



What's the **Big Deal**
about **COURT ORDERS?**

It is a crime to disobey the Court or your Supervisor



Time in Custody • Your Record • Types of Orders

What is a Court Order?

A court order is anything a judge or anybody acting under the power of the court tells you to do or not to do.

The sentence a judge gives you when you are found guilty is a court order.

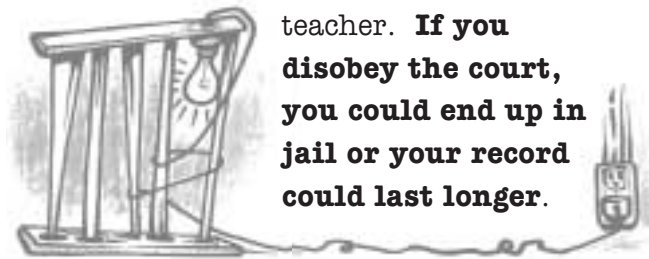
The court can also order you to do or not do things before your case is heard, and even before you appear in court at all.



What's the **BIG DEAL**

Some youth who are in trouble with the law think it isn't a big deal to disobey the court. Others don't intend to disobey, but don't listen carefully to what they are expected to do. Or they don't understand what they are told, and don't bother to find out what it means.

about Court Orders



Court orders are a big deal. So is disobeying them. Disobeying the court isn't like disobeying your parent or a teacher. **If you disobey the court, you could end up in jail or your record could last longer.**

Whatever trouble you are already in will get a lot worse if you don't do what the court tells you to do.

You might have to spend time **in CUSTODY**

If you **disobey the court** you might be **sentenced to custody**, even if the original crime you committed wasn't a very serious one. Under the new Youth Criminal Justice Act, which replaces the Young Offenders Act, judges can sentence a youth to custody only in a few circumstances. Usually they can only sentence you to custody if your crime was a violent one or if you have a history of committing serious crimes. However, you can also be put in custody if you have disobeyed previous sentences.

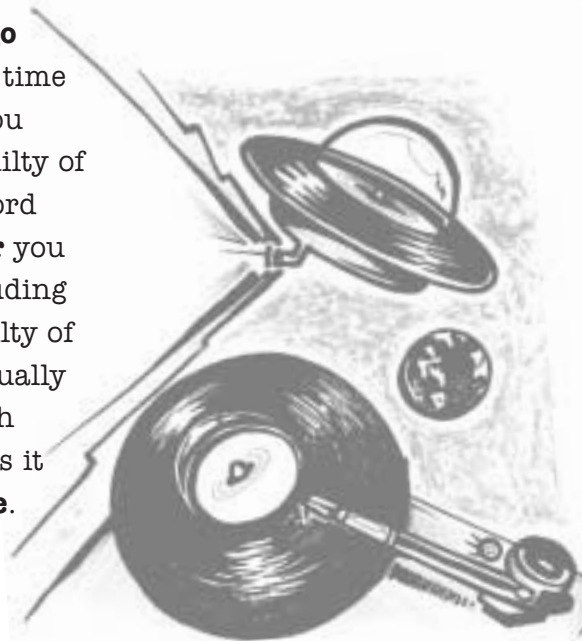
Not following court orders can get you time in custody even before your case is heard. If you don't come to court each time you are told to, you could be put in jail to wait for your hearing. **You could also be held in custody if you disobey any conditions of your release.**





YOUR RECORD MIGHT LAST **LONGER**

A youth record doesn't just go away when you turn 18. The time it lasts depends on the crime you committed. If you are found guilty of a less serious offence, your record can last for up to **3 years after** you finish all of your sentence including probation. If you are found guilty of a more serious crime, it will usually last for **5 years after** you finish your sentence. For some crimes it can even last **10 years or more.**



Your record will be closed after **3 or 5 years** only if you stay out of trouble with the law during that time. If you commit and you are found guilty of another offence before your record is closed, the record for your first offence will last until the record for the later offence is closed. Anyone who is allowed to look at your record during that time will see **both offences**. They will see that you are a **repeat offender**.



also...



It is a crime to disobey your sentence.

If you don't carry out the sentence the judge gave you, you can be charged with another offence and your record will then be kept open for **another 3 years.**



Disobeying the court will probably:



keep you in the justice system longer,




put more restrictions on your freedom,



get you a harsher sentence if you get into more trouble, and




lengthen the time that your youth record will make your life more difficult.



