



KAUAUESHTAKANIT- AIMUN-MASHINAIKAN

INNU JUDICIAL GLOSSARY


LES ÉDITIONS
Tshakapesh



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INNU JUDICIAL
GLOSSARY

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PREFACE

BACKGROUND

In November 2017, the Ministry of Justice of Quebec called on Institut Tshakapesh, as well as two interpreters from the Court of Quebec and two Innu translators, to participate in defining legal terminology. The purpose of this exercise was to revise more than 300 legal terms previously translated into the Innu language and to translate more than 300 new terms in order to produce a new edition of the *Innu Judicial Glossary*, first published in March 2008. Following a number of workshops that took place in Uashat between 2018 and 2019, the Ministry commissioned Institut Tshakapesh to publish this revised and expanded edition of the 2008 lexicon, which aims to help Innu interpreters and translators in their work and to promote access for the Innu people to the Quebec justice system.

WORKSHOPS

A first workshop took place from March 13 to 15, 2018 at the Quality Inn hotel in Uashat, bringing together Me Josée Lemieux, representative of the Ministry of Justice of Quebec and resource person in legal terminology; Charlotte Bellefleur and Sharon Tardif, interpreters of the Court of Quebec for the district of Mingan; Philomène Jourdain and Judith Mestokosho, Innu translators; and finally, Hélène St-Onge and Jérémie Ambroise, translators and specialists in the Innu language at Institut Tshakapesh. Normand Ambroise replaced Me Lemieux for the following workshops, which took place at the same location from August 13 to 17, 2018, from October 22 to 26, 2018, and finally from February 25 to March 1, 2019.

METHODOLOGY

Prior to the first workshop, the 305 terms contained in the *Innu Judicial Glossary* published in 2008 were imported into an Excel table to which more than 300 new terms were added for a total of 663 entries. The Excel table was projected on a big screen during the workshops to facilitate discussion between participants. First, the participants revised the entries previously translated in the 2008 edition. Then, in the second step of the process, they translated the new terms. Each term was discussed thoroughly so that the participants could come up with the most accurate translation. When the meanings of the terms were unclear, the legal collaborators offered more in-depth explanations. Finally, during the last workshop in winter 2019, the participants went over all 663 terms for a final review. The publication of the lexicon was later entrusted to Institut Tshakapesh.

DIALECTS OF INNU-AIMUN AND SPELLING

Innu, also referred to as Innu-Aimun, is an Algonquian language spoken by more than 10,000 people in Quebec and Labrador. Although the language is the same from one end of the Innu territory to the other, regional differences are numerous and can be quite substantial. Therefore, this lexicon was designed with its users in mind,

being, predominantly, the Innu of Quebec, the jurisdiction covered by this lexicon. Thus, particular attention has been paid to the translation of terms in order to be as accessible as possible to speakers of the three dialects of Innu-aimun spoken in Quebec, namely:

- Eastern dialect: Ekuanitshit, Nutashkuan, Unaman-shipit and Pakut-shipit;
- Central dialect: Uashat mak Mani-utenam and Matimekush-Lac John;
- Western dialect: Pessamit, Essipit and Mashteuiatsh.

This resulted mainly in the participation of representatives of each dialectal area, as well as the inclusion of synonyms within the lexicon, indicated by a slash (/). For instance, three translations are proposed for "judge": *kapishitshitak*, *kakushkuenitak* and *katipapekaitshesht*.

In addition, this lexicon uses the standardized (or common) spelling, which is the result of a consensus reached by a group of Innu speakers, teachers, language specialists and linguists after several years of work under the supervision of Institut Tshakapesh. This spelling is not phonetic and does not prioritize one dialect over another; learning to read this standardized spelling requires effort on the part of all learners. For more information on standard spelling, the standardization process, or the Innu language in general, please consult the following resource: www.innu-aimun.ca

LINGUISTIC ISSUES

Innu-Aimun is a language whose grammatical structure is very different from that of English. For instance, its vocabulary consists mainly of verbs and contains only a small number of nouns compared to a Germanic language like English. Therefore, when translating an English noun, a verb will be used in Innu in most cases. Alternatively, English words may be translated with the use of periphrasis (translating a word by its definition). With these differences in mind, here are the general principles that guided the participants during the workshops:

1. Use the third person singular or impersonal form.
2. Use an Innu noun, if possible, for an English noun.
3. Formulate the shortest translation, but also the most accurate.
4. Use periphrases rather than coining nouns.

ABANDONED

Nakatakanu / uepinakanu auen kie ma tshekuan

This term applies to a child left without care and supervision by his parent or by a person having physical custody. Child abandonment is a criminal offence. The term may also apply where the owner of property gives up his rights of ownership, without transferring these rights to another. For example, if a person throws something away, he abandons it and another person can take it for himself and he would not be convicted of stealing.

ABANDONMENT

1. Nasht apu apatenimakanit kie apu nitautshinakanit auass;

2. Tshiussan (orphan)

A situation wherein a child's parents are deceased or are not providing for his care, maintenance or education and those responsibilities are not taken over by someone else according to the child's needs.

ABORIGINAL COURT WORKER

Ka uauitshiat innua tshe pimipaniakanniti

Person trained to offer legal information to native persons involved in the criminal justice system and to provide counseling and assistance to them to ensure just and fair treatment in judicial processes. In criminal contexts, he provides information about the accused at the request of the court or a lawyer.

ABSOLUTE DISCHARGE

Nasht kashinamuakanu kie apu anuenimakanit at matshi-tutaki

Order of the court to discharge without conditions an accused who is found guilty or pleads guilty to an offence. When so discharged, the accused is considered not to have been convicted of the offence. An absolute discharge is not applicable to an offence carrying a minimum punishment or punishable by imprisonment for fourteen years or for life.

ABSOLUTE JURISDICTION OFFENCE

Kauaeshtakanit eshi-tipaimuakanit tshetshi tipapekaik matshi-tutamuna tshe ishi-uaeshiakanniti auennua

All criminal offences are prosecuted either by indictment or by summary conviction, dependent on the seriousness of the offence. Most offences which are prosecuted by indictment, namely the more serious offences, allow the accused to have a jury trial if he so desires. There are a few indictable offences which occupy a middle ground. They are more serious than offences prosecuted summarily but not so serious that the law entitles the accused to a jury trial. These offences are called absolute jurisdiction offences, meaning that they must be tried by a judge without a jury.

