1. **INTENT**

The intent of the Youth Criminal Justice Protocol is to outline procedures for ongoing interactions between Alberta Children and Youth Services Authority staff, including delegated First Nation Agencies (hereby referred to as the Authority), and the Department of Solicitor General and Public Security, and their agents, in dealing with joint clients. The protocol describes how staff should work together for the benefit of youth who have joint status, or for those who need the services of the Authority but do not have child intervention status. The protocol creates a process for resolution of day-to-day issues, thereby laying the foundation for good working relationships and for a more effective coordinated provision of services for youth.

2. **PARENTAL RESPONSIBILITY**

Parents are expected to actively participate in performing the tasks and duties of a parent and are responsible for:

- providing youth with care and supervision;
- attending court hearings when required; and
- participating in service planning and assisting in the funding of required services whenever possible.

Notwithstanding the above responsibilities and expectations, it is also recognized that some young persons, particularly those who are 16 and 17, may have withdrawn from parental authority. Youth will not routinely be denied access to service or early release planning if the parent is unwilling or unable to participate.

3. **GUIDING PRINCIPLES FOR PROGRAM DELIVERY BY THE MINISTRY OF SOLICITOR GENERAL AND PUBLIC SECURITY**

3.1 **Guiding Principles**

The *Youth Criminal Justice Act* provides for the protection of society against crimes committed by youth, but also establishes guidelines for dealing with young persons in a manner distinct from adult criminals. The Declaration of Principle contained in Section 3 of the Act governs the implementation and operation of programs and services offered by the young offender program and reads that:

a) The youth criminal justice system is intended to promote the long-term protection of the public by:

- preventing crime through addressing the circumstances underlying a young persons offending behaviour;
- rehabilitating young persons who commit offences and reintegrating them into society; and
- ensuring meaningful consequences for offences.
b) The youth criminal justice system must be separate from the adult system and emphasize:
- rehabilitation and reintegration;
- fair and proportionate accountability which is consistent with the greater dependency and reduced level of maturity of young persons;
- enhanced procedural protection to ensure fair treatment and protect young persons’ rights;
- timely intervention that reinforces the link between offending and consequences; and
- promptness and speed by persons responsible for enforcing the Act given young persons’ perception of time.

c) Within the limits of fair and proportionate accountability, the measures taken against a young person should:
- reinforce respect for societal values;
- encourage the repair of harm done to victims and the community;
- be meaningful to the young person given their needs and level of development and, where appropriate, involve the parents, the extended family, the community, and social or other agencies in the young persons rehabilitation and reintegration; and
- respect gender, ethnic, cultural, and linguistic differences and respond to the needs of aboriginal young persons and of young persons with special requirements.

d) Proceedings against young persons are required to apply the following considerations:
- young persons have rights and freedoms which are specially guaranteed, including the right to be heard and to participate in the process of making decisions which affect them;
- victims should be treated with courtesy, compassion, and respect, and should suffer the minimum degree of inconvenience;
- victims should be provided with information and given an opportunity to participate and be heard; and
- parents should be informed of measures or proceedings and encouraged to support their children as they address their offending behaviour.
4. GUIDING PRINCIPLES FOR PROGRAM DELIVERY BY THE ALBERTA CHILDREN AND YOUTH SERVICES AUTHORITY AND DELEGATED FIRST NATION AGENCIES (HEREBY REFERRED TO AS THE “AUTHORITY”)

4.1 Guiding Principles

The Child, Youth and Family Enhancement Act was built on fundamental beliefs about the interrelationship among children, families and communities, including the following:

- the role of the Authority is to encourage and support individual, family and community responsibility towards the survival, security and development of children.
- the family, in its various forms, is the fundamental setting for the nurturing and caring of youth through to adulthood.
- families interact and receive support within the context of their community; a positive community can have significant impact on families and their children.

4.2 Matters to be Considered

When a child’s survival, security or development may be endangered, the Authority has a responsibility to intervene. The child’s status as a young offender will not be a consideration as to whether to intervene. Intervention must be done in a manner that focuses on the best interests of the child while supporting enhanced functioning of the family.

In Section 2, the Child, Youth and Family Enhancement Act sets out “matters to be considered” when taking any action with a child. The Act reads as follows:

2 If a child is in need of intervention, a court, an appeal panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:

a) the family is the basic unit of society and its well-being should be supported and preserved;

b) the importance of stable, permanent and nurturing relationships for the child;

c) the intervention services needed by the child should be provided in a manner that ensures the least disruption to the child;

d) a child who is capable of forming an opinion is entitled to an opportunity to express that opinion on matters affecting the child, and the child’s opinion should be considered by those making decisions that affect the child;
e) the family is responsible for the care, supervision and maintenance of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end:
   i. if intervention services are necessary to assist the child’s family in providing for the care of a child, those services should be provided to the family, insofar as it is reasonably practicable, in a manner that supports the family unit and prevents the need to remove the child from the family, and
   ii. a child should be removed from the child’s family only when other less disruptive measures are not sufficient to protect the survival, security or development of the child;

f) subject to clauses (e) and (g), if a child has been exposed to domestic violence within the child’s family, intervention services should be provided to the family in a manner that supports the abused family members and prevents the need to remove the child from the custody of an abused family member;

g) any decision concerning the removal of a child from the child’s family should take into account the risk to the child if the child remains with the family, is removed from the family or is returned to the family;

h) if it is not inconsistent with protecting the survival, security or development of a child who is in need of intervention, and appropriate community services are available, the child or the child’s family should be referred to the community for services to support and preserve the family and to prevent the need for any other intervention under this Act;