Disobeying the court is a crime.

Usually, when you get into trouble with the law, it is for doing something that is in itself against the law. It might be for shoplifting, or assaulting someone, or for stealing a car. But disobeying the court is also a crime.



With court orders, **you are committing a crime simply by not doing what the court tells you to do.** What you are doing might not be a crime in itself. It might be something like hanging out at the mall, or spending time with a friend. But if you are at the mall when you have been ordered to be at court, or at school, or at home, then you are committing a crime. If you are with a friend that the court has told you to stay away from, you are committing a crime.



This is true whether the order you are disobeying is part of your sentence, or is something the judge told you to do or not to do while you are waiting for your case to be heard.



Types of Orders

Notices the police give you

When the police charge you, they might take you into custody, or they might let you go home until it is time for you to appear in court. If they let you go, it is because they trust you to come to court at the time they tell you to.



They will give you a piece of paper telling you that you must come to court on a certain date. The piece of paper might also tell you to go and have your fingerprints and photograph taken. The paper they give you might be an **Appearance Notice**, (also called a Form 9), or they might ask you to sign a **Promise to Appear** (a Form 10) or a **Recognizance** (a Form 11).

The form might also have conditions that you cannot do, like communicate with certain people or go near the victims. **If you break these conditions you may be arrested again and even held for a bail hearing.**

Whichever form you get, **it has the power of a court order.** A judge will see it and sign it.



If you don't appear in court, or go for fingerprinting, at the time stated on the form, you will be **committing a new criminal offence.** You will also be showing that you can't be trusted to show up, and so you might be held in custody until your case is heard.



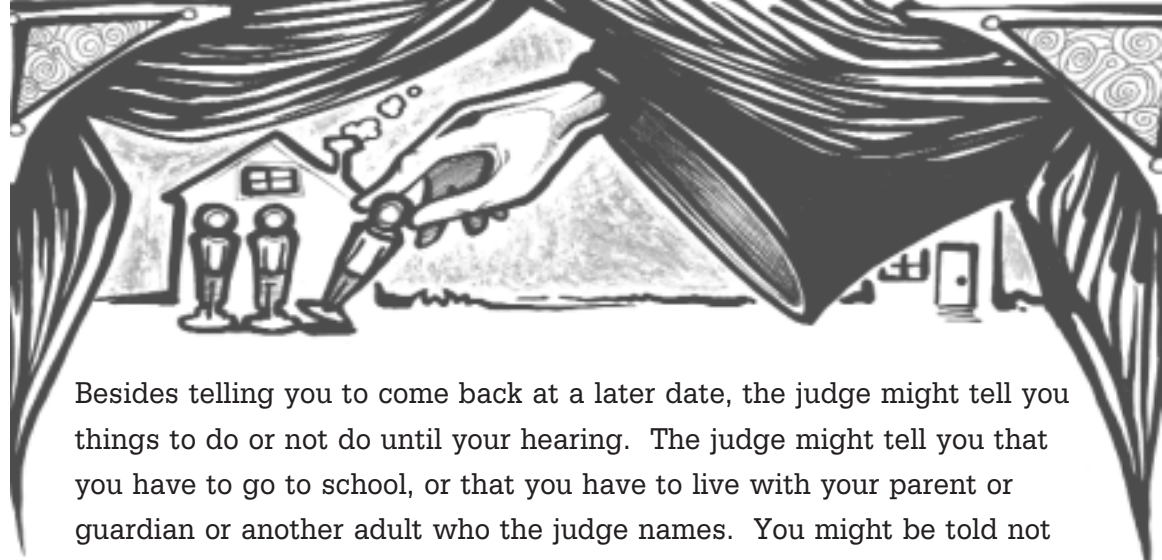
Types of Orders

Orders the judge gives you before your case is heard

Your case will probably not be heard the first time you appear in court. The judge will set another date and tell you to come back on that date. This might happen more than once. **You will have to keep showing up** every time the judge sets another date. **If you don't, you will be disobeying an order of the court.**



Until the judge has either sentenced you or heard your case and found you not guilty, you will almost never be let go without being told to come back another day. If you think the judge is letting you go without making you come back, check with the judge, duty counsel, or court staff who heard what the judge said. **Make sure you understood the judge correctly.**

