



What do I do if my child (under 18) has been arrested?

Parents and Guardians:

- Do not try to fix the problem yourself;
- Do not make statements about the charges or situation to the police without consulting a lawyer;
- Do not force the young person to make statements to the police; and
- Do not encourage the young person to waive his or her right to consult with a lawyer.
- Remember the police do not always have to disclose all information ¹

How do I find out what division they are being held at?

1. A youth is entitled to call a parent or other adult relative before being questioned, and to have them present during questioning - your child can tell you where they are being held.²
2. If the police intend to hold a youth in custody, police must tell the youth's parents as soon as possible; they must tell parents about where their child is being detained.³

What do I ask the division? (have a pen and paper or phone to record answers)

1. What are the charges? – write these down or record them
2. Is my child being released from the station?
3. If the youth is being released - Are there any “undertakings” or conditions that my child must follow?
4. When is my child expected to go to court?
5. When your child leaves the division - they will be given a document that will indicate the **next court date, time and location.**

¹ *Legal Rights Wiki: The Police*. Justice for Children and Youth. (n.d.). Retrieved February 10, 2022, from <https://jfcy.org/en/rights/the-police/>

² *Youth Criminal Justice Act* (S.C. 2002, c. 1), s. 146(2)(c)-(d).

³ *Ibid*, s.26(1).



Can I speak with my child?

1. This is up to your child; the police **MUST** give your child a reasonable opportunity to speak with you, but they do not have to exercise this right.⁴

What Rights do I have as a Parent?

1. You have the right to be notified if your child is arrested and kept in custody until their first court date.⁵
2. You have the right to be notified if your child is given a summons, promise to appear, or is released on an undertaking.⁶
3. Notice after arrest, or upon release, will include (at a minimum):
 - The charge(s)
 - The time and date of your child's first appearance and
 - A statement that your child has the right to counsel.⁷

What are my child's rights while being detained?

1. Your child has the right to know why they are being detained.⁸
2. Your child has the right to silence - they do not have to answer any questions about the offence that police may ask.⁹
3. Your child has the right to talk to you and a lawyer (in private) before being questioned.¹⁰
4. Your child has the right to have a parent and lawyer present during questioning.¹¹
5. Your child has the right to be brought before a judge within 24 hours for a bail hearing (or as soon as possible if a judge isn't available or it is a weekend) if they are held in custody.¹²

⁴ *Ibid*, s.146(2)(c).

⁵ *Supra* note 1, s. 26(1).

⁶ *Ibid*, s. 26(2).

⁷ *Ibid*, s. 26(6).

⁸ The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11, s 10(a), <<https://canlii.ca/t/8q7l#sec11>>, retrieved on 2022-02-10>

⁹ *R v WL*, 2015 ONCA 37 (CanLII), 123 OR (3d) 641, per Speyer JA, at para 18

¹⁰ *Supra* note 1.

¹¹ *Ibid*.

¹² *Criminal Code* (R.S.C., 1985, c. C-46), s. 503(1).



Definitions of Terms:

Appearance Notice/ Notice of Appearance:

- A document that tells youth they must go to court on a certain date; may be given by police instead of arresting or after arresting a youth. It may also require youth to re-attend a police station.¹³

Extra-Judicial Measures (EJM):

- Less formal measures (caution, referral, warning) that can be given to youth by police instead of charging them, or post-charge by the Crown prosecutor to avoid the justice process.¹⁴

First Appearance

- First court date (besides bail). Justice of the Peace will ask youth some preliminary questions. E.g. Do you understand the charges? This is **not** the trial.

Legal Aid:

- Free or subsidized legal assistance for persons who meet Legal Aid Ontario's financial requirements, and for types of cases they accept .
- For more information, visit: <https://www.legalaid.on.ca/youth-criminal/> or call: 1-800-668-8258 (toll-free).

Promise to Appear:

- A promise to go to court on the date listed in a document given to youth by police.¹⁵

Summons:

- A document delivered to a person to get them to attend court on a specific day. If you do not appear, you can be charged with failure to appear.¹⁶

Undertaking:

- A youth's promise to police to be released without a bail hearing. Involves conditions that youth must follow, including attending court on a specified date.¹⁷

¹³ *Supra* note 8 at Form 9.

¹⁴ *Supra* note 1 at s.2(1).

¹⁵ 1. *learn about the types of releases*. Steps to Justice. (2018, October 12). Retrieved from <https://stepstojustice.ca/steps/criminal-law/1-learn-about-types-releases/>

¹⁶ *Ibid.*

¹⁷ *Ibid.*



Wellness for Parents and Guardians During Stressful Times

The following is a guideline to support you through some of your physical and emotional reactions during this very stressful time.

Some Physical Reactions to Stress:

- Rapid heartbeat,
- Fast breathing,
- Sweating
- Shaking
- Do not be alarmed as these are normal reactions to stress

Remain Calm:

- Remain calm and try not to panic.
- Panic prevents us from reasoning clearly and being logical.
- In order to deal with the situation at hand, it is important to first calm yourself down so you can effectively help your child

Grounding Techniques:

When your mind is racing, grounding brings you back to the here-and-now.

1. **5-4-3-2-1 method**

- Working backward from 5, use your senses to list things you notice around you. For example, you might start by listing five things you hear, then four things you see, then three things you can touch from where you're sitting, two things you can smell, and one thing you can taste

2. **Use math and numbers**

- Beginning at 100, count backwards by 3s

3. **Deep breathing**

- One way to stay calm and get ahold of yourself is to simply take a deep breath - slow, deep breaths **increase the supply of oxygen to your brain and help you think more clearly**
- Breathe in through nose for a count of 5, hold it for 5, and then breathe out of your mouth for 5



Community Organizations that can support:

Name	Contact Information	Services
Justice For Children and Youth	https://jfcy.org/en/ 416-920-1633	<ul style="list-style-type: none"> ● Free Legal Consultation ● Legal Information
Legal Aid Ontario	https://www.legalaid.on.ca/youth-criminal 1-800-668-8258 (toll-free)	<ul style="list-style-type: none"> ● Legal Counsel ● Legal Aid Certificates
Peacebuilders International (Canada)	https://peacebuilders.ca/what-we-do/ 416-960-9773	<ul style="list-style-type: none"> ● Restorative Justice Programs ● Advocacy & Public Legal Education
Central Neighbourhood House (The Neighbourhood Group)	https://www.theneighbourhoodgroup.org/programs-services/ 416-925-4363	<ul style="list-style-type: none"> ● Youth Outreach workers ● After school programs ● Employment Supports ● Youth Justice Supports
Dixon Hall	https://dixonhall.org/childrenandyouth/ 416-863-0499	<ul style="list-style-type: none"> ● Youth Worker and Parent Supports ● Counselling Supports ● After School Supports ● Parent Supports
Regent Park CHC	https://regentparkchc.org/program-category/child-youth-families/ 416-642-1570	<ul style="list-style-type: none"> ● School Supports ● Social Work Supports ● Employment Program
BGC Toronto Kiwanis	https://www.bgctk.org/ 416-925-2243 ext.30	<ul style="list-style-type: none"> ● Youth Worker Support ● Mentorship ● After School Program ● Tutoring/School Supports
Yonge Street Mission	https://www.ysm.ca/ 416-929-9614	<ul style="list-style-type: none"> ● Food Security ● Employment Program ● Counselling Support



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