i) any decision concerning the placement of a child outside the child’s family should take into account
   i. the benefits to the child of a placement within the child’s extended family;
   ii. the benefits to the child of a placement within or as close as possible to the child’s home community,
   iii. the benefits to the child of a placement that respects the child’s familial, cultural, social and religious heritage,
   iv. the benefits to the child of stability and continuity of care and relationships,
   v. the mental, emotional and physical needs of the child and the child’s mental, emotional and physical stage of development, and
   vi. whether the proposed placement is suitable for the child
j) the provision of intervention services is intended to remedy or alleviate the condition that caused the child to be in need of intervention;

k) intervention services are most effective when they are provided through a collaborative and multi-disciplinary approach;

l) if a child is being provided with care under this Act, the child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources;

m) if a child is being provided with care under this Act, a plan for the care of that child should be developed that
   i. addresses the child’s need for stability, permanence and continuity of care and relationships, and
   ii. in the case of a youth, addresses the youth’s need for preparation for the transition to independence and adulthood;

n) a person who assumes responsibility for the care of a child under this Act should endeavor to make the child aware of the child’s familial, cultural, and social and religious heritage;

o) there should be no unreasonable delay in making or implementing a decision affecting a child;

p) if the child is an aboriginal child, the uniqueness of aboriginal culture, spirituality and traditions should be respected and consideration should be given to the importance of preserving the child’s cultural identity.

5. CASE MANAGEMENT

Youth workers, as defined by the Youth Criminal Justice Act, and Alberta Children and Youth Services caseworkers (hereby referred to as “caseworkers”) share the responsibility of providing service to the youth and family according to their respective mandated roles. Young offender status does not terminate child intervention status.

5.1 Case Procedure for Child Intervention Services

5.1.1 Case management planning, coordination and service approval decisions require the continued involvement of the caseworker.

5.1.2 The caseworker has child intervention case management responsibility for the youth and must work with the youth, parents, and caregivers to ensure the child’s intervention needs are met.
5.1.3 The caseworker must attend court with youth under temporary or permanent guardianship orders

The caseworker may attend court hearings with youth under apprehension, initial custody, interim custody and custody agreements and will encourage and support parents to attend.

The caseworker is not required to attend court with youths under enhancement agreements or supervision orders, but may encourage and support parents to attend or help identify extended family members or responsible community members who may attend.

5.1.4 If the youth is under permanent guardianship, the caseworker will carry out all the parental responsibilities as outlined in the “Parental Responsibility” section on page 1 of this protocol.

5.2. Youth Charged/Child Intervention Status

5.2.1 Caseworkers will respond to Solicitor General and Public Security regarding the status of a youth by conducting an information systems check and giving the name and contact for the youth’s caseworker.

In some cases a Youth Justice Court judge or justice of the peace will grant a judicial interim release of a youth under apprehension, interim custody, initial custody, temporary guardianship, or permanent guardianship status by having:

- a caseworker sign an Undertaking by a Responsible Person to ensure court attendance of the youth; or
- the youth sign an Undertaking/Recognizance that may involve posting bail, which is forfeited if the youth fails to appear in court.

In these circumstances, the casework will do the following:

- find a placement for the youth and plan with the youth, parents and caregivers for the hearing;
- notify the crown prosecutor or probation officer in the event the youth fails to comply with the conditions;
- attend court to withdraw as a Responsible Person if the worker cannot ensure compliance.
5.2.2 If a Youth Justice Court judge or justice of the peace is prepared to grant a judicial interim release of a youth with custody agreement status, who has been charged with an offence the caseworker will:
- assist the court in identifying a parent or other person to sign an undertaking as a responsible adult and plan with the youth, parent and caregiver for the hearing.
- assist the parent to return the youth to a child intervention placement, another appropriate placement, or home.

5.3 **Youth in Detention/Child Intervention Status**

5.3.1 Caseworkers have a case management responsibility to ensure that youth with child intervention status are detained only when charges warrant detention and not because the caseworker has difficulty finding a placement.

5.3.2 Police must provide the parent/guardian with a notice of arrest, reason for arrest and place of detention. However, if a youth under child intervention status is detained, a youth worker will make immediate pre-hearing contact with the caseworker to provide details of the arrest and to confirm a release placement. The caseworker will immediately advise the youth worker if the youth is considered a suicide risk or is dealing with other serious issues.

Caseworkers will receive notice of a youth’s hearing dates. Hearings occur for the purpose of:

- **a)** judicial interim release
- **b)** a hearing of charges in Youth Court
- **c)** trial
- **d)** sentencing

Upon receiving notice of the hearing date, the caseworker will:
- contact the youth and parent or caregiver to discuss the impact of the hearing on the service plan
- plan with the youth and parent or caregiver to respond to the options presented.

5.3.3 Release planning is the joint responsibility of the youth worker and the caseworker, and is to be discussed as soon as possible. Youth in detention are often released upon their first court appearance.
The youth worker is responsible for:

- ensuring that the caseworker is aware of the youth's need for transportation upon release
- ensuring the youth is released to a responsible adult
- advising the caseworker about all release plans, when joint release planning has not occurred.

The caseworker is responsible for:

- making placement and transportation arrangements for youth under the following statuses:
  - Enhancement agreement with youth
  - Custody agreement,
  - Interim custody,
  - Initial custody,
  - Temporary guardianship order; or
  - Permanent guardianship order

Where appropriate the caseworker may assist the parents of the youth to make these arrangements.