ABUSE

1. **Matshi-tutuakanu** (*general or sexual*);
2. **(Na)nekatshiakanu anite uiat** (*physical*);
3. **Tshimutamuakanu ushuniam** (*financial*);
4. **Ushtuenitamiakanu** (*emotional*)

Improper use or maltreatment. Abuse can be physical, sexual, financial or emotional.

ACCESS

Minakanu / tapuetuakanu tshetshi shatshuapamat auassa mak tshetshi natu-tshissenimat eishpanniti nenua auassa

In family law cases, access refers to the right of a parent (or another important person to a child, like a grandparent) who does not have custody of a child to spend time with him on a regular basis. Access usually includes the right to request and receive information regarding the child's health, education and well-being.

ACCESS - REASONABLE ACCESS

Minakanu / tapuetuakanu tshetshi mupishtuat auassa e nashak tipaikannu ka ishi-minakanit

A type of access which allows the non- custodial parent (or another important person such as a grandparent) to visit with the child at agreed upon times. Reasonable access gives parents the flexibility to make their own visitation arrangements.

ACCESS - SUPERVISED ACCESS

Minakanu / tapuetuakanu auen eka ka kanuenimat auassa tshetshi mupishtuat mishkut e nakatuenimakaniht

A type of access which allows the non- custodial parent (or another important person to the child, like a grandparent) to spend time with the child but only with another adult present, where the court believes it is necessary for the welfare or best interests of the child.

ACCESS SCHEDULE

Tipaikannu tshe ui nashak / nashatak ua shatshuapamat auassa

If parents can agree on a time and place for access, they can make the decisions surrounding this issue. However, if a decision cannot be agreed upon, the court will likely impose an "access schedule". It is a schedule which outlines when the child will spend time with the parent (or other person who has access).

ACCESSORY AFTER THE FACT

Uitshieu, uauitshieu kie ma kaneu nenua katshi matshi-tutaminiti

An individual who is not a party to the offence but who, after its commission, assists the offender to escape (i.e to avoid arrest, trial or conviction), knowing that person is guilty.

ACCOMPLICE

Ka uitshi-matshi-tutamumat (uitshieu tshetshi matshi-tutaminiti)

A person who knowingly joins in committing, or attempting to commit, an offence.

ACCUSE

Itishkamueu / atamenimeu

To allege or claim that someone has committed a crime.

ACCUSED

Kaitishkamuakanit / kaiatamenimakanit

The individual against whom judicial proceedings are taken by a governmental authority claiming that he committed an offence.

ACQUITTAL

Apu mishkakannit tshekuannu tshipa ut tshi anuenimakanu

Verdict whereby an accused is found not guilty at the close of a trial or, exceptionally, when an appellate court overturns a conviction and orders an acquittal instead of ordering a new trial.

ADJOURNMENT

Nakaikannu uenapissish kie ma atashtakannu tshishikunu tshé ishpish pimipaniakanit auen

Suspension or postponement of an event in legal proceedings such as a hearing, to another time or place.

ADMISSION

Uitam" tiapuemakannit ka ishpannit

In the criminal context, an acknowledgement or agreement by the accused that something is true or valid, such as an alleged fact or a document in a given proceeding or in court. An admission tends to support the charge against the accused, but is not enough to determine his guilt. A fact or a document that is "admitted" is considered to be proven.

ADOPTION

Patshitinamuakanu auassa tshetshi nitautshinat

The process of an adult(s) adopting, with the authorization of the court, someone else's child so that the child and the adopting parent(s) are considered to have a family bond (filiation). This process refers to adoption other than Cree traditional adoption.

ADVOCATE

Kaimisht

The term generally used for "lawyer" in the Youth Protection Act (the term "attorney" is also used in certain sections of the Act).

AFFIDAVIT

Tapuetamu-mashinaikan

A written statement made under oath or a written solemn affirmation to be used as evidence in a proceeding in court, as permitted by the law.

AFFIDAVIT OF SERVICE (ALSO CALLED PROOF OF SERVICE)

Katapuenanut uatakanit katshi minakanit auen mashinaikannu

An affidavit certifying that a document has been served to a party.

AFFIRMATION

Tapuetatishun

A solemn declaration made by a person to tell the truth in court or in an affidavit.

AGE OF MAJORITY

Ishpitishiun

The age of majority is 18 years in Quebec. The age of majority is the age when a person is legally considered an adult. For example, generally when a person reaches 18, he is able to independently enter into contracts. Under the criminal law, a person who reaches 18 is charged as an adult.

AGGRAVATED ASSAULT

Mishta-ushikuitun

Wounding or endangering the life of the complainant.

AGGRAVATED SEXUAL ASSAULT

Ka mishta-matshi-tutuakanit auen e nutshiakanit

Wounding or endangering the life of the complainant in committing a sexual assault.

AGGRAVATING CIRCUMSTANCES

Apu uitshikut tshatapatakanniti nutim utaituna tshetshi nashik anuenimakanit

Facts which add to the seriousness of an offence and may affect the sentence of the offender. This includes his character, his prior criminal record and the circumstances of the offence (such as particularly bad aspects of the crime, lack of remorse, prior conviction for an offence of the same nature or committing a sexual assault on a victim that has a serious physical disability or a cognitive impairment).

AGREEMENT ON VOLUNTARY MEASURES

Nishtutatuat katakuaitshet auassa ka tshitapamat mak anitshenat uikanishimauat tshetshi minuenimuniti auassa

An agreement made outside the judicial context between the Director of Youth Protection and the parents of a child regarding measures to put an end to the situation in which the security or development of the child is in danger

AIDING AND ABETTING

Uitshieu kie ma shitshimeu tshetshi matshi-tutaminiti auennua

An individual who aids, encourages or assists (abets), by doing or omitting to do anything for the purpose of aiding a person in committing an offence, before or during its commission, is a party to that offence and is charged as if he had committed it.

