Mental Health Law for Children and Youth

Hear from a multidisciplinary faculty of experts on:

- Challenges in the transition between children/youth and adult mental health services
- The diagnosis of common psychiatric disorders in children and youth
- Risk management considerations: what information can be shared across the system?
- The Community Youth Court in Toronto: what is the mental health worker program?
- The collaboration between school boards, police and the CAS to provide support for youth facing mental health challenges
- Legal implementation of the new Mental Health and Addiction Nursing (MHAN) initiatives by school boards
- The availability of mental health programs for children and youth
- Case study review: a review of the critical issues in practice
- Ethical and privacy concerns

Keynote Address
Dr. Tracey A. Skillling, Psychologist, Child, Youth and Family Program
Clinical Research Department, CAMH

Chairs
Mary Jane Dykeman, Dykeman Dewhirst O’Brien LLP
Kate Dewhirst, Dykeman Dewhirst O’Brien LLP

Plus! Don’t miss the Optional Post-Conference Workshop: "Conducting a Capacity Assessment and Preparing for a Consent and Capacity Board Hearing"
The legal rights and responsibilities in the area of mental health law are numerous and complex. When those same issues relate to children and youth, they become that much more complex and pressing. There is no agreement on the best approach for the delivery of mental health services to children/youth, the type of advocacy support most appropriate, or even the best approaches in assessing and managing the risks of violence. Add to that the constantly evolving case law and you have an area where legal, health care, mental health, education and law enforcement professionals continually struggle to stay on top of their obligations and responsibilities.

Osgoode’s Mental Health Law for Children and Youth was developed to bring together these professionals for a comprehensive one-day update of essential, current and emerging issues, together with practical legal advice on how to deal with them.

Whether you are a health care professional, a lawyer advising a health care institution, an educator, a patient, social worker or a police or corrections officer, don’t miss this opportunity to have your questions answered by experts in children’s mental health law. You’ll walk away from this program with knowledge, tools, strategies and tactics that will help you tackle these complex legal issues in your day-to-day working life.

Register now by visiting www.osgoodepd.ca, calling 416.597.9724 or 1.888.923.3394, emailing opd-registration@osgoode.yorku.ca or faxing 416.597.9736.

Keynote Address
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Mary Jane Dykeman, Dykeman Dewhirst O’Brien LLP
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Faculty
Dr. Simon Davidson, Professor of Psychiatry and Paediatrics, Department of Psychiatry
University of Ottawa; Chief Strategic Planning Executive, Ontario Centre of Excellence for Child and Youth Mental Health, CHEO

Dr. Rose Geist, Chief of Mental Health Systems, Trillium Health Centre

Dr. Catherine Krasnik, Child and Adolescent Psychiatrist/Forensic Psychiatrist, Syl Apps Youth Centre, Physician Lead, ISSP Program
Kinark Child and Family Services

Dr. Greg Lodenquai, Psychiatrist in Chief and Clinical Director, George Hull Centre for Children and Families

Maria McDonald, Consultant in Bioethics and Health Law

Mary Beth Moellenkamp, Senior Service Manager, Parent and Child Capacity Building Branch, Peel Children’s Aid Society

Michael Newman, Vice Chair, Senior Lawyer Member, Consent and Capacity Board

Louise Sirisko, Superintendent of Special Education, Peel District School Board

Kaley Smith, Youth Mental Health Court Worker, Turning Point Youth Services

Michele Warner, Legal Counsel, Centre for Addiction and Mental Health (CAMH)

The Hon. Justice Brian Weagant
Ontario Court of Justice

Police Constable Claudia Wells
Mental Health and Elder Abuse Coordinator
Peel Regional Police
8:00 Registration and Continental Breakfast

8:30 Welcome and Introduction from the Chairs
Mary Jane Dykeman, Dykeman Dewhirst O’Brien LLP
Kate Dewhirst, Dykeman Dewhirst O’Brien LLP

8:35 Overview of the Mental Health Laws Relating to Children and Youth
Mary Jane Dykeman, Dykeman Dewhirst O’Brien LLP
Kate Dewhirst, Dykeman Dewhirst O’Brien LLP

When it comes to dealing with children and mental health issues there are a number of key factors that must be taken into account, including specific rules relating to consent to treatment, refusal of treatment, the role of the substitute decision maker and confidentiality issues. Mary Jane Dykeman and Kate Dewhirst will walk you through the key differences between children/youth and adult mental health laws, focusing specifically on the following pieces of legislation and ending with a discussion of the risk management issues that you must take into consideration:

- Health Care Consent Act
- Mental Health Act
- Personal Health Information Protection Act
- Child and Family Services Act
- Youth Criminal Justice Act
- Risk management considerations
  - what information can be shared across the system, including with family members and probation officers?
  - pitfalls of transition from youth to adult mental health system
  - the client who refuses supports that would improve his or her quality of life
  - nuances around the client who is subject to the Youth Criminal Justice Act
  - how can a section 34 medical/psychological assessment be used?