- working with parents of youth under enhancement agreements and supervision orders to make placement and transport arrangements for release.
- ensuring that planning is not delayed, as the youth must be released immediately as ordered by the court.

5.4 Youth Remanded in Custody/Child Intervention Status

5.4.1 If a youth under any child intervention status is remanded in custody, a youth worker will advise the caseworker within twenty-four hours, and the report will be forwarded to the caseworker on the next working day. The caseworker/crisis worker will immediately advise the youth worker if the youth is considered a suicide risk or has other serious problems.

5.4.2 When the caseworker receives notice of the youth's hearing dates, the caseworker will:

- contact the youth and parent or care giver to discuss the impact of the hearing on the case plan
- plan with the youth and parent or caregiver to respond to the options presented.

5.4.3 Release planning is the joint responsibility of the youth worker and the caseworker and is discussed as soon as possible. Youth in remand may be released with little or no notice if a successful bail application is made to the Court of Queen’s Bench.
The youth worker is responsible for:

- ensuring that the caseworker is aware of the youth’s need for transportation upon release
- ensuring the youth is released to a responsible adult
- advising the caseworker about all release plans, when joint release planning has not occurred

The caseworker is responsible for:

- making placement and transportation arrangements for youth under the following statuses:
  - Enhancement agreement with youth
  - Custody agreement,
  - Interim custody,
  - Initial custody,
  - Temporary guardianship order; or
  - Permanent guardianship order
  Where appropriate the caseworker may assist the parents of the youth to make these arrangements
- working with parents of youth under enhancement agreements and supervision orders to make placement and transport arrangements for release
- Ensuring that planning is not delayed, as the youth must be released immediately as ordered by the court

5.4.4 The youth worker and caseworker will decide on a case conference format. The frequency of conferences will depend on such factors as the length of the remand, type of child intervention status and whether the youth is in need of intervention services. The case conference will include release planning.

5.5 Youth with Probation, Community/Conditional Supervision, Deferred Custody and Supervision, Non-Residential, Intensive Support and Supervision Orders, and Child Intervention Status

5.5.1 If a probation officer is completing a presentence report and the youth is under any child intervention status, the probation officer will advise the caseworker within one working day of becoming aware of the child intervention status.

5.5.2 The probation officer will make contact with the delegated caseworker within 30 days of the commencement of a probation order, community/conditional supervision, deferred custody and supervision, non-residential, intensive support and supervision orders. The initial and any subsequent contacts will address:
• length of sentence;
• education needs;
• duration of guardianship or other child intervention status;
• involvement of parents;
• treatment issues;
• obligations arising from the court sentence; and
• coordination of the young offender case plan with the caseworker case plan.

Contact may have been initiated during the custody portion of a custody and community/supervision order, in which case the subsequent contact would be to confirm/amend a previous plan.

5.6. Youth in Custody/Child Intervention Status

5.6.1 The need for child intervention services does not usually cease because the youth receives a sentence of open or secure custody. Child intervention status generally extends beyond the full custody expiry date to ensure planned reunification with the family.

5.6.2 When a youth under any child intervention status receives a custody sentence, the youth worker will immediately advise the youth’s caseworker. The caseworker will immediately advise the youth worker if the youth is considered a suicide risk or is dealing with other serious issues.

5.6.3 An intake conference, which will include the caseworker, and may include the probation officer, will be convened by the youth worker at the young offender facility or by teleconference as soon as possible after sentencing. Factors to be considered at the intake conference include:
• length of sentence
• educational needs
• duration of guardianship
• involvement of parents
• accumulated time in care
• young offender case plan
• release plan, including community investigations of likely sponsors, to be completed by the youth worker or probation officer early in the custody sentence
• the need for subsequent case conferences
5.6.4 Release planning is the joint responsibility of the youth worker and the caseworker, and is discussed at the initial case conference and every subsequent case conference to address the following possibilities:

- a court review application to release the youth on conditional supervision can occur as soon as the investigation provides reasonable options.
- conditions to be included on the community portion of custody/conditional supervision orders.
- reintegration leaves.

The youth worker is responsible for:

- ensuring that the caseworker is aware of the youth's need for transportation upon release
- ensuring the youth is released to a responsible adult.
- advising the caseworker about all release plans, when joint release planning has not occurred.

The caseworker is responsible for:

- making placement and transportation arrangements for youth under the following statuses:
  - Enhancement agreement with youth
  - Custody agreement,
  - Interim custody,
  - Initial custody,
  - Temporary guardianship order; or
  - Permanent guardianship order.
  Where appropriate the caseworker may assist the parents of the youth to make these arrangements.
- working with parents of youth under enhancement agreements and supervision orders to make placement and transport arrangements for release.
- ensuring that planning is not delayed, as they youth must be released immediately as ordered by the court.

5.6.5 The young offender case plan developed by the youth worker will be communicated to all participants. The young offender case plan will define commitments and tasks agreed to by Solicitor General and Public Security and the Authority, parents and other collaterals.

5.6.6 The caseworker will adjust the case plan to incorporate the commitments made at the young offender case conference. The case plan will specifically note the warrant expiry date and early release, if applicable.
5.6.7 Any caseworker’s decision to terminate custody agreements or enhancement agreements will include prior notification to the youth worker. The caseworker will not terminate status to avoid the accumulation of time in care. Any decision to terminate status will include discussion with the parents to ensure intervention issues are addressed. When child intervention status is ending because the child intervention concerns are resolved, Solicitor General and Public Security and the Authority will collaborate for a smooth transition.