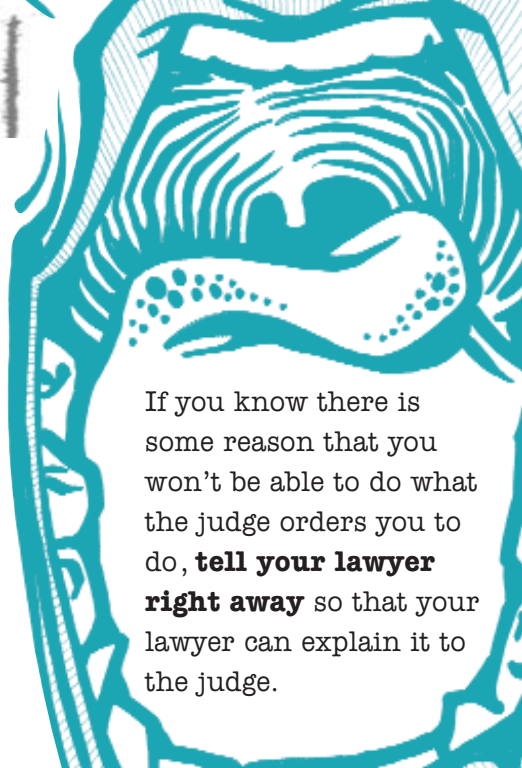


Besides telling you to come back at a later date, the judge might tell you things to do or not do until your hearing. The judge might tell you that you have to go to school, or that you have to live with your parent or guardian or another adult who the judge names. You might be told not to have any contact with certain people, or not to drink alcohol or take drugs. You might have to report to a police officer or youth worker. **Be sure to do whatever the judge says.**

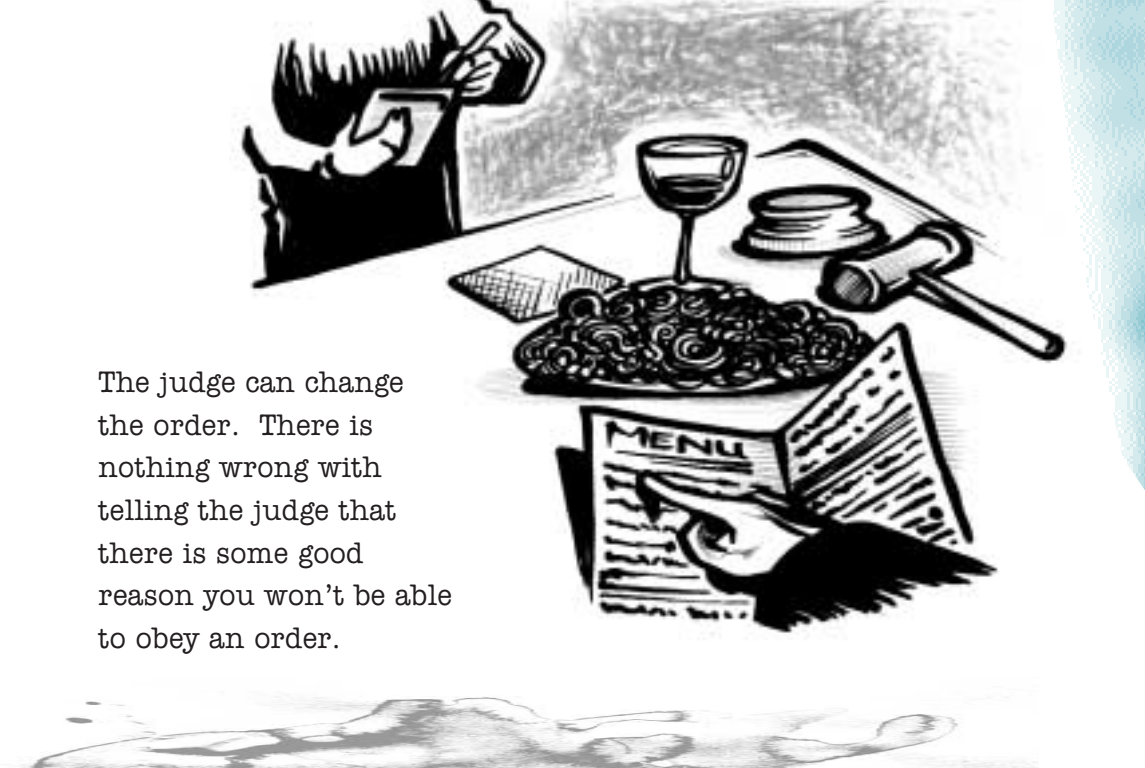
Types of Orders

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Sometimes the judge might tell you to do something that you cannot possibly do, for reasons beyond your control. For example, the judge might tell you that you have to go to school, but the school has expelled you. You might be ordered to live with your parent or guardian, even though they refuse to have you in the house. You might be told to stay away from someone who is in the same class as you, or someone you can't avoid for other reasons.