ALCOHOL CONSUMPTION

Minu (ishkutuapunu, napiennu, kashutshishimakannit mak kutaka)

Drinking alcohol. The amount of alcohol consumed can determine whether a driver of a motor vehicle is guilty of impaired driving. It can have an effect on the intention of a person to commit a crime other than an impaired driving offence.

ALIBI

Tshissenitakushu eka etat nete ka matshi-tutakannit

A defence that when the offence occurred, the accused was in a place that makes it impossible for him to have committed it.

ALLEGATION (ASSERTION)

Ka aitatshimunanut (eshk" eka tshissenitakuak tshetshi tapuenanut)

Statement declared or asserted affirming or denying certain matters of fact, which have not yet been proven in court.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Ait ishi-uaueshtakanu mak at anite kauaueshtakanit

Resolving conflict through means other than going to court. Examples include mediation and traditional circles.

AMICUS CURIAE

Ka uauitshiuat anite kauaueshtakannit uiauitakannit tshekuannu

Latin for "friend of the court." A lawyer or a qualified person who assists the court during the course of a hearing, to represent a position or interest, usually at the court's request.

ANGER

1. Tshishkue-tshishuapun (rage); 2. Tshishuapun (anger)

Rage, loss of control over emotions; in day-to-day speech, "to be mad".

ANNULMENT

Ashanakanu nipaun

A declaration by a judge that a marriage is invalid. If a marriage is annulled, it is as if the marriage never occurred.

APPEAL

1. Natuenitam^u auen tshetshi uaueshi-tshitapatakannit ka ishi-uaueshiakanit; 2. Nanakauiu

A legal proceeding in a higher court to challenge the decision of a lower court according to the law, where a party asserts that the decision contains a mistake of fact or of law.

APPEAL PERIOD

Tatutshishikua manakanit auen tshetshi natuenitak tshetshi uaueshi-tshitapatakannit ka ishi-uaueshiakanit

The time limit within which an appeal may be made.

APPEARANCE

Ushkat ka uaueshiakanit auen

An initial step in a criminal proceeding, where the person charged with having committed an offence, or his lawyer, appears before the judge for the first time to respond to the charges laid against him.

APPEARANCE NOTICE

Uishamakanu tshetshi uaueshiakanit

A document issued by a peace officer and which requires a person alleged to have committed an offence, but not yet charged with it, to appear in court to answer criminal charges against him. In some circumstances, the document requires an appearance for identification purposes (fingerprint or photograph).

APPELLANT

Auen ka natuenitak tshetshi uaueshi-tshitapatakannit ka ishi-uaueshiakanit

A party or person bringing an appeal.

APPLICANT

Ka natuenitak auen tshetshi pimipanitakannit tshekuannu anite kauaueshtakannit

A person making or starting an application in court.

APPLICATION

Mashinaikan petshitinakanit kauaeshtakanit netuenitakanit tshetshi tutakanit tshekuan

The commencement of a proceeding in a court by way of filing the appropriate court form or a request to a court for a ruling or decision.

APPLICATION FOR ADULT SENTENCE (YOUTH CRIMINAL JUSTICE ACT)

Mashinaikan uatamuakanit kaiauassiu ua ishi-uaeshiakanit miam kaishpitishiniti

A procedure taken by the prosecutor asking the court to impose on a young person who is found guilty of an offence the sentence that would be imposed on an adult convicted of the same offence.

APPLICATION TO VARY

Natuenitakannu tshetshi mishkutunakannit ka itashumakanit auen

An application to the court to change an existing order.

ARGUMENT

Natu-shakutshimeu

The presentation of facts and law by a party or his lawyer before a court. It is aimed at persuading a judge (or a jury as the case may be) to render a verdict in favor of the party making that argument.

ARMED ROBBERY

Tshimutamuanu auen e natu-shetshiakanit kie ma e ui ushikuiakanit ashit tshekuannu

Stealing from someone while armed with a weapon or imitation weapon. Under the Criminal Code, a weapon means anything used or intended for use in causing injury or death to a person or for the purpose of threatening or intimidating a person.

ARREST

E nakanakanit auen

An exercise of the power by a legal authority of restraining a person or of depriving him of his liberty, where he is suspected of having committed an offence or where he is subject to an arrest warrant. The purpose of the arrest is normally to bring the person before a court.

ARREST WARRANT

Mashinaikan tshe makunakanit auen eka ka tat ka ui uaeshiakanit

A document issued by a judge or Presiding Justice of the Peace commanding peace officers to arrest the person named in the document and to bring him before the court.

ARSON

Usht ka ishkuashak tshekuannu

Damaging a property by fire or explosion where the offender knows that it is occupied or if he is reckless with respect to that. It is a crime whether or not he owns the property.

ASK TO BE EXCUSED

Natuenitam" tshetshi eka aikamiakanit tshekuannu

To request to be released from some obligation.

ASSAULT

Mashikatun

Applying force intentionally to someone, without consent; or Threatening or trying to apply force to someone if the offender has, or makes the other person believe that he has, present ability to do so; or Bothering or blocking a person or begging while openly carrying a weapon or imitation weapon.

ASSAULT WITH A WEAPON OR CAUSING BODILY HARM

1. Mashikuakanu e apashtakannit tshekuannu;

2. Ushikuia kanu katshi mashikuakanit

Committing assault carrying, using or threatening to use a weapon or imitation weapon; or Committing assault, which causes bodily harm to the complainant.

ASSAULT: BEATING

Ututamaueu

A type of assault where the offender repeatedly beats or strikes a victim.

ASSAULT: CHOKING

Tshiputamineu

A type of assault where the offender causes the victim to stop breathing by squeezing his throat.

ASSAULT: KICKING

Tatshishkueu

A type of assault where the offender strikes the victim with his foot.

ASSAULT: PUNCHING

Nutimititsheuishtueu e utamauat

A type of assault where the offender hits the victim with his fist.

ASSAULT: PUSHING

1. Natshipiteu; 2. Natshineu

A type of assault where the offender uses bodily force to move the victim away from him.

ASSAULT: SLAPPING

1. Utamikueueu (*slap*); 2. Utamaueu (*general*)

A type of assault where the offender hits the victim with a sharp blow made with an open hand.

ASSAULT: TOUCHING

1. Tatshineu (*with one's hands*); 2. Tatshishkueu (*with one's body*)

A type of assault where the offender intentionally comes into contact with the body of the victim without consent.

