

The Justice System cannot solve problems in its courts on its own.
Psychologists are the answer.

Legal Aid Ontario (LAO) conducted a province-wide consultation process as the starting point for the development of the LAO's Mental Health Strategy. The key role of psychologists was highlighted during the consultation process. Psychology Aid Ontario (PAO) will train and support psychologists and psychological associates to use their knowledge and skills to meet the broad requirements for psychological services in the Justice System.

"Broadly speaking, these consultations revealed how mental health assessments are often the gateway to the resolution of legal proceedings and to accessing health and social supports. Proceedings grind to a halt in the absence of these services.... The Justice sector cannot solve these problems by itself".

Ryan Fritsch, Lead, LAO Mental Health Strategy

In collaboration with Legal Aid Ontario, the Ontario Psychological Association (OPA) has identified the following roles that psychologists should play in the Justice system:

Criminal Law

- *Courthouse services:* Working in collaboration with any existing on-site CMHA and psychiatric services to provide diagnostic, risk assessment and treatment plans for the much wider population of accused people with a wide variety of mental disorders, including schizophrenia, brain injury and developmental disability;
- *Lawyer services:* Working with legal aid advocates to identify accommodation and service options when negotiating bail, diversion and sentencing. By providing expert assessments, psychologists can assist lawyers to better understand and communication with their clients, thereby, empowering the clients to provide informed directions to their lawyers;
- *Prevention of Re-traumatization:* Supporting and treating victims of sexual violence, domestic abuse and other violent crimes during and following legal proceedings;
- *Continuity of services:* LAO is exploring the development of community-based outreach services to maintain connections with the criminally accused outside the courthouse. These types of programs would be considerably enhanced through a partnership with PAO; and,
- *Correctional context:* Psychological services to identify legitimate inmate grievances and support those with mental disorders, including schizophrenia, brain injury and developmental disabilities; Psychologists could also assist with forthcoming ODSP and DSO assessments and treatment initiatives aimed at reducing the use and duration of restraint and seclusion for those with mental disorders.

Family Law and Child Apprehension

- *Family Law Information Centres (FLIC) and courthouse services:* Working to complement Legal Aid Ontario's FLIC services, as a contact point to family law litigants; providing neutral or partisan assessments to litigants to balance resource and power imbalances;
- *Supporting parties* through a Child and Family Service Act (CFSA) proceeding including children and their parents through pre-litigation and pre-apprehension support; supporting apprehension litigants with their accommodation and support options when dealing with the Children's Aid Society (CAS), or on CFSA appeals of apprehension decisions to the Superior Court of

- Justice and providing expert apprehension assessment reports for the disabled parent;
- *Working with high-conflict couples* through assessment to identify (and often resolve) allegations of domestic abuse, and to create family care plans that help stabilize the family environment for children and address intergenerational disability and intergenerational trauma (impacting social determinants of health like education and employment); and,
- *Providing the necessary follow-through services* to family law Mandatory Mediation Participants who wish to “off-ramp” from the litigation process, and particularly for domestic violence victims.

Mental Health and Guardianship Law

- *Providing community competency assessments* that are the gateway to disabled individuals regaining their independence from health care and property guardianship arrangements. Psychologists are capable of assessing for competency and those that have received training provided by the Office of the Public Guardian and Trustee and are listed with the Capacity Assessment Office can provide a formal capacity assessment.

Civil Law

- *Assessments for civil legal needs* such as WSIB claims and workplace injury and accommodation needs; driver’s license suspensions; supportive housing and service stability.

Legal Practice

- *Resource to Lawyers:* psychologists and psychological associates could improve the efficacy of legal advocacy as a resource to lawyers, providing case consultations involving disabled clients for such issues as cognitive accommodations and trauma-informed approaches to eliciting testimony and evidence.

Reducing Occupational Stress:

- *Functioning as a resource to lawyers,* psychologists could address the considerable stress and strain of routinely working with highly complex clients, and thereby increasing the capacity of the system to serve such clients.

Refugee Law

- By providing *accommodations for traumatized clients such as the Syrian Refugees,* psychologists could assist them through the legal process that often re-victimizes and triggers underlying depression and anxiety will also be provided. Psychologists and psychological associates will conduct comprehensive psychological, neuropsychological and psychoeducational assessments and expert reports to identify the totality of services that refugees require to improve and stabilize their mental health and to support their successful settlement into the fabric of Ontario’s communities.

Summary

Each person with an untreated mental disorder that lands in the hands of the police or the Justice system should be viewed *as a negative outcome of a failed mental health system.* The OPA and LAO believe that litigants with mental disorders require both legal and psychological interventions to ensure fair treatment under the law. In addition, victims of sexual violence, domestic abuse or other violent crimes deserve psychological supports to avoid re-traumatization. OPA’s Psychology Aid Ontario, in partnership with Legal Aid Ontario, is the only credible way to ensure that the court system functions effectively in a manner that is supportive of compromised litigant and victims alike.

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