

**Procedure for designation under Chapter III, in youth law matters at the  
Commission des services juridiques (the “Commission”)**

**(Sections 85.4.1 of the *Youth Protection Act* and 83.1.1 of the *Act respecting legal aid and the provision of certain other legal services*)**

**Procedure for designating a lawyer to examine or cross-examine a witness in a youth law matter**

**A- Designation upon application:**

If the lawyer for the DYP or the child notes that this is a case where an application could be made or filed, it is suggested that the lawyer notify the unrepresented party and the court, at the earliest opportunity, of the intention to make such an application. The application for designation must be sent by the lawyer for the party concerned to the Commission des services juridiques (the “Commission”) before being presented (one copy is sufficient). It is preferable to also provide the following information:

- The name and contact information of the witness;
- The name of the unrepresented party contemplated in the application;
- A copy of the pleading;
- A copy of the application or the minutes of hearing in which the date of presentation of the application for designation is indicated.

The lawyer should contact the department in charge, namely the *Service du Chapitre III*, without delay, by email at [lguzman@csj.qc.ca](mailto:lguzman@csj.qc.ca) or by telephone at 514-873-3562 ext. 5273.

**B- Designation on the court’s own initiative:**

If the court notes that the party cannot carry out the examination or cross-examination itself and the court wishes to make an order on its own initiative for the designation of a lawyer to examine or cross-examine a witness, the court may make an order directing the clerk of the court to contact the Commission. The clerk should contact the department in charge, namely the *Service du Chapitre III*, without delay, by email at [lguzman@csj.qc.ca](mailto:lguzman@csj.qc.ca) or by telephone at 514-873-3562 ext. 5273, and provide the following information:

- The name and contact information of the party concerned;

- The name and contact information of the witness or witnesses contemplated in the pleading;
- A copy of the pleading;
- The minutes of hearing ordering a designation.

Where a designation at the court's own initiative takes place, the minutes of the hearing shall indicate that a designation has been made, but that the lawyer will be identified at a later date. The court can specify the identity of the lawyer in a subsequent order. Following such an order, these minutes of hearing can be forwarded by the office of the court to the Commission.

In either of the above situations, if the Commission receives an application for designation, it shall immediately take steps to contact a lawyer (legal aid staff lawyer or lawyer in private practice). The department shall ensure that a lawyer is present on the date scheduled for the presentation of the application or the date determined by the court.

**C- In situations deemed urgent by the court:**

Considering that one of the objectives of the new legislative provisions is to ensure access to justice and efficient case management, the court can order that a lawyer be designated to conduct the examination or cross-examination on an urgent basis.

Where such a designation occurs, the information must be sent to the Commission by the court office when the court orders it. The court office should contact the department in charge, namely the *Service du Chapitre III*, without delay, by email at [lguzman@csj.qc.ca](mailto:lguzman@csj.qc.ca) or by telephone at 514-873-3562 ext. 5273.

In order to provide this emergency service, the Commission has established a list of lawyers who are willing to act in these specific cases. The Commission will contact a lawyer so that the lawyer can be designated on an emergency basis in the case. Subsequently, after receiving the minutes of hearing or the court order regarding the designation, the Commission will issue the "confirmation of eligibility under Chapter III of the Act and a mandate", retroactively to the date of the designation order.