ASSAULTING A PEACE OFFICER

E mashikuakanit kamakunuesht

Assaulting a peace officer carrying out his duties or someone assisting him; or Assaulting someone in order to resist or prevent the lawful arrest or detention of himself or someone else.

ASSESS CREDIBILITY

Natu-tshissenitakannu eshpitinikuannit utaimun

The process of a judge or jury evaluating whether a piece of evidence or witness is reliable and believable.

ASSESSMENT (CHILD PROTECTION)

Natu-tshissenimakannu eshi-minupanit auass tshetshi ma minu-aitutakukue uikanisha

In child protection cases, an analysis by a qualified professional who investigates, assesses and reports on the needs of the child and the ability of the parties to meet those needs.

ASSESSMENT OF A CHILD'S SITUATION AND LIVING CONDITIONS

Natu-tshissenitakannu eshinniut auass mak nenua uikanisha

The process of the Director of Youth Protection gathering and analyzing information to better understand the situation of a child and his family and their living conditions, following a "brief analysis", in order to determine if the child's security or development is in danger.

ASSESSMENT, MENTAL

Natu-tshissenimakanu auen umitunenitshikanit tshetshi uashkamenimukue kie ma minuenimukue

An evaluation by a medical practitioner of the mental condition of an accused and any observation or examination of an accused made in the course of that process.

ASSESSMENT, PHYSIOLOGICAL

Natu-tshissenimakanu auen anite uiat

An evaluation of the physical condition of a person.

ATTEMPT (TO COMMIT AN OFFENCE)

Kutshipanita tshetshi matshi-tutak

Seeking to commit an offence such as a theft, a sexual assault or a murder. To attempt to commit an offence is an offence when a person goes about committing a planned offence by doing something more than just preparing to do it but without successfully committing that offence.

For example, buying a mask to prepare for a robbery would only be preparing to rob, and not an offence. However, wearing that mask in a place for the purpose of committing the planned robbery would be an attempt if no robbery actually occurs.

ATTEMPTED MURDER

Kutshipanita tshetshi nipatatshet

The unsuccessful act of deliberately trying to kill a person. A serious crime, punishable by life imprisonment.

ATTORNEY

Kaimisht

A term for lawyer. Also called counsel before the court.

ATTORNEY GENERAL

Tshishe-utshimau-kaimisht

The Attorney General is the Minister of Justice and he is responsible for conducting all litigation on behalf of the government (also called the Crown).

AUTOPSY

Natu-tshissenimakanu ka itashpinet

The examination by a specialized medical practitioner of a dead body to ascertain the cause of death.

BAIL

Tshishikashu tshetshi unuitishinakanit eshk" eka tshishi-uaueshiakanit

Security, usually a sum of money, to secure the release of an arrested or imprisoned person, to guarantee that he will appear before the court when required to do so.

BAIL HEARING (JUDICIAL INTERIM RELEASE HEARING ALSO CALLED "SHOW CAUSE HEARING")

Kapishitshitak / katipapekaitshesht / kakuishkuenitak pitama natu-tshissenitam" tshetshi ma unuitishinakannikueni kamatshi-tutaminiti kie ma katshipauakanniti

Hearing with respect to an accused held in custody following an arrest. It is held before a Judge or a Presiding Justice of the Peace to determine if the accused remains in custody while awaiting trial or is to be released under certain conditions (such as refraining from contacting the complainant).

BAILIFF

1. Kauishatshemut; 2. Ka makunak tshekuannu

Person responsible for serving (officially delivering) legal documents and for carrying out certain measures for the enforcement of judgments such as the seizure of salaries, lands, buildings or movable property (things other than land or buildings) such as money, clothes, jewels, furniture, cars and boats.

BALANCE OF PROBABILITIES / PREPONDERANCE OF EVIDENCE

Anu tshipa ishinakuan tshetshi ishpanit

A degree of evidence required where a party has to prove that a fact is more likely than not, as opposed to having to prove a fact beyond a reasonable doubt which is more difficult. In the criminal context, the prosecutor must prove the guilt of the accused beyond a reasonable doubt. Generally, in the criminal context, if an onus of proof is on the accused, it is the balance of probabilities, such as in a bail hearing context. In the civil context, the onus of proof is the balance of probabilities also called preponderance of evidence.

BALLISTICS EXPERT

Ka mishta-nishtuapatak etenitakuanniti passikana, pitakana mak ashinia

Expert on the properties and behaviour of firearms and other weapons that can hurl a projectile (such as a bullet) through the air.

BE OF GOOD BEHAVIOUR

E tshiaminniut auen

To act in accordance with the law. A condition of every probation order is that the probationer keeps the peace and be of good behaviour.

BENCH WARRANT

Mashinaikan tshe makunakanit auen eka ka tat katshi uishamakanit

Generally, a court-issued warrant to arrest a person who failed to appear in court when required to do so.

BENEFIT OF THE DOUBT

Tshipa tshi eka tapuenanunu nenu ka itishkamuakanit / atamenimakanit

The prosecution, to succeed, must prove the charge against the accused beyond a reasonable doubt. It is part of this rule that, if there is a doubt at the end of the trial, the benefit of the doubt must be given to the accused and then he must be acquitted.

BEST INTERESTS OF THE CHILD

Nikan eshtakannit eshi-minuenimut auass

The test that a court uses to make decisions about custody and access. The child's needs and well-being are always the most important considerations. The judge will consider many factors when deciding what is in the child's best interests, instead of considering what is best for either of the parents.

BEYOND REASONABLE DOUBT

Nasht ka tapuetatishunanut katshi matshi-tuta

The standard of proof (also known as burden of proof) generally required of the prosecution in criminal and penal cases. As an accused is presumed innocent until found guilty beyond a reasonable doubt, the prosecutor must prove that the accused is guilty beyond a reasonable doubt of the offence with which he is charged, failing which the accused must be acquitted of that offence.

BIASED (ALSO CALLED PREJUDICE)

Eka e kuishkushit

To be in favour of one side over the other in a dispute, but for reasons which are personal or in some other way irrelevant to the merits of the dispute. For example, "The judge said he preferred the evidence of the policeman to that of the mother because he felt the mother could not help but be biased in favour of her son, the accused."

