The Young Offenders Act Essay, Research Paper

This essay was written to show the advantages anddisadvantages of the Young Offenders Act over the previous JuvenileDelinquents Act. Also it should give a theoretical understanding ofthe current Canadian Juvenile-Justice system, the act and it’simplications and the effects of the young offenders needs and mentalhealth on the outcome of the trials.In the interest of society the young offenders act was broughtforth on april second 1984. This act was created to ensure the rightsand the needs of a young person. Alan W. Leshied says "On one handthe justice and legal objectives of the act are being effectivelyrealized while on the other hand the needs and treatment aspects of itleave much to be desired." The research of the Young offenders act isstill ongoing but Leshied says that it is becoming clear that thecustody positions have been in dispute since the act came into effect.The old Juvenile delinquency act states in section 38 "The care andcustody and discipline of a juvenile delinquent shall approximate asnearly as maybe that which should be given by his parents, and… asfar as practability every juvenile delinquent shall be treated, not asa criminal, but as a misguided and misdirected child . . . needingaid, encouragement, help and assistance."(Page 72)If a youth is close to the adult age of 18 years they could betransfered to the adult justice system. This means that they would begiven the same sentences as an adult including and up to life inprison. Many people have tried to correct this problem that they seeas a weakness. Yet, so far their attempts have failed. Anotherweakness they find, is that the courts are expensive andunsatisfactory methods of dealing with crime that is not very serious.Before the fabrication of legal aid most young offenders werenot able to obtain legal services. "Subsection 11 (4) provides that,were a young person wishes to obtain counsel but is not able to do so,the youth-court judge shall refer the young person to the provinciallegal-aid, or assistance program. If no such program is available orthe young person is unable to obtain counsel through an availableprogram, the youth court judge may, and on the request of the youngperson shall direct the young person to be represented by counsel."To establish a relationship between the young offender and thelawyer, thew lawyer must be able to receive instructions from his/herclient. Usually there is little difficulty either receiving orcarrieing out the instructions of his/her client. Special problemscan arise when the client is a young person.The problems faced by this, is the young person may not beable to communicate with counsel. While the lawyer and young personneed not a specific statement for the client as to a preferred outcomeit should take form of a general expression of the client’s feelingsor attitudes in the major issues of the precedings the young personmust be able to make decisions that may hold significantrepercussions.Mental health of the young offender can also be a problem.Currently this issue is not addressed in the Young Offenders Act,before the mental health act can be enacted, extremely dangerousbehaviour must be displayed. Before the age of 16 they are sometimesplaced in hospitals for a short time under the authority of the legalguardians.