5.6.8 Either the youth worker or caseworker may call additional case conferences or other meetings to discuss unplanned significant issues such as court appearances, youth who are unlawfully at large, transfers or release planning.

5.6.9 The youth, parents, guardians and caregivers will be involved in the case conference process, when appropriate.

5.7. Funding of Services for Joint Status Clients

5.7.1 The recommendation to continue or initiate contracted services for a youth with joint status will be made at intake or subsequent case conferences. Solicitor General and Public Security and the Authority must agree the service is of value and appropriate to the youth’s case plan.

5.7.2 Services that were initiated by the Authority before the youth’s involvement in the young offender system continue to be the responsibility of the Authority. These can include, but are not exclusive of counseling and family support.

5.7.3 Youth with child intervention status who may benefit from existing child enhancement programs, such as family support, counseling or other supportive services related to integration to a stable placement will have access to these programs at the expense of the Authority where parents are unable to bear these costs.

5.7.4 Services provided routinely to young offenders in open or secure custody, as a means of ensuring a successful transition to community placements will be provided to joint status youth at the expense of Solicitor General and Public Security.

5.7.5 Psychological/psychiatric services for joint status youth in custody, initiated after a youth comes into custody are the responsibility of Solicitor General and Public Security.
5.7.6 Costs and arrangements of young offender court order assessments are the responsibility of Solicitor General and Public Security. Transportation and other related costs for young persons residing in the community will not be borne by Solicitor General and Public Security as they are deemed the responsibility of the parent, guardian or caregiver.

5.7.7 Costs of a specific court ordered treatment condition are the responsibility of Solicitor General and Public Security. Transportation and other related costs will not be borne by Solicitor General and Public Security as they are deemed the responsibility of the guardian or caregiver.

5.7.8 If it is mutually recommended by the youth worker and the caseworker that a joint status youth requires a service which is not specifically court ordered and which has not been previously accessed by the youth at the expense of either department, the cost will be shared equally by the Authority and Solicitor General and Public Security.

5.7.9 Solicitor General and Public Security do not have the ability to extend youth sentences, therefore, at the end of a youth sentence, Solicitor General and Public Security cannot continue services. In these cases, for joint status youth, if a recommendation is made to continue services, the expense will be the responsibility of the Authority.

6. RELEASE OF INFORMATION BY THE CHILD AND FAMILY SERVICES AUTHORITY TO SOLICITOR GENERAL AND PUBLIC SECURITY

Section 126 of the Child, Youth and Family Enhancement Act requires all information collected through the administration of the Act regarding children and their families who are current or former clients to remain confidential. Confidentiality is governed by Section 126(1).

6.1 Youth Worker Requests for Information

6.1.1 To carry out their mandate, youth workers need to request the disclosure of information regarding youth who are receiving or have received child intervention services. Such information is required for a variety of reasons:

- youth in community program – planning for extrajudicial sanctions, fine option, community service, probation, community/conditional supervision, deferred custody and supervision, non-residential, and intensive support and supervision orders, or other programs
• youth remanded in custody – providing appropriate care to youth in areas such as medical, physical or mental health needs (routines, prescriptions, treatments, alerts, suicide history); behaviour management precautions or strategies; significant individuals who would provide informal support to the youth
• preparation for hearing: information that facilitates the court’s decision on the best option for the youth
• presentence report – information that might assist the court in sentencing
• case planning - information that will help in the development of a young offender case plan

6.1.2 When a youth worker makes a request to the Authority, i.e. CEO or designate, to clarify the joint status of youth, the youth worker will provide the following information:
• young offender’s surname and given names
• alias names used by the young offender
• gender of the young offender
• young offender’s birth date
• name of the young offender’s parents or guardians
• address of the parents or guardians

6.2 Confirmation of Child Intervention Status
6.2.1 The Authority will confirm the following information:
• existence of a child intervention file
• caseworker and the office responsible for the file

6.3 Essential Care Information
Caseworkers give information to assist in the care and treatment of children under Section 126(1)(a) to any person assisting the Minister in the administration of the Act. Essential care information includes information needed to prevent suicide and meet a youth’s immediate needs. **However, information identifying a reporter should never be released as per Section 126.1 of the Child Youth and Family Enhancement Act.**

6.3.1 If a youth under any child intervention status is detained, the caseworker will immediately advise the youth worker of information that relates directly to the care and treatment of the youth. The information will include:
• Child and Youth Information Module (CYIM) report of suicidal risk
• family history of suicide or severe mental health problems
• current medical or mental health needs
- known behaviour management problems
- behaviour management strategies used
- other information that will prevent harm to the youth or warn of risk to the youth or others.

6.3.2 If a caseworker knows that a youth with child intervention status is HIV infected or has AIDS, the caseworker must advise the facility director or physician of the youth’s medical condition as soon as possible.

6.4 Information for Young Offender Case Plan

Requests from Solicitor General and Public Security fall under Section 126(1) (e) of the Child, Youth and Family Enhancement Act. Disclosure of information occurs with written consent of the Minister. Such responsibility is delegated through the Minister to the Authority.

Section 126(1)(a) of the Child, Youth and Family Enhancement Act may allow for disclosure of information to the Solicitor General without Ministerial consent if the information is necessary for planning or providing services or providing day to day care or education to the child. Also Section 126 (1) may permit disclosure by the Authority to the Solicitor General without Ministerial consent if the disclosure falls within Section 40(1)(g) of the Freedom of Information and Privacy Act which outlines the ability to disclose information to assist with a criminal investigation. However, information identifying the reporter can not be disclosed by anyone other than the Director of the Child Youth and Family Enhancement Act.