BIGAMY

1. Nishushkueueu; 2. Nishunapeueu

Getting legally married to someone while already legally married to someone else; or Knowing that another person is married and going through a form of marriage with that person; or Simultaneously getting married to more than one person.

BINDING

Aikamiakanu tshetshi tutak tshekuannu

Mandatory or, when applied to a court decision, required to be followed in cases with similar circumstances.

BIRTH CERTIFICATE

Tshishe-utshimau ka patshitinak shukaitashu-mashinaikannu

A certificate issued by a government, which proves that the person named on the certificate was born at a certain place, time and includes the names of the parents.

BLOOD SAMPLE

Pashkuaimuakanu

A small amount of a person's blood.

BLOOD SAMPLE ORDER

Aikamiakanu tshetshi pashkuaimuakanit

A demand made by a peace officer requiring a person to provide samples of blood where there is reason to believe that he has operated a motor vehicle, a boat or an aircraft while committing an impaired driving offence. The peace officer may make such a demand where he believes that, because of his physical condition, the driver may not be able to provide a breath sample or where it would be difficult to obtain one. For example, a driver with asthma or with an injury to the mouth.

BODY

Mitshuap auassat ka atusseshtuakaniht

In the Youth Protection Act, a body established under the laws of Quebec dealing, in particular, with the defence of the rights, the promotion of the interests and the improvement of the living conditions of children, including an educational body and a childcare establishment.

BREACH

Eka e nashakanit / nashatakanit takuaimatsheun

A violation or infraction of a law or obligation.

BREACH OF CONDITION (FAILURE TO COMPLY)

Apu nashak etashumakanit

A situation where the accused fails to comply with conditions of a court order including with respect to an undertaking, a recognizance, a probation order or a conditional sentence order.

BREACH OF PROBATION

Apu nashak nenu ka ishi-nakatuenimakanit

The breaking of one or more conditions of a probation order. This is a criminal offence.

BREAK AND ENTER / BREAKING AND ENTERING

Aikam pitutsheu anite uiesh tshetshi matshi-tutak

Entering a building or a house without permission or justification, usually by force, threat or trick, in order to commit a criminal offence or committing a criminal offence inside.

BREATHALYZER

Kaputatakanit

A tool for measuring the amount of alcohol in one's blood by breathing into it.

BREATHALYZER EXPERT

Ka mishta-nishtuapatak kaputatakannit

A person who has studied breathalyzers to such an extent that judges will accept that he is an expert and will receive opinion evidence from him.

BREATHALYZER TEST

Natu-tshissenitakannu ukaputatakanim

Measuring the level of alcohol in one's blood by having the person blow into a breathalyzer.

BRIBERY

Aiauakanu

Giving or promising money or another benefit to someone in authority such as a: judge, an elected official, a peace officer or someone involved in the administration of justice, in order to influence a decision or action; or

Demanding or corruptly accepting or agreeing to accept benefit in exchange for doing or not doing anything in his official capacity, to interfere with the administration of justice or to help in an offence. The benefit may be money, a significant gift, or another benefit as an encouragement to do something that is illegal or dishonest in an official capacity.

BRIEF ANALYSIS

Natu-tshissenitamun ka takuapekashit

A process triggered when there are reasonable grounds to believe that a child's security or development may be in danger, including through a report to the Director of Youth Protection. The Director then carries out a quick verification to decide whether or not the child's situation should be further assessed, and produces a report.

BURGLARY

Tshimuti-pitutsheu anite uiesh tshetshi tshimutit

A common-law term and a familiar word for breaking and entering a residence at night in order to commit an offence. This term is not used in the Criminal Code, which instead employs to "break and enter".

BY-LAW

Pitau-takuaimatsheun

Generally, regulation or law adopted by a governmental body (other than a legislature), such as a school board, a municipality, or a First Nations band council, with a legal force similar to that of a statute passed by the National Assembly of Quebec or the Parliament of Canada. May also refer to a law that applies only to a particular group or community, passed by a body, such as a corporation or an organization, to provide a framework for its operation.

CALACS

Atusseutshuap ka uauitshiakaniht kamatshi-tatshinakaniht

Centres that provide services relating to prevention, support and advocacy in relation to sexual assault, known in Quebec as a "Centre d'aide et de lutte contre les agressions à caractère sexuel".

CARE (CHILD PROTECTION)

Eshi-minu-tutuakanit auass

The physical daily care and nurturing of a child.

CARELESS USE OF FIREARM

Apu akua tutak passikannu

Negligent handling of a firearm without reasonable precautions for the safety of others.

CARELESS USE OF WEAPON

Eka akua tutak e apashtat passikannu kie ma ashininu

Using, carrying, handling, transporting, shipping or storing a firearm, a prohibited device (including explosives) or ammunition without reasonable precautions, in particular with respect to the safety of others.

CASE

Ka pimipanitakanit tshekuan anite kauaueshtakanit

A matter brought before the court for a decision. Or, all evidence presented, arguments given, and decisions made with respect to one matter.

CASE LAW

E tshitapatakanit ka aishi-tipapekaitshenanut utat

Judge-made law and legal decisions from previous cases that form precedents for future cases. Depending on which level of court, case law may be binding or just persuasive.

CASE MANAGEMENT

Natshishkatunanu eshk" eka ueuashiakanit auen

A process that gives parties in dispute scheduled opportunities to discuss the case in order to streamline proceedings.

CASE MANAGEMENT MEETING

E natshishkatunanut tshetshi aieshkushtakannit tshe ishi-uaueshiakanit auen

A meeting between a judge and the parties or their counsel to discuss and to potentially resolve issues related to the management of court proceedings with a view to ensuring that maximum benefit is gained from each trial day and providing for the public interest in access to justice in a timely and cost effective manner.

CAUSE OF DEATH

1. Tan eshi-nipit; 2. Tan etashpinet

The reason why a person died.

CAUSING A DISTURBANCE

Ka mamashitat tshiaminiunnu

Causing a disturbance in or near a public place while not in a residence by fighting, screaming, singing or using insulting or bad language, by being drunk, or by blocking or bothering other persons; or Hanging around in a public place in a way that interferes with persons who are in that place; or Disturbing the peace and quiet of the occupants of a residence by discharging firearms or by other disorderly conduct in a public place.