10:00 Refreshment Break

10:15 Ethics, Privacy and Health Care Concerns in Child/Youth Mental Health
Maria McDonald, Consultant in Bioethics and Health Law

One important success factor in dealing with psychiatric illness is the establishment of a therapeutic relationship between a clinician and child/youth. Using case scenarios, this session will highlight some of the ethical and privacy issues that may arise during the creation and maintenance of a therapeutic relationship.

11:00 Youth and Adolescent Mental Health Law Issues You Need to Know

The Hon. Justice Brian Weagant
Ontario Court of Justice
Kaley Smith, Youth Mental Health Court Worker
Turning Point Youth Services

When children or youth are charged with a criminal offence and deemed to have a mental health issue they are dealt with differently by the various mental health courts across Canada. These courts have their own unique processes and practices that need to be understood and addressed. This session will provide a unique insight into some of these issues, including:

- The Community Youth Court in Toronto
  - what is the mental health worker program?
  - should treatment plans be incorporated into sentencing?
- Youth Court process – what is it and how is it different?
- Continuing development of mental health courts in Canada
  - is there a role for the courts becoming more hands on in terms of managing outcomes in cases involving accused children/youth with mental health issues?
- Ethical concerns
  - should the justice system use an outstanding criminal charge or a community disposition to ensure compliance with a treatment program?

11:45 Legal Pathways to Mental Health Care for Youth

Michele Warner, Legal Counsel
Centre for Addiction and Mental Health (CAMH)

Dr. Catherine Krasnik, Child and Adolescent Psychiatrist /Forensic Psychiatrist, Syl Apps Youth Centre, Physician Lead, ISSP Program, Kinark Child and Family Services

Sometimes, the mental health issues faced by children and youth express themselves in ways that put themselves or others at risk of harm. This session will review the mental health systems and legal avenues available in these situations, including mechanisms and
supports that address the mental health needs of youth as well as personal and public safety, including:

• The Forensic Mental Health System
  - review of “fitness to stand trial” and “not criminally responsible by reasons of mental disorder” concepts
  - the Ontario Review Board system
  - the role of designated forensic facilities
• Secure Treatment Programs
• Delivery of mental health services to youth in custody or detention

12:30 Lunch — Keynote Address

Dr. Tracey A. Skilling, Psychologist, Child, Youth and Family Program, Clinical Research Department, CAMH

1:30 Mental Health Community Collaboration: School Boards, Police and CAS Working Together

Louise Sirisko, Superintendent of Special Education
Peel District School Board

Mary Beth Moellenkamp, Senior Service Manager
Parent and Child Capacity Building Branch, Peel Children’s Aid Society

Police Constable Claudia Wells, Mental Health and Elder Abuse Coordinator, Peel Regional Police

When children/youth are deemed to be struggling with mental health concerns, often the schools are on the front line. Working with community partners such as the police and CAS, the goal is to work together to ensure a shared response to these community needs. Hear from an expert panel on how these community partners are working together to provide the required support. The discussion will include:

• What is the correlation between mental health concerns and special education concerns?
  - what are the protocols that need to be followed?
• Program supports in the educational realm
• Legal implementation of the new Mental Health and Addiction Nursing (MHAN) initiative by school boards
• Implications for school boards
  - increased mental health awareness in schools
  - collaboration with boards, teachers and community-based organizations to support students in their early struggles with mental health
  - transitioning students back to school from the hospital or other care setting
• Measuring successes in quantitative and qualitative means

2:30 A Clinical Overview — Understanding the Challenges in Children and Youth Mental Health

Dr. Simon Davidson, Professor of Psychiatry and Paediatrics, Department of Psychiatry, University of Ottawa; Chief Strategic Planning Executive
Ontario Centre of Excellence for Child and Youth Mental Health, CHEO

Dr. Greg Lodenquai, Psychiatrist in Chief and Clinical Director, George Hull Centre for Children and Families

The issues surrounding the mental health of children/youth present unique challenges for everyone working in the area. Dr. Davidson and Dr. Greg Lodenquai will provide the clinical background necessary to understanding these challenges and how best to work towards the development of action plans and initiatives to be put to use in addressing areas of concern relating to patient diagnosis, advocacy, legal rights and responsibilities and ethics and privacy.

• The state of children and youth mental health and beyond
• Diagnosis of common psychiatric disorders in children and youth
• The way forward and transformational change
• Challenges in the transition between children/youth and adult mental health services
• Highlights of successful CHEO initiatives in child and youth mental health

3:30 Case Study — Putting it All Together

Mary Jane Dykeman, Dykeman Dewhirst O’Brien LLP
Kate Dewhirst, Dykeman Dewhirst O’Brien LLP

In this closing session of the day, take what you have learned and apply it to a fact scenario developed specifically for this program. The program chairs, Mary Jane Dykeman and Kate Dewhirst will lead a discussion and analysis highlighting the most important lessons to take away from the day. You will leave with new insights as well as strategies, best practices and ideas to work through many of these issues in your own organization. There will be plenty of opportunity for questions.