If the youth is under permanent or temporary guardianship, the caseworker will disclose any information that is needed to provide care and treatment to the youth. Essential care information may include:

- identifying information (name, age, sex, address, child intervention status).
- identifying information of guardians (name, address)
- placement history specific to the youth
- assessment, counselling, and community services specific to the youth
- information necessary to provide adequate attention to current medical, physical, or mental health needs (prescriptions, medical treatments or precautions, infection control alerts)
- current reasons for child intervention and the case plan for the youth
- details of current support services provided for the youth
- behaviour management strategies used with the youth
• specifications and details of any known management problems (abusive to staff or peers, explosive temper, history of AWOL, child management critical incident reports)
• strengths and weaknesses, including social problems (promiscuity, behavioural deviations and abusive experiences)
• relevant social, financial, medical information of guardian or significant persons
• details of a youth's medical conditions or history (sexually transmitted diseases, communicable diseases, life threatening conditions, mental health diagnosis)
• details of a youth’s sexual history (abuse, prostitution, sexual deviation, and sexual orientation)

6.5 Information for Court
6.5.1 The youth worker or probation officer will contact the youth, guardians, caseworker and others for information for inclusion in court reports.
6.5.2 Information listed in 6.4.1. is also relevant for inclusion in a presentence report.

6.6 Sensitive Information
6.6.1 The caseworker may consider some relevant information as harmful or sensitive to the youth or others if included in a court report or a young offender case plan.

Such information will be shared with the youth worker, along with instructions to limit distribution to specified persons. **Information identifying a reporter can not be released as per Section 126.1 of the Child Youth Family Enhancement Act.**

6.7 Closed Child Intervention Files
6.7.1 If the youth has a closed child intervention file, the Alberta Children and Youth Services supervisor should be consulted to consider and approve for disclosure information relevant to current placement and rehabilitative needs of the youth.

6.8 Procedures for Release of Information
6.8.1 Youth workers will approach the guardians of a youth directly for information and will discuss with the youth and guardians their intent to obtain additional information from the caseworker. Essential care information may be obtained directly from the caseworker.
6.8.2 The caseworker obtains consent for release of information, other than essential care information, from the Alberta Children and Youth Services supervisor. The consent specifies the information required, purpose of disclosure, recipient of information, period of time the consent is effective and any restrictions.

6.8.3 In disclosing information for case management purposes, a file will never be passed to a staff member of Solicitor General and Public Security for review. The Authority must do the screening of information. Copies, not originals should only ever be provided. Copies must be reviewed and vetted for reporter information, solicitor-client privilege, and third party information that has no relevance to the youth’s matter. This would also include vetting information that is potentially sensitive or harmful to the youth or poses a safety risk to a third party or caseworker.

6.8.4 Caseworkers will make a note on the youth’s file to indicate the information disclosed. The information will be disclosed through verbal reports or written summary reports.

6.8.5 Prior to disclosing the contents of contracted reports provided by a psychologist/psychiatrist, the caseworker should attempt to inform the author of the report of the fact that the contents of the report are being shared. Interview notes or case notes and any test results that form part of the psychologist/psychiatrist’s file belong to the psychologist/psychiatrist and they would have to give their consent in order for that information to be shared.

6.8.6 Service providers involved in the direct care of the youth will only disclose information to a person or organization if the disclosure is necessary to provide for the day to day care or education of the youth, as per section 126(1)(a) of the Child Youth and Family Enhancement Act. The service provider should only disclose information after obtaining the consent of a delegated casework to do so.

6.8.7 In the case of sharing information with another person employed in the administration of child protection legislation in another province or territory of Canada, the disclosure must come from the director and not the service provider.

6.8.8 Disclosure of information to lawyers for either the guardian or the child should be handled through counsel for the director whenever possible, or through the delegated caseworker.
6.8.9 The youth and parent/guardian in attendance at court will be provided with a copy of the presentence report.

6.8.10 If a file contains information about a person who is not the subject of the record being disclosed, information about the third party will not be released without this party’s consent.

6.8.11 Prior to releasing information, caseworkers should consult section 126(1) of the Child, Youth and Family Enhancement Act for information regarding confidentiality, privileged information and ban on publication.

7. RELEASE OF YOUTH JUSTICE INFORMATION BY JUSTICE TO THE ALBERTA CHILDREN AND YOUTH SERVICES AUTHORITY

The Youth Criminal Justice Act specifically sets out who has access to Youth Criminal Justice Act information, the time period that information may be accessed and kept, how information may be kept, and how it must be disposed.

7.1. Creating Records

7.1.1 The Youth Criminal Justice Act defines records as anything containing information, regardless of its physical form or characteristics, documentation (including electronic) that is created or kept for the purpose of the Act or for investigation of an offence.

7.1.2 The Youth Criminal Justice Act permits Alberta Justice and Alberta Solicitor General and Public Security to keep records for use in: proceedings against a young person, for administration or consideration of youth sentence and/or extrajudicial measures or sanctions.

7.2 Access to Youth Records

7.2.1 Access to youth records, including file information, is prohibited unless authorized by the Act.

7.2.2 The Authorities shall, upon request, have access to records, relating to youth court or review board proceedings. Caseworkers shall have access to these records when the Authority:

- has the legal authority of the parents of the youth during the course of the proceedings and/or sentence; or
- is engaged in the supervision or care of the youth; or
• is conducting an assessment, an investigation, or is providing services under the *Child, Youth and Family Enhancement Act* to the youth.