CAUSING BODILY HARM

Ka ushikuiaakanit auen

Causing bodily harm or injury to someone that interferes with his health and comfort and that is more than temporary or insignificant. Bodily harm includes bruising and psychological injury to the victim.

CAVAC

Atusseutshuap ka uauitshiakaniht kamatshi-tutuakaniht

A victims of crime assistance centre, known in Quebec as "Centre d'aide aux victimes d'actes criminels", that provides support services to persons who suffer physical or psychological injury or a material loss as a result of a criminal offence committed in Quebec, in particular against them.

CERTAIN / CERTAINTY

Uemut

Without doubt. Definite. Exact. Precise.

CERTIFIED COPY

Ka peikutakanit mashinaikan ka utamaikanit

A copy of a document or a judgment on which the signature of an authorized person appears certifying that it is identical to the original document.

CERTIFY A COPY

Peikutakanu mashinaikan mak utamaikanu

To formally acknowledge in writing that a copy is an accurate copy of the original document. The certification of a document acts as an assurance that the photocopy is a true and accurate copy of the original.

CHAMBERS (JUDGE'S OFFICE)

Katipapekaitshesht / kakushkuenitak / kapishitshitak umashinaikanitshuap

A word meaning rooms that is used to refer to a judge's office. Most legal business that does not have to be done while a court is in session is performed in a judge's office and this is said to be done "in chambers". In practice, this kind of legal work is performed in the courtroom where there is more space, but it is still referred to as in chambers.

CHANGE OF PLEA

Ka mishkutenitak kauaueshiakanit

In a criminal trial, the accused is asked for his plea, "guilty" or "not guilty". An accused who has pleaded "not guilty" may ask to change his plea to "guilty". When an accused having pleaded "guilty" asks to change his plea to "not guilty", if the Crown Attorney does not agree to the change in plea, the accused will have to persuade the court why he should be allowed to change his plea.

CHANGE OF VENUE APPLICATION

Natuenitakannu tshetshi ne auen ait uaueshiakanit

As a general rule, a trial takes place where the offence is alleged to have occurred. The place where the trial takes place is the venue of the trial. Occasionally, either the accused or Crown counsel apply to the court for the trial to take place in a different community for various reasons. The judge may allow it if it is in the interests of justice.

CHARGE

Itishkamuakanu / atamenimakanu

A formal accusation that a person has committed a specific offence.

CHARTER OF RIGHTS AND FREEDOMS

Tshishe-utshimau-mashinaikan anite uatakaniti tipenitamuna mak tipenimitishuna

The Canadian Charter of Rights and Freedoms is part of the Canadian Constitution, the highest law in the country. In addition to guaranteeing everyone in Canada certain fundamental democratic rights such as freedom of conscience and religion, freedom of the press, and the right not to be discriminated against, the Charter lists a number of rights which are of the greatest importance where a person is accused of committing a criminal offence. The rights that are protected in this way include the right to be secure against unreasonable search or seizure, the right not to be imprisoned without good reason, the right to legal advice upon arrest and a number of other rights. The Charter gives a court power to exclude evidence if it is obtained in a way that breaches an accused's rights, or to give some other remedy such as a judicial stay of proceedings. The full text of the Charter can be found in most editions of the Criminal Code.

CHILD (CHILD PROTECTION)

Auass kie ma kaiauassiu

A person actually or apparently under the age of 18 years of age.

CHILD ABDUCTION

Ka utshipitakanit kie ma tshimutinanut auass

The removal of a child contrary to a court order or without the permission of the parent who has legal custody of the child.

CHILD ABUSE (CHILD PROTECTION)

Ka aikamiakanit auass ua nutshiakanit kie ma ua nanatu-mishkunakanit

Any action or series of actions that results in harm, potential for harm, or threat of harm to a child. Abuse can include physical harm, sexual molestation or exploitation, or emotional or psychological harm.

CHILD SUPPORT

Pakassiu-shuniau

The amount a parent pays, usually to the other parent, for the financial support of a child under a court order or agreement.

CHILDCARE CENTRE / DAY CARE CENTRE

Kanuaushutshuap

An establishment with a permit to provide educational childcare services and which is responsible for the health, safety and well-being of the children to whom childcare is provided.

CHILDCARE ESTABLISHMENT

1. Kanuaushutshuap (*childcare facility*);

2. Anite ka kanuenimakanit auass (*home childcare provider*)

A broad category of childcare facilities including childcare centres, day care centres and persons recognized as a home childcare provider.

CIRCUMSTANTIAL EVIDENCE

Apu ut uapamakanit muk" peikuan nasht tshissenitakuannu katshi tutamukue tshekuannu

When the Crown, in a criminal case, wants to prove the offence which the accused is charged of, it usually does so by calling on evidence from the persons who actually witnessed the alleged offence. However, when it is not possible to prove the alleged offence by direct evidence because it was not witnessed by anyone, it may still be possible to prove the offence by providing evidence of a number of other circumstances surrounding the commission of the offence. When all the circumstances are looked at, it may be that the judge or the jury will conclude that there is only one reasonable conclusion to come to and that is that the accused committed the offence. Circumstantial evidence may be used in non-criminal, or civil, cases also.

CIVIL CODE OF QUEBEC

Takuaimatsheun-mashinaikan anite uatakanit eshi-uaueshtakanit Uepishtikueiau-assit

A code (a major statute) containing the main body of written laws governing civil matters with respect to, among other things, persons, family and relations between persons and property in Quebec.

CIVIL LAW

Tipenitamun eshi-takuaimatshenanut eshi-uaueshitishuht auenitshenat ute Uepishtikueiau-assit

Private law: the rules that govern relationships between individuals or groups of individuals (as opposed to public law, the rules that govern disputes where the government is on one side of the dispute, as it is in criminal law cases). Includes contract, tort, property and corporate law.

The system of law used in most of Europe, and in Quebec, to govern private disputes. Any legal issues or disputes are resolved by referring to a comprehensive or complete "code" (a book of rules) which is supposed to include all applicable laws. Judges are obliged to obey the code, and do not necessarily have to do the same thing as another judge in a similar case. It is contrasted with case law or common law.

