

Her Majesty the Queen

Order # \_\_\_\_\_

v.

Approved: \_\_\_\_\_

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

\_\_\_\_\_  
Judge

\_\_\_\_\_  
D/M/Y

**DEFERRED CUSTODY AND SUPERVISION ORDER**

(Sections 42 (2)(p), 42 (5), 105 YCJA)

You, \_\_\_\_\_ of \_\_\_\_\_,  
(name of the young person) (address)

have been found guilty of the following offence(s):

Case No(s). and Brief Description of Offence(s)	Section	Date of Offence(s)	Place
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**THE COURT ORDERS** that you be subject to deferred custody and supervision for the period of \_\_\_\_\_, which you are to serve under conditional supervision in the community, subject to the following conditions: [Section 105(2)]

- (a) to keep the peace and be of good behaviour;
- (b) to appear before the Youth Justice Court when required by the Court to do so;
- (c) to report immediately (if currently in custody, immediately on release) to the provincial director at \_\_\_\_\_, Nova Scotia, and then be under the supervision of the provincial director or \_\_\_\_\_ of \_\_\_\_\_, a person designated by the Court;
- (d) to inform the provincial director immediately on being arrested or questioned by the police;
- (e) to report to the police, or to \_\_\_\_\_ of \_\_\_\_\_, as instructed by the provincial director;
- (f) to advise the provincial director of your (planned) address of residence on release and, after release, report immediately to the provincial director or the clerk of the Youth Justice Court, any change
  - (i) in the address;
  - (ii) in your normal occupation (including employment, vocational or education training and volunteer work);
  - (iii) in your family or financial situation;
  - (iv) that may reasonably be expected to affect your ability to comply with the conditions of the order;
- (g) not to own, possess or have the control of any weapon, ammunition, prohibited ammunition, prohibited device or explosive substance  except \_\_\_\_\_;
- (h) to comply with any reasonable instructions that the provincial director considers necessary in respect of any of the conditions of the conditional supervision in order to prevent a breach of that condition or to protect society.

In addition, you are to comply with the following conditions: (check applicable conditions) [Section 105(3)]

- (1) to travel directly to
  - your place of residence;
  - the following place: \_\_\_\_\_;
- (2) to make reasonable efforts to obtain and maintain suitable employment;
- (3) to attend
  - school
  - the following appropriate place of learning, training or recreation: \_\_\_\_\_
- (4) to reside with
  - a parent
  - the following appropriate person who is willing to provide for your care and maintenance: \_\_\_\_\_

- (5) to reside in any place that the provincial director may specify;
- (6) to remain within the following jurisdictions: \_\_\_\_\_  
\_\_\_\_\_.
- (7) to comply with the following conditions that support your needs and promote your reintegration into the community: *(use a Schedule A if necessary)*  
\_\_\_\_\_  
\_\_\_\_\_.
- (8) to comply with the following appropriate conditions, including conditions for securing your good conduct and preventing you from repeating the offence or committing other offences: *(use a Schedule B if necessary)*  
\_\_\_\_\_  
\_\_\_\_\_.

**DATED** at \_\_\_\_\_, Nova Scotia, on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Judge, Clerk*

**Sections 42(6), 106, 107(1), 108 and 109(1) and (2)(a) and (c) YCJA:**

42. (6) Sections 106 to 109 (suspension of conditional supervision) apply to a breach of a deferred custody and supervision order made under paragraph (2)(p) as if the breach were a breach of an order for conditional supervision made under subsection 105(1) and, for the purposes of sections 106 to 109, supervision under a deferred custody and supervision order is deemed to be conditional supervision.

106. If the provincial director has reasonable grounds to believe that a young person has breached or is about to breach a condition of an order made under subsection 105(1), the provincial director may, in writing,

- (a) suspend the conditional supervision; and
- (b) order that the young person be remanded to any youth custody facility that the provincial director considers appropriate until a review is conducted under section 108 and, if applicable, section 109.

107. (1) If the conditional supervision of a young person is suspended under section 106, the provincial director may issue a warrant in writing, authorizing the apprehension of the young person and, until the young person is apprehended, the young person is deemed not to be continuing to serve the youth sentence the young person is then serving.

108. Without delay after the remand to custody of a young person whose conditional supervision has been suspended under section 106, or without delay after being informed of the arrest of such a young person, the provincial director shall review the case and, within forty-eight hours, cancel the suspension of the conditional supervision or refer the case to the youth justice court for a review under section 109.

109. (1) If the case of a young person is referred to the youth justice court under section 108, the provincial director shall, without delay, cause the young person to be brought before the youth justice court, and the youth justice court shall, after giving the young person an opportunity to be heard,

- (a) if the court is not satisfied on reasonable grounds that the young person has breached or was about to breach a condition of the conditional supervision, cancel the suspension of the conditional supervision; or
  - (b) if the court is satisfied on reasonable grounds that the young person has breached or was about to breach a condition of the conditional supervision, review the decision of the provincial director to suspend the conditional supervision and make an order under subsection (2).
- (2) On completion of a review under subsection (1), the youth justice court shall order
- (a) the cancellation of the suspension of the conditional supervision, and when the court does so, the court may vary the conditions of the conditional supervision or impose new conditions;
  - (b) in the case of a deferred custody and supervision order made under paragraph 42(2)(p), that the young person serve the remainder of the order as if it were a custody and supervision order under paragraph 42(2)(n).

**ACKNOWLEDGEMENT**

I, \_\_\_\_\_ the young person referred to in this deferred custody and supervision order, acknowledge:

that I have  read the order  had the order read to me,

that the purpose and effect of the order has been explained to me,

that sections 42(6), 106, 107(1), 108 and 109(1) and (2)(a) and (c) YCJA have been read to me and their purpose and effect have been explained to me, and that I have received a copy of the order.

**DATED** at \_\_\_\_\_, Nova Scotia, on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Witness*

\_\_\_\_\_  
*Young Person*

- Distribution:**
- Court*
  - Young Person*
  - Prosecutor*
  - Defence Counsel*
  - Police*
  - Parent*
  - Probation*