7.2.3. The Authority may, upon request, have access to Alberta Solicitor General and Public Security records, relating to the administration of a youth sentence or extrajudicial measures when the Authority:

• has the legal authority of the parents of the youth during the course of proceedings and/or sentence;
• is engaged in the supervision or care of the youth; or
• is conducting an assessment, an investigation, or is providing services under the *Child, Youth and Family Enhancement Act* to the youth.

7.2.4. When the Authority has the authority to access a youth record under the *Child, Youth and Family Enhancement Act*, Alberta Solicitor General and Public Security may provide any information contained in the record including a copy of any part of the record.

The Authority will have access to records of assessment ordered by the court for medical or psychological purposes when the Authority is conducting an assessment, an investigation, or is providing services under the *Child, Youth and Family Enhancement Act* and the court allows for the release of the record. Please note that there may be cases when the court chooses to withhold these reports.

7.3 Disclosure of Information in a Record

7.3.1. The Authority, or its agent, must hold Youth Criminal Justice Act records in strict confidence and shall not disclose that information to any other person unless disclosure is authorized under the Act.

7.3.2. The Act also provides for disclosure of information by any professional or other person engaged in the provision of services to a young person or engaged in the supervision or care of a young person, including school, if disclosure is necessary:

• to ensure compliance of court orders or terms in conditional supervision orders;
• to ensure safety of staff, students, or other persons; or
• to facilitate rehabilitation of the young person.
7.3.3. If the Authority deems disclosure is necessary, as it meets the conditions above, it must ensure that the person to whom information is disclosed will:

- not disclose that information to any other person unless it is necessary to ensure compliance with a youth court order or reintegration leave or to ensure the safety of staff, students or other person;
- keep the information separate from any other record of the young person;
- ensure that no other person has access to the information;
- destroy the information when it is no longer required for the purpose for which it was disclosed.

7.3.4. Notwithstanding, the above sections, the Authority, or its agents, may release Youth Criminal Justice Act records if there is a court order allowing disclosure.

7.4 Process for Disclosure of Youth Criminal Justice Act Information

7.4.1. Request for information or records concerning a youth who is also receiving services under the Child, Youth and Family Enhancement Act should be made directly to the youth’s probation officer or youth worker.

7.4.2. Subject to the disclosure rules described in 7.1. and 7.2. the youth worker or probation officer will ensure the staff of the Authority have access to the pertinent information or receive relevant records on the youth’s file.

7.4.3. In addition to the rules set out in this part of the protocol, the Authority, and its agents, must treat all records and information in accordance with all other rules and laws governing treatment of personal information.

7.5 Management of Youth Justice Information and Records by the Alberta Children and Youth Services Authority

7.5.1. With respect to the maintenance of child intervention files which contain youth justice information or records, the caseworker must ensure that a youth justice label is affixed to the front of the appropriate file. The label should read as follows:

“THIS FILE CONTAINS YOUTH CRIMINAL JUSTICE ACT INFORMATION AND THIS INFORMATION MAY NOT BE DISCLOSED EXCEPT IN ACCORDANCE WITH THE YOUTH CRIMINAL JUSTICE ACT”
7.5.2. When a youth receiving child intervention services is registered on the Child Youth Information Module (CYIM) with a secondary legal authority Code 147 – The Youth Criminal Justice Act, the Person Information Programs tab folder will be automatically “ticked” to indicate yes. This will cause the following statement to appear when the person is selected from a list of matches:

“THIS FILE CONTAINS YOUTH CRIMINAL JUSTICE ACT INFORMATION AND THIS INFORMATION MAY NOT BE DISCLOSED EXCEPT IN ACCORDANCE WITH THE YOUTH CRIMINAL JUSTICE ACT.”

8. REPORTS TO CHILD INTERVENTION SERVICES

Section 4(1) of the Child, Youth and Family Enhancement Act clearly outlines the obligation and responsibility of any person who has reasonable and probable grounds to believe that a youth is in need of intervention to report the matter to a director.

8.1 Youth in Need of Intervention

The Child, Youth and Family Enhancement Act, Section 1(2), defines a child in need of intervention: “For the purposes of this Act, a child is in need of intervention if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered because of any of the following:

a) the child has been abandoned or lost.
b) the guardian of the child is dead and the child has no other guardian.
c) the child is neglected by the guardian.
d) the child has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian of the child.
e) the guardian of the child is unable to or unwilling to protect the child from physical injury of sexual abuse.
f) the child has been emotionally injured by the guardian of the child.
g) the guardian of the child is unable or unwilling to protect the child from emotional injury.
h) the guardian of the child has subjected the child or is unable or unwilling to protect the child from cruel and unusual treatment or punishment.
The Drug Endangered Children Act, Section 1(2) (a-f) also outlines criteria which cause a child to be in need of intervention services as a result of the guardians’ involvement in serious drug activity, most notably manufacturing and trafficking.

8.2 Decision to Report

8.2.1 Any staff member of Solicitor General and Public Security may receive information regarding allegations of abuse or neglect. The victim, a family member, or other informants such as neighbors or agency staff may make these reports. Reports may arise during the course of an authorized investigation (e.g. pre-trial inquiry, presentence reports, and progress reports) or in the course of supervising a youth (e.g. the extrajudicial sanctions program, community sentence, or reintegration leave).