If you know there is some reason that you won't be able to do what the judge orders you to do, **tell your lawyer right away** so that your lawyer can explain it to the judge.

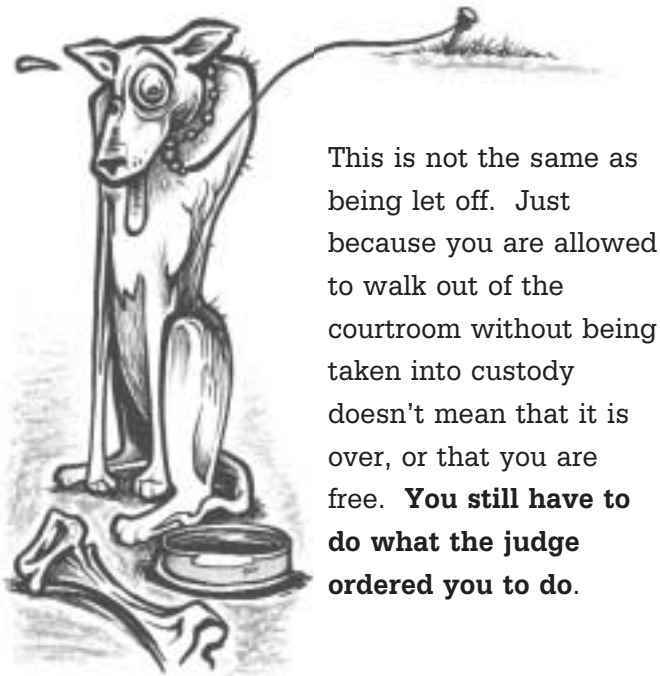


The judge can change the order. There is nothing wrong with telling the judge that there is some good reason you won't be able to obey an order.

Types of Orders

The Sentence

If you are found guilty, you probably won't be sentenced to custody unless you have committed a serious crime or are a repeat offender. Instead you will usually be given **other ways to take responsibility for your crime.**



This is not the same as being let off. Just because you are allowed to walk out of the courtroom without being taken into custody doesn't mean that it is over, or that you are free. **You still have to do what the judge ordered you to do.**

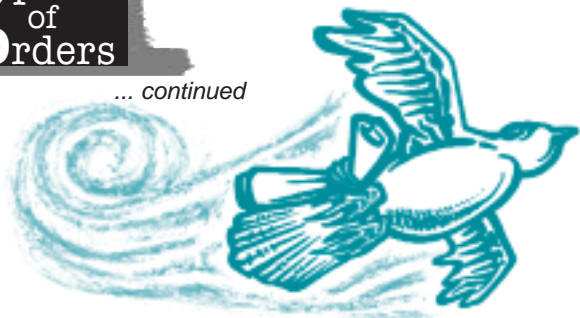
You have to obey the judge's orders if you don't want to end up in custody or charged with another crime that will make it longer before your record is closed.



Make sure that you understand what you are being told to do, and tell the judge if you won't be able to follow the order because of something you can't control.

Types of Orders

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Part of your sentence might be that you report to a probation officer or youth worker who will supervise you during your sentence. **Doing what they tell you to is part of your sentence. That is what the judge ordered you to do.**



If something changes during your sentence so that you are no longer able to do what the judge ordered, make sure that the court or your probation officer knows about it right away. They can then arrange something else for you. **It is important that you let them know what is happening.** Don't just change what you are doing on your own.

To get through the youth justice system as quickly as possible, you have to do what the judge and the other people connected with the court tell you to do.



Don't fight the court.

The harder you fight the youth justice system, the longer you will be caught up in it.

This pamphlet has general information only. Each situation is unique. The law can also change. As well, policies and practices can change or vary. If you have a legal problem, contact a lawyer.



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