

# How Judges Decide to Issue a Warrant

As soon as possible after seeing a doctor for a substance abuse assessment, the youth will be informed of his or her rights under this Act by an Official Representative. The Official Representative will explain the role of the office and offer to help youth assert their rights. Youth have the right to:

- receive help from the Official Representative free of charge;
- know why a judge issued a warrant for the youth;
- receive a copy of the involuntary detoxification order or community order;
- appeal the decision of the two doctors to a Review Panel; and
- appeal the Review Panel's decision to the Court of Queen's Bench.

## The Official Representative

The Addiction Services office in your health region will be able to provide you with the name and phone number of the Official Representative in your area. An Addiction Services intake worker should be able to provide you with more information about the Act and about available services.

## Information for Parents

### *Youth Drug Detoxification and Stabilization Act*



# Why the Act was Written

The Youth Drug Detoxification and Stabilization Act was made law in Saskatchewan on April 1, 2006.



You likely reached for this brochure because you are having serious problems with a son or daughter (or someone close to you) involved with drug or alcohol misuse. You want to get them the help they need, but they are resistant. You may feel that getting them help, even if they don't want it, is your only choice.

The Youth Drug Detoxification and Stabilization Act should only be used for the most severe cases of drug or alcohol misuse in youth age 12 to 17. Few youth will meet the very strict criteria for involuntary detox and stabilization because removing a person's right to refuse medical care is a drastic step and should not be taken without careful thought and sufficient cause.

This brochure will help you decide if your teenager meets the criteria. It outlines some steps to take before involuntary detoxification and stabilization is considered. It also outlines the steps you will take if you feel that involuntary care is your only option.

It is important to understand that detoxification and stabilization usually happens in a few days. This Act provides for up to 15 days of involuntary care in a facility for this purpose. It does not allow involuntary "treatment" of youth after detoxification and stabilization. Ongoing treatment, whether in a facility or from a community-based addictions service, is voluntary.

# What you need to know...

## Before You Begin

You must first ask yourself a few questions about the young person's substance use. Is this an occasional event? Or is it a severe and recurring pattern that has continued for a long time? Does the youth need to take larger amounts of a substance to get high? Does he or she experience withdrawal when not taking the substance? Is the youth's behaviour compulsive, with large amounts of time and energy devoted to getting the drug? Is the young person continuing to use even though it is harming him or her physically and emotionally, or is harming relationships, work, and recreation? Finally, have you tried to get the youth some counselling or other help? Involuntary detox and stabilization is the last resort, not the first. Severe intoxication alone will not meet the criteria.

## The Criteria

A person (called an applicant) seeking a warrant, must produce evidence satisfactory to a judge of the Provincial Court, that a youth:

- is suffering from severe drug and/or alcohol addiction;
- is at risk of serious harm or danger to himself or herself or someone else;
- needs confinement to ensure his or her safety or the safety of someone else, or needs confinement to help detoxify and stabilize; and
- needs to be assessed by a doctor to determine whether or not the youth should be placed in a detoxification facility or receive services in the community.

## These basic criteria are outlined in the Act.

If evidence of the listed criteria is demonstrated, a judge may issue a warrant to apprehend the youth and cause the youth to be taken to a physician for an assessment.

There is a provincial list of doctors with the expertise to perform these specialized assessments. They use a standard assessment process to decide if youth need involuntary detoxification and stabilization.

Even if the doctor decides a youth needs involuntary care, he or she can be refused admission because of severe medical instability. The youth would have to get immediate medical attention before the doctor could continue with the assessment.

## The Process

You must present evidence to a judge of the Provincial Court about the youth's substance abuse. There is a special form, called a Form A, to complete and submit to the court. The Form A may be completed by a parent, a youth worker, or a person with whom the youth has a close personal relationship. Forms are available from any Addiction Services office in your health region, the court house, or [saskatchewan.ca](http://saskatchewan.ca).

If court is satisfied that the basic criteria in the Act have been met, the judge may issue a warrant to apprehend the youth and cause the youth to be taken to a physician for an assessment. At the time of the first assessment, the doctor will contact

a lawyer provided by the province. The lawyer, called the Official Representative, will inform the youth of his or her rights under the Act.

Based on the first assessment, the doctor has these options:

1. If the doctor believes that the youth *does not have a severe enough problem to need involuntary care*, he or she will no longer be detained. The youth could still be encouraged to seek voluntary care in the health region.
2. If the doctor decides that the youth *meets the criteria for involuntary detox*, the doctor can order involuntary detox and stabilization in either:
  - the youth's home community for up to 30 days, while living at home or in a safe place. The assessment by the second doctor would likely be done in the home community; or
  - a live-in, locked facility for up to five days with the possibility of renewal for two additional five day periods. The assessment by the second doctor would likely be done at the locked facility.

## What Happens Next?

If the youth is ordered to go to a locked facility, arrangements will be made to have the youth transported to this facility. The first period of confinement is up to five days. Before the five days are over, two doctors can decide to renew the confinement period for five more days, twice. The maximum length of stay is 15 days.

Please remember that the youth is not receiving involuntary "treatment." Detoxification and stabilization mean getting the substance out of the body and stabilizing health. This process prepares the youth for ongoing treatment after discharge from the facility. Community-based treatment is available in your health region.

If the youth (at any time during his or her confinement) no longer meets the criteria for involuntary detox and stabilization, the order holding the youth may be terminated by a doctor. The youth may refuse to attend ongoing treatment after leaving the facility. This is not grounds for continued confinement.

Detoxification and stabilization prepares the youth for ongoing treatment and support. Treatment services are available through Addiction Services in your health region. Services range from community outpatient counselling and programs to inpatient services found at a provincial youth treatment facility.

If the youth is ordered to receive detox and stabilization services in his or her community for up to 30 days (a community order), a plan for these services will likely be put in place through his or her health region's Addiction Services. The youth could be living at home during this period, or in some other safe environment if necessary and available. Again, the link to ongoing treatment after detox is encouraged, but a youth may refuse to attend.