While a Solicitor General and Public Security staff member receiving reports of abuse or neglect shall not conduct an investigation and risk contaminating a child intervention or police investigation, it is important to obtain enough information from the reporter. Collect the following details:

- name, age, sex, and address of any youth concerned
- full names and addresses of the parents or guardians
- name, address and other identifying information about the alleged offender
- specific details of the incident or situation which precipitated the report

8.2.2 If the person providing the information is the alleged victim or is a child/youth, the staff member receiving the information should be sensitive to the youth’s feelings. It is important to be encouraging, supportive but neutral. When possible, the information should be obtained in an environment which is private and non-threatening. Leading questions are not to be used.

8.3 Reporting

8.3.1 The youth worker or probation officer will report a youth thought to be in need of intervention services to a director of child intervention services. The youth worker or probation officer will advise their supervisor of the report.

8.4 Investigating of Reports

8.4.1 The Authority will determine the need to investigate. If the report is received from the community, the caseworker will determine whether the youth has active status under the Youth Criminal Justice Act. If status exists, consultation will occur with the youth worker or probation officer.
8.4.2 If there are indications the youth may be in imminent danger, the investigative/assessment process shall begin immediately.

8.4.3 The caseworker will consult with the youth worker or probation officer regarding the need to investigate and, in those cases where the investigation proceeds, the caseworker will provide the probation officer or youth worker with the results of the investigation.

8.4.4 The caseworker, in consultation with the probation officer or youth worker, will determine what information of the investigative process to release to the informant and who is to release the information. Section 126 (1) allows for this type of disclosure. However, information identifying the reporter source can not be disclosed.

8.4.5 Where a decision is made to investigate, the process will be concluded with one of the following actions:
- child intervention involvement is terminated;
- a family enhancement agreement or custody agreement is established;
- the youth is apprehended by the Authority;
- the Authority has filed an application for a court order or, referral to a community service has been made.

8.4.6 The caseworker should not consider the youth’s status as a young offender when considering the need for intervention.

9. OFFICE OF THE CHILD AND YOUTH ADVOCATE

The Office of the Child and Youth Advocate may be a resource for youth with joint status. The Office of the Child and Youth Advocate has a specific mandate to represent the rights, interests and viewpoints of youth who receive services under the Child, Youth and Family Enhancement Act. The Office of the Child and Youth Advocate does not act on behalf of a youth unless the youth or another concerned individual requests involvement and the Advocate determines a need to become involved.

9.1 Youth in Need of the Child and Youth Advocate

Referral of a youth under any child intervention status should occur when a youth or any other person believes the following:

9.1.1 The youth’s needs are not being met.

9.1.2 A youth’s rights are not being protected.
9.1.3 A case plan or decision affecting a youth has been made without taking the youth’s viewpoint or interests into account, or without consideration of all the information relevant to the situation or a youth disagrees with the decision.

9.2 **Referral Procedure**

The youth or other person will contact the Office of the Child and Youth Advocate.

9.3 **Provision of Services**

9.3.1 The Office of the Child and Youth Advocate will review referrals to determine the need for advocacy and advise the person making the referral.

9.3.2 The Child and Youth Advocate will investigate any case opened by communicating with the youth and other involved parties.

9.3.3 The Child and Youth Advocate will maintain a youth centered focus representing the rights, interests, and viewpoints of youth receiving services under the *Child, Youth and Family Enhancement Act*.

**Note:** In addition to having access to the Child and Youth Advocate for youth with joint status, all youth in custody, regardless of whether they have Alberta Children and Youth Services status or not, will be advised of the role of the Provincial Ombudsman (see glossary of terms) and will be provided opportunity to contact the Ombudsman as required.

**10. CHILD INTERVENTION INVESTIGATION OF YOUNG OFFENDER COMPLAINTS**

10.1 Where a youth reports an allegation of abuse perpetrated by a person employed by, contracted by, or providing volunteer services directly for Solicitor General and Public Security, the Authority will work cooperatively to have the investigation proceed.

10.1.1 On the receipt of a report, the caseworker will ensure immediate notification of senior managers of the Authority and Solicitor General and Public Security.

10.1.2 The senior managers will consult and determine whether it is necessary to assign the caseworker to the investigation conducted by the officials of Solicitor General and Public Security.
11. **LIAISON FOR ONGOING ISSUES**

11.1. A structured and formalized communication network involving the Alberta Children and Youth Services Authority and Solicitor General and Public Security at the regional level is required to resolve areas of mutual concern arising from the implementation of this protocol. The following is a chart outlining the general line of authority. This structure may vary slightly based on the size and structure of various regions and DFNA’s.

<table>
<thead>
<tr>
<th>The Authority</th>
<th>Alberta Solicitor General and Public Security</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Young Offender Centre</td>
</tr>
<tr>
<td>Caseworker</td>
<td>Youth Worker</td>
</tr>
<tr>
<td>Casework Supervisor</td>
<td>Unit Supervisor</td>
</tr>
<tr>
<td>Manager</td>
<td>Deputy Director, Programs</td>
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<tr>
<td>Senior Manager DFNA Director</td>
<td>Centre Director</td>
</tr>
<tr>
<td>CEO Local Authority (or designate) DFNA Director</td>
<td>Executive Director, Young Offender Branch (or designate)</td>
</tr>
</tbody>
</table>

11.2. Representative of Alberta Children and Youth Services Headquarters and Executive Director, Youth Criminal Justice Branch will meet every six months and will conduct a yearly review of the protocol.
# GLOSSARY OF TERMS

