diversions and Pleas
- Operates two half-days a month
- Collaborative process between youth and family, YMHCW, Crown, Defense/Duty Counsel and sometimes Probation or other service providers

2201 Finch: Youth Community Restorative Court (YCRC)

- Case conference 1st and 3rd Thursday of the month
YCRC sits 2nd and 4th Thursday of each month
Started June 2011
- This Court is NOT a traditional trial court. A young person charged with a criminal offence may be referred to the court under the following circumstances:-
- Where there are potentially issues of fitness or criminal responsibility

- Where there is some evidence which may prompt an assessment order with respect to fitness to stand trial or criminal responsibility.
- A young person may be referred to the YCRC for plea of guilt and sentencing if, in the opinion of the Crown, a mental disorder, acquired brain injury or developmental or cognitive disability is a central feature of the case.
- To determine whether a young person may be eligible for youth mental health diversion /approval of mental health diversion or straight withdrawal

Challenges with Youth with Mental Health Issues

- Denial
- Labelling/Stigma
- Instability
- Access to services
- Parents
- Psychiatry/Monitoring MH/Medication
- Self-Medicating
- Capacity to understand court process
- Waitlists /limited resources/criteria

Barriers to working in collaboration in the Youth Justice System

- Rotation of Court personnel
- Lack of understanding of YCJA / MH
- Lack of awareness and resources available
- Lawyers Experience of Adult System
- Best Outcome for client regardless of MH
- "Treatment"
- Bail plans
- School "Zero Tolerance" /No responsibility
- Parents / Lawyers /Crowns minimising problems of clients
- Different court practices (e.g. traditional court vs specialised court)
- Police practices (judicial pre-trials and conferences)

Improving Collaboration

- Turning Point and Griffin Centre work in collaboration to deliver the YMHCW program in the Toronto area.
- Build relationships with community agencies in order to best serve our clients and to reduce the likelihood of recidivism through:
 - Networking
 - Presenting YMHCW program to agencies
 - Refer our clients for services
 - Work with agencies on mental health treatment plans for youth

Case Scenarios

- * success stories
- * Challenging cases

Questions

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~ Thank You ~

