



In Youth criminal court, judges deal with young persons aged 12 through 17 who are charged with criminal offences. The Court applies statutes like the *Criminal Code* and the special procedures for young people established by the *Youth Criminal Justice Act*.

Youth Criminal Justice Act

The *Youth Criminal Justice Act* (YCJA) assigns the Provincial Court as the Youth Court for British Columbia. The YCJA recognizes that young people should be treated differently from adults because they have less maturity and greater dependency. It calls for a youth criminal justice system that:

- Commands respect
- Takes into account the interests of victims
- Fosters responsibility and ensures accountability through meaningful consequences and effective rehabilitation and reintegration
- Reserves its most serious intervention for the most serious crimes and reduces the over-reliance on incarceration for non-violent young persons

The YCJA provides for the appointment of a lawyer for anyone under 18 charged with an offence under a federal law like the *Criminal Code*. In these circumstances a young person may apply for legal aid in order to get a lawyer.

Sentencing youth

The YCJA sets up a separate system for the treatment of youths aged 12 to 17 who are facing criminal charges under federal laws like the *Criminal Code*.

This system takes into account that due to their age, young people are more vulnerable, less mature and may have a lower capacity for moral judgment than adults. Because they are not fully developed, young people are presumed to be less to blame than adults.

The goal of the *YCJA* is to treat young people fairly and yet hold them responsible for their actions. It encourages the repair of harm done to victims and the community, and requires judges to sentence youth differently from adults. To achieve the *YCJA*'s goal of rehabilitating and reintegrating youths back into society, a wide range of sentences are possible, including:

- Reprimand (a warning)
- Discharge
- Fine
- Compensation
- Restitution
- Community service
- Probation for up to two years
- An intensive support and supervision order that provides closer supervision and support than a probation order
- A custody and supervision order for up to two years (two-thirds is spent in custody and one-third is spent on conditional supervision in the community)
- For certain violent offences, a custody and supervision order for up to three years (part is spent in custody and part in conditional supervision in the community)
- A deferred custody and supervision order for up to six months (the sentence is served in the community as long as the youth complies with conditions)
- A custody and supervision order of up to ten years for first degree murder and up to seven years for second degree murder
- An intensive rehabilitative custody and supervision order which is usually for up to two years but may be three years for certain serious offences. This special sentence for serious violent offenders is intended to provide a youth with the treatment they need

Many of these sentences will include participation in therapeutic programs.

The *YCJA* only permits a judge to sentence a youth to custody (jail) in certain cases, for example, for violent offences. Every order of custody must be followed by a period of community supervision to help the young person to avoid re-offending in the future.

In rare cases, Crown counsel may apply to court to have the youth sentenced as an adult. This may happen when a youth is at least 14 years of age and has been found guilty of an offence where an adult could be imprisoned for two years or more (a serious violent offence). If such an order is made, then the sentencing options under the *YCJA* no longer apply and the youth is sentenced under the *Criminal Code*.

Finding a lawyer or getting legal advice

Information about getting a lawyer and how to get legal advice and legal assistance.



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