4:00 Program Concludes
Optional Post-Conference Workshop

**Conducting a Capacity Assessment for Children and Youth and Preparing for a Consent and Capacity Board Hearing**

January 16, 2014: 9:00 a.m. - 12:00 p.m.

*Note: Workshop is not available via webast.*

Workshop Leaders

Dr. Rose Geist, Chief of Mental Health Systems
Trillium Health Centre

Michael Newman, Vice Chair, Senior Lawyer Member
Consent and Capacity Board

Whether you are appearing as a witness or presenting evidence before the Consent and Capacity Board, the experience can be very stressful and challenging. These acknowledged leaders in the field will explain the rules and procedures of the Board, and they will provide you with the practical knowledge, strategies and guidance that you need. Don’t miss the opportunity to gain invaluable insights into the workings of the Board, and to have your questions answered by the experts.

- The jurisdiction, powers and role of the Board
  - *Health Care Consent Act*
  - *Mental Health Act*
  - *Personal Health Information Protection Act*
  - *Substitute Decisions Act*
- How to conduct a capacity assessment for children/youth
- What are the most frequently adjudicated issues?
- An overview of what happens at a CCB hearing
- Where does the hearing take place?
- The nature and extent of the patient’s rights
  - to attend the hearing
  - to be represented by counsel
  - to present evidence
  - to receive advance disclosure
  - to make submissions
  - to receive decisions promptly
  - to exercise statutory appeal rights
- Evidence 101 – understanding the rules and exceptions
- Impact of hearsay evidence
- Accessing medical records: what limitations are there?

- Tips for being an effective witness
- What do you do if you are not represented by counsel?
- The right to request written reasons for the CCB’s decision
- What happens after the hearing?
- Appealing the Board’s decision: what happens next?
- Case studies

Reserve your place now as enrollment in this intensive workshop will be limited.

Who Should Attend

- Psychiatrists, Physicians, Nurses and other licensed medical professionals
- Representatives from hospitals, psychiatric facilities and community care agencies
- Health Care Risk Managers
- Lawyers practising health law and criminal law
- Crown Lawyers
- Government and Public Policy Advisors
- Expert Witnesses and Mental Health Consultants
- Mental Health Patient Advocates
- Health and Social Services Professionals
- Law Enforcement Officers
- Corrections and Rehabilitation Service Representatives
- School Administrators / Directors of Education
- Superintendents of Special Education
- Mental Health Leaders in School Boards
Registration

Mental Health Law for Children and Youth
☐ Conference  ☐ Conference Plus Workshop  ☐ Workshop Only
I will attend:  ☐ On site  ☐ Via webcast (single viewer - conference only)
Unable to attend? Please contact us to order the Materials/Program Archive.

Fee Per Delegate
Conference only: $495 plus 13% HST for a total of $559.35.
Conference plus workshop: $695 plus 13% HST for a total of $785.35.
Workshop only: $300 plus 13% HST for a total of $339.
Fees include attendance, program materials, continental breakfast, lunch (conference only) and break refreshments. Group discounts are available for both on site and webcast participants. Visit www.osgoodepd.ca for details. Please inquire about financial assistance and CPD credits.

Interested in Custom and In-house Programs?
Osgoode Professional Development also offers many of its programs in-house and can customize some programs to your specific needs.
If you would like further information, please contact Heather Gore, Program & Business Development Lawyer, at 416.597.8847 or custom@osgoode.yorku.ca or visit www.osgoodepd.ca.

CPD Credits
LSUC (ON) CPD: 7.0 CPD Hours (7.0 Substantive, 0.0 Professionalism) for the course, 3.0 CPD Hours (3.0 Substantive, 0.0 Professionalism) for the workshop. BC/Manitoba/Saskatchewan/NWT/Nunavut/Yukon/Quebec/New Brunswick and PEI: 6.5 CPD/MCLE credit hours towards professional development requirements for the course (2.75 credit hours for the workshop). NSBS CPD: 7.0 credit hours for the course (3.0 credit hours for the workshop); NY CLE Board (on-site participants only): 7.5 credit hours for the course (3.0 credit hours for the workshop) in the Area of Professional Practice for transitional and non-transitional lawyers. Also eligible for CLE/Insurance Premium Credits Program offered by the Law Society of PEI and for Alberta CPD credit with the Law Society of Alberta. Questions? E-mail: cpd@osgoode.yorku.ca or refer to the program website.

Program Changes
We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University’s and Osgoode Hall Law School’s liability is limited to reimbursement of paid fees.

Cancellations and Substitutions
Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less $75 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.

Dates & Times
January 15, 2014
8:30 a.m. - 4:00 p.m. EDT/EST
Optional Workshop
January 16, 2014
9:00 a.m. - 12:00 p.m.
Please arrive a half hour early for sign-in and material pick-up.
Dress is business casual.

Location
Osgoode Professional Development
Downtown Toronto Conference Centre
1 Dundas St. W., 26th Floor
Toronto, ON M5G 1Z3

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Don't miss this valuable opportunity to connect with others with similar professional challenges

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