

## YOUTH DIVISION, DISTRICT OF MONTREAL COMMUNIQUÉ

**JANUARY 8, 2021**

**THIS COMMUNIQUÉ CONFIRMS THAT ALL JUDICIAL ACTIVITIES ESTABLISHED IN THE COURT OF QUÉBEC'S CONTINUITY PLAN RELEASED ON SEPTEMBER 25, 2020, IN LIGHT OF THE COVID-19 HEALTH CRISIS ARE MAINTAINED**

### YOUTH DIVISION

The new measures put in place by the government on January 6, 2021, do not alter the operation of the courts, including the Youth Division, District of Montreal.

The Premier's announcement on January 6, 2021, related to the increase in the number of people with COVID-19, does not alter the regular operations of judicial activities as they are considered essential services. In this context, the Judicial Services Branch ensures that the personnel required to carry out the operations are present at work.

However, taking into account the current situation, and until February 8, 2021, it is important to adopt semi-virtual hearings as long as they ensure the respect of the rules of confidentiality governing hearings in youth matters. It is up to each judge seized of a child's situation to assess the merits of such hearings.

In this context, if a management/preparatory conference has been scheduled within the period up until February 8, 2021, in a long-term case (one day or more – whether it be concerning a matter of protection, adoption or youth criminal justice), the judge seized of this case will rule whether the presence of the parties is required if they are represented by counsel. The judge will inform the lawyers of his decision. The lawyers are encouraged to participate in these management/preparatory conferences virtually.

Please find below the updated Service Continuity Plan as of January 8, 2021

## **OPERATION AT THE YOUTH DIVISION OF MONTREAL SERVICE PLAN UPDATED TO JANUARY 8, 2021**

I would like to remind you that the *Directive* issued on May 12, 2020, regarding the morning and afternoon dockets continues to apply for the entire judicial year 2020/2021.

Maintaining this directive that splits the morning and afternoon dockets (am/pm) greatly helps to comply with instructions issued by the Public Health Department, particularly concerning physical distancing.

Therefore, regular judicial activities are maintained for all matters concerning the Youth Division as long as:

- Sanitation procedures are in place and followed,
- Judicial services staff are available to provide the support required by the judiciary to exercise its duties,
- No one involved in a case has symptoms related to COVID-19.

The **appearance room** in Youth Criminal Justice matters **is still the courtroom 1.04**.

The appearances begin at 10:00 a.m., five days a week, according to the usual schedule.

### **Adoption cases**

Hearings for cases regarding adoption matters are still held in courtroom 1.08 from 9:00 to 10:00 a.m. (for example: special consents to adoption, adoption application following a placement order...), will resume and shall proceed virtually unless otherwise indicated by the judge assigned to that room.

### ***Pro forma* hearings**

1. *Pro forma* hearings for long term cases
  - i. In youth protection and adoption matters:  
*Pro forma* hearings are held every Monday at 1:00 p.m. in room 1.08 (except when it is a holiday, PF hearings will then be held on Tuesday and will be mixed, i.e., will include youth criminal justice cases).
  - ii. In youth criminal justice matters:  
*Pro forma* hearings are held every Tuesday at 1:00 p.m. in room 1.08.  
These hearings are held virtually or in person.
2. *Pro forma* hearings for short term cases in youth protection matters
  - i. *Pro forma* hearings are held every Wednesday at 1:00 p.m. in room 1.08.

Lawyers are urged to participate virtually in the PF hearings.

All of the Youth Division's courtrooms are equipped with the technology necessary to hold semi-virtual hearings (TEAMS).

The Court's management team issued the principle that for all matters under the jurisdiction of the Youth Division, hearings are held in the courtroom in the presence of the parties and their lawyers. However, considering the current measures put in place by the government until February 8, 2021, semi-virtual hearings are encouraged insofar as they ensure the respect of confidentiality rules and prior agreement by the judge seized of the child's situation was obtained.

This rule also applies to draft agreements submitted by the parties in relation to youth protection matters. The parties and their lawyers are urged to participate virtually when it is timely and appropriate, unless otherwise decided by the judge hearing the case.

All requests for a semi-virtual hearing must be submitted to the judge scheduled to hear the case, and this applies to hearings held in all courtrooms, including 1.04 (appearances/interim release hearings, sentence reviews, etc.).

Odette Fafard, j.c.Q.  
Associate Coordinating Judge  
Youth Division, district of Montreal