

IN THE YOUTH JUSTICE COURT

Her Majesty The Queen
v.

Order # _____

(Name, DOB and I.D. Number of Young Person)

Approved: _____

Judge

PROBATION ORDER

(Sec. 42(k), 55, 56 YCJA)

D/M/Y

YOU, _____ of _____
(Name of young person) (Complete address and telephone number)

a young person, have been found guilty of the following offence(s):

Case No(s). and Brief Description of Offence(s)	Section	Date	Place
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THE COURT ORDERS THAT you be placed on probation for the period of _____

- starting the date of this order [Section 56(5)(a)].
- starting upon completion of the period of custody and supervision or custody and conditional supervision [Section 56(5)(b)].
- starting from the date of this order, continuing until the start of the period of custody and resuming upon completion of the period of custody and supervision or custody and conditional supervision [Section 56(6)].

THE COURT ORDERS THAT YOU COMPLY WITH THE FOLLOWING CONDITIONS: [Section 55 (1)]

- (1) keep the peace and be of good behaviour;
- (2) appear before the Youth Justice Court when required by the Court to do so;

AND IN ADDITION, YOU SHALL: [Section 55 (2)]

- (a) report to and be supervised by the provincial director or _____ of _____ (a person designated by the Youth Justice Court);
- (b) notify the clerk of the Youth Justice Court the provincial director the youth worker assigned to the case of any change of address or any change in your place of employment, education or training;
- (c) remain within _____
- (d) make reasonable efforts to obtain and maintain suitable employment;
- (e) attend school or other appropriate place of learning, training or recreation;
- (f) reside with a parent _____ of _____ (a willing person the court considers appropriate);
- (g) reside at a place that the provincial director specifies;
- (h) (specify other conditions, using a schedule if necessary);
- (i) not own, possess or have control of any weapon, ammunition, prohibited device or explosive substance

DATED at _____, Nova Scotia, on _____, 20_____.

Judge, Clerk

Sections 59 and 137 of the Youth Criminal Justice Act

Review of youth sentences not involving custody

59. (1) When a youth justice court has imposed a youth sentence in respect of a young person, other than a youth sentence under paragraph 42(2)(n), (o), (q) or (r), the youth justice court shall, on the application of the young person, the young person's parent, the Attorney General or the provincial director, made at any time after six months after the date of the youth sentence or, with leave of a youth justice court judge, at any earlier time, review the youth sentence if the court is satisfied that there are grounds for a review under subsection (2).

(2) A review of a youth sentence may be made under this section

(a) on the ground that the circumstances that led to the youth sentence have changed materially;

(b) on the ground that the young person in respect of whom the review is

to be made is unable to comply with or is experiencing serious difficulty in complying with the terms of the youth sentence;

(c) on the ground that the young person in respect of whom the review is

to be made has contravened a condition of an order made under paragraph 42(2)(k) or (l) without reasonable excuse;

(d) on the ground that the terms of the youth sentence are adversely

affecting the opportunities available to the young person to obtain services, education or employment; or

(e) on any other ground that the youth justice court considers appropriate.

(3) The youth justice court may, before reviewing under this section a youth

sentence imposed in respect of a young person, require the provincial director to cause to be prepared, and to submit to the youth justice court, a progress report on the performance of the young person since the youth sentence took effect.

(4) Subsections 94(10) to (12) apply, with any modifications that the circumstances require, in respect of any progress report required under subsection (3).

(5) Subsections 94(7) and (14) to (18) apply, with any modifications that the circumstances require, in respect of reviews made under this section and any notice required under subsection 94(14) shall also be given to the provincial director.

(6) The youth justice court may, by summons or warrant, compel a young

person in respect of whom a review is to be made under this section to appear before the youth justice court for the purposes of the review.

(7) When a youth justice court reviews under this section a youth sentence

imposed in respect of a young person, it may, after giving the young person, a parent of the young person, the Attorney General and the provincial director an opportunity to be heard,

(a) confirm the youth sentence;

(b) terminate the youth sentence and discharge the young person from any further obligation of the youth sentence; or

(c) vary the youth sentence or impose any new youth sentence under section 42, other than a committal to custody, for any period of time, not exceeding the remainder of the period of the earlier youth sentence, that the court considers appropriate in the circumstances of the case.

(8) Subject to subsection (9), when a youth sentence imposed in respect of a young person is reviewed under this section, no youth sentence imposed under subsection (7) shall, without the consent of the young person, be more onerous than the remainder of the youth sentence reviewed.

(9) A youth justice court may under this section extend the time within which a youth sentence imposed under paragraphs 42(2)(d) to (i) is to be complied with by a young person if the court is satisfied that the young person requires more time to comply with the youth sentence, but in no case shall the extension be for a period of time that expires more than twelve months after the date the youth sentence would otherwise have expired.

Failure to comply with sentence or disposition

137. Every person who is subject to a youth sentence imposed under any of paragraphs 42(2)(c) to (m) or (s) of this Act, to a victim fine surcharge ordered under subsection 53(2) of this Act or to a disposition made under any of paragraphs 20(1)(a.1) to (g), (j) or (l) of the Young Offenders Act, chapter Y-1 of the Revised Statutes of Canada, 1985, and who wilfully fails or refuses to comply with that sentence, surcharge or disposition is guilty of an offence punishable on summary conviction.

ACKNOWLEDGEMENT

(the young person is to initial where applicable)

I, the young person, acknowledge that:

(a) _____ I have read the probation order as well as Sections 59 and 137 of the Youth Criminal Justice Act

(or)

_____ I have had the order as well as Sections 59 and 137 of the Youth Criminal Justice Act read to me,

(b) _____ the purpose and effect of the order have been explained to me,

(c) _____ I understand the purpose and effect of the order,

(d) _____ I have received a copy of the order,

(e) _____ the purpose and effect of Sections 59 and 137 of the Youth Criminal Justice Act have been explained to me,

(f) _____ the provisions of Section 59 of the Youth Criminal Justice Act providing for review of non-custodial dispositions have been explained to me, and

(g) _____ I understand that if I fail to comply with any condition of this order, I may be charged with an offence under Section 137 of the Youth Criminal Justice Act.

DATED at _____, Nova Scotia, on _____, 20_____.

Witness

Young Person

Distribution: Court, Young Person, Prosecutor, Defence Counsel, Parent, Probation, Police