CODE OF PENAL PROCEDURE

Uepishtikueiau-assi-takuaimatsheun-mashinaikan anite uatakanit tshe ishi-pimutenanut ua anuenimakanit auen

A code (a major statute) containing the main body of written laws for legal proceedings to impose punishment for an offence under an Act or regulation adopted by Quebec (a Quebec provincial offence), except in disciplinary proceedings. Federal offences and the related criminal procedure are compiled in the Criminal Code.

COHABITATION AGREEMENT

Nishtutatun meshinatautishuht kauitapimituht

Agreement by two people who are not married to each other, and are living together as a couple or will be living together. The agreement normally outlines their rights and obligations to each other during the time they live together, or in the event they separate, or die.

COMMON LAW

Tipenitamuna ka ashpatshishimuatsheenanuti miam utat ka ishi-uaueshtakanit

The system of law that governs private disputes in Canada outside of Quebec. Common law emerges over time as the courts decide many cases with similar facts, and develop a body of principles that link their decisions in similar cases. Judges make common law, not Parliament or legislatures, so we say common law relies on precedent rather than codified law or particular statute. Sometimes called case law, or referred to as unwritten law, or judge-made law.

COMMON LAW RELATIONSHIP

Eka ka nipauht kauitapimituht

Two people are considered to be in a common law relationship when they live together in a conjugal (married-like) relationship without having been legally married.

COMMUNITY SERVICE

Shetsheun ka atusseuiakanit

In criminal law, a judge may order a person found guilty of an offence to perform a set amount of community service. This is unpaid work. It is a form of restitution to the community to compensate for the harm done by the offence. Community service has the ordinary meaning of voluntary work done by a person for the welfare of the community.

COMMUNITY SERVICE ORDER

Ka itashumakanit shetsheun tshetshi atusset

An order as part of a sentence imposed on a young person requiring him to perform unpaid work under supervision for the benefit of the community.

COMMUNITY WORK ORDER

Ka itashumakanit shetshen tshetshi atusset

Punishment imposed by a court where the offender will carry out work, generally unpaid, for the benefit of the community, such as a non-profit organization, a band council or a municipality.

An offender who is incapable of paying a fine may, under certain conditions, choose to do community work.

COMPLAINANT

Kamamishitshemut

The person against whom it is alleged a given offence was committed, or the person who makes a complaint or who says that a crime has been committed.

COMPLAINT

Mamishitshemun

The statement by a person that a wrong has been done to himself or another person.

COMPULSION (ALSO CALLED DURESS)

Ushkuishtuakanu / aikamiakanu

The causing or compelling of a person to do something against that person's will. It is a defence, in criminal law, in some circumstances.

CONCILIATION

Natu-nishtutatun

A way of resolving conflict that promotes discussion between the parties to identify their interests and their positions, and to negotiate and explore mutually acceptable solutions rather than imposing binding resolution.

CONCURRENT SENTENCE (OPPOSED TO CONSECUTIVE SENTENCE)

Tapishkut e anuenimakanit

Feature of a sentence imposed on an offender convicted of more than one criminal offence and sentenced to more than one period of incarceration where each period of incarceration is served at the same time.

For instance, if an offender receives a five-year sentence for one offence, and six-year sentence for another, a concurrent sentence allows him to serve only six years (rather than eleven years if the sentence is to be served consecutively).

A sentence will be served concurrently unless a judge orders that it be served consecutively or the law provides specifically for consecutive sentencing.

CONDITIONAL DISCHARGE

Kashinamuakanu muk^u tshika ui nasham^u / nashatam^u eitashumakanit

When an accused is found guilty or when he pleads guilty, the judge may, under certain circumstances, order that he be conditionally discharged, i.e. that during a certain time (probation), the offender will have to comply with conditions stated in a probation order. If he obeys them until the end of the probation, he will be considered not to have been convicted. If he does not obey the conditions, among other things, he may be charged with breach of probation and sentenced for this particular offence and for the charges for which he had been conditionally discharged.

CONDITIONAL SENTENCE ORDER

Eshi-anuenimakanit auen tshetshi tat anite pitukamit uitshit

Order that the offender serves a sentence in the community instead of in jail, subject to the offender's compliance with the conditions imposed.

The offender will generally live at home under house arrest, under the supervision of conditional sentence supervisors. The conditions of a conditional sentence order may include, among other things, prohibitions against consumption of alcohol or drugs, weapons prohibitions, attendance at treatment programs and performance of community service.

Among other things, a conditional sentence is not available where the relevant offence is:

- punishable by imprisonment for fourteen years or for life;
- punishable by a minimum sentence or where the judge imposes a sentence of two years or more; or
- where the conditional sentence would endanger public safety.

CONFESSION

Mamishimitishu

In the criminal context, a direct acknowledgement by the accused of the truth of a main fact charged or an essential part of it.

In order to be used as evidence, a confession must, among other things, be voluntary. This means that the confession did not occur from a person in authority causing the accused to have a fear of harm or a hope of an advantage in connection with the confession.

CONFIDENTIALITY OF INFORMATION

Eka ka tshi mishituepanitakanit aimun

A principle that certain sensitive information must be protected and generally cannot be made public, being accessible only to authorized persons.

For example, certain information collected under the Youth Protection Act including the identity of children and parents, is protected and may only be disclosed to a limited category of persons and only on certain conditions.

CONSENSUS AGREEMENT / CONSENSUS APPROACH

Atusseun ua natu-nishtutatunanut

An agreement reached generally through discussions by the parties, where they all agree to accept its terms.

In a youth protection context, a way of resolving a situation by seeking the consent and approval of all of the parties, including the young person, in searching for a solution rather than having a decision imposed upon them.

CONSENT

Tapuetam^u

To give permission or agree to something.

CONSENT ORDER (GENERAL)

Tapuetamun-mashinaikan

An order made by the court based upon the agreement of the parties.

CONSTITUTION

Tshishe-utshimau-takuaimatsheun-mashinaikan

The supreme law of a country. This law sets out the framework for government within a country. It states what different institutions of government (courts, legislatures, and executives) may or may not do, by defining the relationships between these institutions and also between individuals and the government. It is called the supreme law because all other laws and actions by government must obey constitutional law or principle. A constitution is not necessarily a written document - the United States has a written constitution, but England has an unwritten constitution that has developed over many years, and Canada has a combination of the two.