<table>
<thead>
<tr>
<th>Child</th>
<th>➢ A person under the age of 18 years</th>
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</thead>
<tbody>
<tr>
<td><strong>Alberta Children and Youth Services Caseworker</strong></td>
<td>➢ Refers to the Alberta Children and Youth Services Authority or First Nations Delegated Agency staff person appointed and delegated to provide child intervention services under the Child, Youth and Family Enhancement Act.</td>
</tr>
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<table>
<thead>
<tr>
<th><strong>Child Intervention Status</strong></th>
<th><strong>Agreements:</strong></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>• Family Enhancement Agreement – an agreement entered into between the parent/guardian or a child of 16 or 17 years of age and a Director of the <em>Child, Youth and Family Enhancement Act</em> in order to provide support services.</td>
</tr>
<tr>
<td></td>
<td>• Custody Agreement – an agreement entered into between a parent/guardian and a Director of the <em>Child, Youth and Family Enhancement Act</em>. Parents/guardian retain guardianship. Custody agreements allow for temporary placement.</td>
</tr>
<tr>
<td></td>
<td>• Permanent Guardianship Agreement – an agreement entered into between a parent/guardian and a Director of the <em>Child, Youth and Family Enhancement Act</em> for the purpose of relinquishing parental rights.</td>
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<thead>
<tr>
<th>Court Orders</th>
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<tr>
<td></td>
<td>• Apprehension Order – a court order or justice of the peace has authorized the apprehension of a child.</td>
</tr>
<tr>
<td></td>
<td>• Supervision Order – a court has ordered mandatory supervision of a child and the person residing with the child and the compliance by that person with the terms of the order that are necessary to adequately protect the survival/security or development of a child.</td>
</tr>
<tr>
<td></td>
<td>• Temporary Guardianship Order – a court has made an order appointing the Director of the <em>Child, Youth and Family Enhancement Act</em> as a temporary guardian of a child. Temporary guardianship is in effect for a specified period of time, and can be renewed, or if the child can be safely returned to their guardian, be withdrawn or allowed to terminate.</td>
</tr>
<tr>
<td><strong>Office of the Child and Youth Advocate</strong></td>
<td>The person appointed by the Lieutenant Governor in council as the Child and Youth Advocate, or his designate, for the purpose of representing the rights, interests and viewpoints of a child who receives services under the <em>Child, Youth and Family Enhancement Act</em>.</td>
</tr>
<tr>
<td><strong>Custody – Open and Secure</strong></td>
<td>The <em>Youth Criminal Justice Act</em> provides for open and secure custody facilities as follows:</td>
</tr>
<tr>
<td></td>
<td>• A youth custody facility is designated under Section 85(2) for the placement of young persons and if so designated, includes a place for the secure restraint of young persons, such as a youth offender centre, group home and a forest or wilderness camp.</td>
</tr>
<tr>
<td><strong>Guardian</strong></td>
<td>A person who is appointed under the <em>Family Law Act</em> as a guardian or a person who is a guardian of a child under an agreement or order made under the <em>Child, Youth and Family Enhancement Act</em>.</td>
</tr>
<tr>
<td><strong>Ombudsman</strong></td>
<td>The Ombudsman is an officer of the Legislative Assembly of Alberta and reports directly to the Legislative Assembly. The Ombudsman operates independently from any part of the Alberta government and individual elected officials. The authority for the Ombudsman to investigate complaints is found in the <em>Alberta Ombudsman Act</em>. The Alberta Ombudsman investigates written complaints from individuals who feel they have been treated unfairly by an administrative decision, act, omission or recommendation of an Alberta government department, board, agency or commission and some professional organizations. Any youth in custody, regardless of Alberta Children and Youth Services status, are notified of their right to contact the Ombudsman.</td>
</tr>
<tr>
<td><strong>Offence</strong></td>
<td>An offence as defined by an Act of Parliament or by any regulation, rule, by-law or ordinate made there under. This includes the <em>Criminal Code, Controlled substances Act</em> as well as provincial legislation.</td>
</tr>
<tr>
<td><strong>Parent</strong></td>
<td>Includes in respect to another person, any person who is under the legal duty to provide for that other person, or any person who has, in law or in fact, the custody or control of that other person.</td>
</tr>
<tr>
<td><strong>Presentence Report</strong></td>
<td>A report on the personal and family history and present environment of a young person. A Youth Justice Court judge requests this report after a finding of guilt.</td>
</tr>
<tr>
<td><strong>Support Services</strong></td>
<td>Intervention services provided under an agreement or order that may include counselling and family support services.</td>
</tr>
<tr>
<td><strong>Undertaking</strong></td>
<td>A written agreement, whereby a young person is released to a responsible person who will take care and be responsible for the attendance in court of the young person. The young person undertakes to comply with the arrangements and such conditions as the youth justice or justice may specify.</td>
</tr>
<tr>
<td><strong>Young Person</strong></td>
<td>A young person who is or, in the absence of evidence to the contrary, appears to be 12 years of age or more, but under 18 years of age.</td>
</tr>
<tr>
<td><strong>Youth</strong></td>
<td>The <em>Child, Youth and Family Enhancement Act</em> defines a youth as a child who is 16 years of age or older.</td>
</tr>
<tr>
<td><strong>Youth Worker</strong></td>
<td>A person appointed or designated, whether by title of youth worker or probation officer, to perform the duties or functions of a youth worker under the <em>Youth Criminal Justice Act</em>.</td>
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</tbody>
</table>