



Legal Representation for  
Children and Youth  
(LRCY)

August 2017

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### In Alberta

- o Legal Representation for Children and Youth (LRCY) was established on April 1, 2006 through the Office of the Child and Youth Advocate
- o LRCY roster lawyers represent the rights, interests and viewpoints of their child clients
- o The independence of legal representation for the child client is essential

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### Legal Services

- o Roster of independent private practice lawyers:
  - There are currently 66 lawyers on roster
- o Timely, accessible, child and youth friendly
- o Available throughout the province
- o Funded by the Government of Alberta through the OCYA budget
- o Appointments made last year:
  - approx. 1100 for nearly 2000 children

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## What do we do?

- Provide independent legal representation for young people receiving services under the *Child, Youth and Family Enhancement Act (CYFEA)* or the *Protection of Sexually Exploited Children Act (PSECA)* when there is a court application under *CYFEA* or *PSECA*
- Take direction from young people
- Youth (12 years and older) :
  - ✓ are consulted before a lawyer is appointed
  - ✓ can request a specific lawyer
  - ✓ can dismiss their lawyer

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## Quality Assurance Mechanisms

- ✓ Quality Assurance Reviews with lawyers
- ✓ Youth Feedback Surveys
- ✓ Transparent complaint process
- ✓ Ongoing training requirements for roster lawyers

Monitoring activities are reported annually and available online

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## LRCY – Role of Counsel Guidelines

- Lawyers are required to take an "interest-based instructional advocacy role" meaning:
  - ✓ Counsel determines the interests of his/her client based on the child/youth's stated wishes, opinion, or position.
  - ✓ Counsel is more than a mouthpiece for the child/youth and avoids simply regurgitating the child/youth's position whenever possible.
- If the child or youth is unable to instruct counsel because he or she is:
  - ✓ preverbal; easily apparent low cognitive functioning; or
  - ✓ impaired due to illness or intoxication.
 lawyers may take a best interest or *amicus curiae* role or request that an instructing agent be appointed

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## What have we learned?

- The importance of preserving the independence of the legal appointment; ie not taking direction or requests from caseworkers, parents, relatives and/or judges
- The importance of defining the role of the children's lawyer
- The importance of quality assurance processes that include standards for lawyers, monitoring for compliance to standards and youth feedback

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