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1. Relevant Documents, Studies and Practices – Yukon

1.1. Yukon Department of Justice¹

- Tan Sakwathan, First Nation Youth Diversion Project - Skookum Jim Friendship Center, Council of Yukon First Nations, Whitehorse, Yukon
 - Provide support to youth in the legal system;
 - Diversion program is for youth and their families;
 - Eight week sessions with programming on traditional laws and values, parenting and communication skills.

1.2. Yukon Program Descriptions -2000-2001²

Tan Sakwathan Youth Diversion Program
Council Of Yukon First Nations And Skookum Jim Friendship Centre

The Program is for any First Nation youth between the ages of 12 and 17 years of age who comes into conflict with the law and who is living in Whitehorse. As well:

- there must be sufficient evidence for police to formally charge the youth;
- the youth must accept responsibility for the offence; and
- the youth and his/her parents must be willing to participate in the program (if the youth's family is not willing to participate but the youth is then it will be up to the Committee to approve diversion).

The Diversion Steering Committee has the right to refuse any case they consider not appropriate.

Victims and their support are an integral part of the process, whether it be pre-diversion or post-diversion. They or their designate are involved in the Family Group Conference. They are also given notification when their offender has completed the conditions set out in the conference.

Elders have an important role in the Family Group Conferences. Their thoughts and words are valued as the effect on offenders of feeling disapproval from family and elders can encourage apology and the desire to pay retribution.

There will be two committees set up to deal with cases of youth who come in conflict with the law.

PRE-CHARGE DIVERSION

This will involve the RCMP, community agencies and program staff and youth who have not yet been formally charged.

The process is as follows:

1. Youth is referred to Native Youth Courtworker.

¹ Government of Yukon, Department of Justice, Community Justice, <http://www.justice.gov.yk.ca/prog/cjps/cj/comjuscom.html>

² As taken from Contribution Agreements 2000-2001

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2. Courtworker will contact youth's parents to get an application from the youth's family which determines their willingness to participate in workshops with their youth. Parental involvement is encouraged. A written consent form to this effect will be obtained from the family.
3. The Diversion Steering Committee will approve or deny the application.
4. If application is approved, then the RCMP and/or Youth Courtworker will arrange a Family Group Conference that will include:
 - (a) offender;
 - (b) offender's family or support;
 - (c) victim if he/she wants to participate;
 - (d) victim support;
 - (e) Diversion Committee members including an elder; and
 - (f) RCMP
5. The Family Group Conference will result in a detailed contract for the youth and parents on conditions that have been agreed to by all participants. This will include the workshops. A time frame with this is to be completed will be agreed upon by all participants.
6. The Program Coordinator will be provided with the written contract and will coordinate with the family on their attendance at the workshops. The Coordinator will also assign a Home Skills Worker to the family.
7. Once the contract is completed, the RCMP or community agency will be informed by either the Youth Courtworker or the Program Coordinator. If the youth or parents do not complete conditions as set out by the Family Group Conference in the agreed upon time frame, this can be referred back either to the RCMP or agency, or a limited extension may be granted.

POST-CHARGE DIVERSION

This committee will involve the Crown and program staff and youth who have been formally charged and are in the criminal justice system.

The process is as follows:

1. Native Youth Courtworker or Crown can identify potential clients for this program.
2. Courtworker will contact youth's parents to get an application from the youth's family which determines their willingness to participate in workshops with their youth. Parental involvement is encouraged.
3. The application will go to the diversion Steering Committee who will either accept or deny it.
4. Once approved, the Youth Courtworker or Project Coordinator will arrange a family group conference which will include:
 - (a) offender;
 - (b) offender's family or support;
 - (c) victim;
 - (d) victim's support; and
 - (e) Diversion Committee members including elders.
5. All conditions that are decided by conference, other than those that are mandatory, will be approved by all group members. Contracts will be written up and distributed with a set time frame within which the youth and their parents are to complete conditions.

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6. Program Coordinator will assign a Home Skills Worker and arrange with the family when they can attend workshops.
7. Progress reports will be provided at staff meetings and completion reports will be done. When a youth and his/her parents have completed the programs, this information will be passed on to the Crown. If a youth doesn't complete the contract, this file will be turned over to the Crown to proceed with the charge.

The Program can deal with any summary conviction or territorial offences with the exception of serious indictable offences.

CORE PROGRAMS/WORKSHOPS

There are three core programs in which a youth and his/her parents must agree to participate in. These would be identified through the youth's diversion contract. The aim of the core programs is to assist youth and their parents to learn parenting skills, family communication and Yukon traditions and values.

Rediscovering Traditional Parenthood

One of the purposes of this parenting program is to contribute to improving the health and quality of life for First Nations people by teaching parenting skills in a culturally, relevant manner using Talking Circles and appropriate resources.

The goals are:

1. To continue to encourage interest in Yukon First Nations Traditional Parenting practices and values, to preserve First Nations culture and to improve the health of unborn children, infants, older children and families;
2. To promote positive health behaviours by target group members, particularly those representing at-risk pregnancies and to reduce the occurrence of FAS/FAE in newborns, particularly those born to target group members; and
3. To continually improve the usefulness of and access to the motherhood and fatherhood programs, particularly to target groups members in Whitehorse and other communities.

Family Communication

A number of workshops have been developed that will be offered to First Nation youth and their families who have been identified through the Program. There will be five 2- to 3-day workshops that will be delivered on weekends. These five will be broken down into levels. The first level will be on basic education, knowledge, and attitude, the second will be skill building and these workshops will cover:

- Relationships
- Communication/Spiritual Companionship
- Values/Principles/Spirituality
- History of First Nation People in Yukon/Cycle of Grief
- Traditional Parenting
- Importance of Child's Education and the Parents' Role

Traditional Laws and Values

This workshop is being developed to meet the identified need of teaching traditional laws, values and culture to youth at risk and their families. Elders will be used extensively in the gathering and delivering of information on issues such as:

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- the clan system, how it worked and what is their responsibility for their clan
- justice matters, who made decisions
- men and women's roles, and were they both involved in decision-making
- the justice process
- traditional laws and what sentences were handed down
- ceremonies that were involved
- victims and offenders, what happened for them specifically the structure of the community during these times