CONTEMPT OF COURT

Ka mamashiuenanut anite kauaueshtakanit

An act or omission, tending to obstruct or interfere with the orderly administration of justice, or to impair the dignity of the court or respect for its authority.

For instance, a failure to obey a court order or conduct that otherwise defies the authority or dignity of the court.

CONTEND

Uitam^u etenitak

To argue for a certain position. For example, "The Crown contended (or, it was the Crown's contention) that the delays in the case were the fault of the Defence."

CONTINUITY OF CARE

Shaputue e minu-tutuakanit auass

A principle of youth intervention work under which care should be provided to a child in a consistent way, considering all the circumstances, ensuring that the changing needs of the child are maintained throughout intervention phases and after it ends.

CONTRACT

- 1. Tapuetatun eshi-nishtutatunanut (*oral*);**
- 2. Tapuetatun e mashinaikanashtet (*written*)**

A written or oral agreement that is legally binding.

CONTRADICTION EVIDENCE, GIVING

Apu tapishkut itatshimut

The giving of evidence that tends to disprove other evidence already given.

CONVICTION

Nishtuapatakannu katshi matshi-tutak

A decision by the judge or a jury finding the accused guilty of an offence.

CORONER

Ka nanatu-tshissenimat etashpineniti auennua

Public officer whose two main functions are to determine the identity of a deceased person where his identity is unknown, and the circumstances and probable causes of death where it appears that it occurred as a result of negligence or in obscure or violent circumstances. Among other things, the coroner is also involved when the death occurred in a police station or in a correctional facility.

COSTS

Ka natu-tshishikakushinanut

A money award made by a court for expenses in bringing or defending a legal proceeding or step in a proceeding. Costs are intended to help compensate the successful party for his legal expenses as a result of being in court. Costs may also be ordered against a person who fails to follow the court's directions or instructions before or during a step in the case.

COUNT

Eishi-itishkamuakanit/ eishi-atamenimakanit auen

The description of a specific offence in the formal document (information or indictment) advising the accused of the charge against him. Several counts may be included in a single information or indictment.

COURT ("TRIBUNAL" IN THE YOUTH PROTECTION ACT)

Kauaueshtakanit

The institutions established by the law to settle legal disputes through a legal process.

Depending on the context, the term court means the court itself (such as the Superior Court, the Federal Court, the Court of Quebec), or one of its judges or a panel of judges (as before the Court of Appeal of Quebec or the Supreme Court of Canada) hearing a case.

The word "court" may also mean the "courtroom" and "courthouse".

In the Youth Protection Act, the term "tribunal" is used to mean the Court of Quebec, and generally refers to a judge presiding over a hearing and exercising his role under that Act. An appeal of certain decisions of the Court of Quebec (Youth Division) may be made to the Superior Court and, for these purposes, the word "court" means the Superior Court, in the Youth Protection Act.

COURT CLERK

Kauaueshtakanit-kamashinaitshesht

Court officer who accepts filings, issues proceedings, keeps records and exercises certain judicial powers such as signing the minutes of a judgment rendered orally or administering oaths.

COURT DOCKET

Mashinaikan anite uanakaniht tshe pimipaniakaniht

A list of cases to be heard by a court on a given date or a collective list of files of a given court where each file is identified by a specific number.

COURT OF APPEAL OF QUEBEC

Kauaueshtakanit anite netuenitakanit tshetshi uaueshi-tshitapatakannit ka ishi-uaueshiakanit

The highest appeal court of Quebec. It hears appeals of judgments of the Quebec lower courts, where the law provides a right of appeal, either from the Superior Court, the Court of Quebec or the municipal courts.

COURT OF QUEBEC

Uepishtikueiau-assi-kauaueshtakanit

A court that is entitled to hear and determine cases in most criminal and penal matters, including those involving young persons, as well as civil matters involving amounts up to \$85,000 (except for alimony and bankruptcy reserved for the Superior Court and those reserved for the Federal Court).

It also hears proceedings to have a person undergo a psychiatric examination or to be confined to an institution.

This court has three main divisions: the Civil Division (including the Small Claims Division deciding most civil claims up to \$15 000), the Criminal and Penal Division, and the Youth Division.

COURT ORDER

1. Etashumakanit auen anite kauaueshtakannit; 2. Itashumitun

When a question or a dispute is brought before a court the parties who bring that question or dispute to the court expect the court to decide who is right, if one of them is. By going to court, the parties are agreeing that they will comply with what the court decides. This is the order of the court, and the parties must follow it.

COURT ORDERED ACCESS

Tapuetuakanu auen anite ut kauaueshtakannit tshetshi natshi-mupishtuat auassa

A court order that states that a certain person, usually the parent who does not live with the child, may visit with that child, according to certain conditions.

COURT ORDERED CUSTODY

Tapuetuakanu auen tshetshi kanuenimat auassa

A court order that states who is to be the person who has principal responsibility for a child.

COURT RECORD

Kauaueshtakanit-mashinaikan

Formal court record in a specific file or matter.

COURT WORKERS

Ka uauitshiat auennua tshe pimipaniakanniti

See "Aboriginal Court worker".

COURTHOUSE

Kauaueshtakaniutshuap

The building used for the public sessions of a court, with its various offices.

COURTROOM

Kauaueshtakanit

A public place used by a court (a judge) to hear a case.

COURTROOM BAILIFF

Kauaueshtakanit-kupaniesh

Public servant who introduces the court and maintains order in the courtroom.

CREDIBILITY

Eshpitinikuannit utaimun

The degree to which the testimony of a witness is believed.

CRIME

Matshi-tutamun

A criminal offence, popularly known as a "crime", is an act or omission prohibited by the Criminal Code or other federal law. Criminal offences include "indictable offences" and "summary conviction offences".

Criminal offences are different from regulatory offences by virtue of being considered more serious.

CRIMINAL AND PENAL PROSECUTING ATTORNEY / PROSECUTOR

Kaimisht ka nashatshet

Lawyer who takes charge of and conducts, on behalf of the governmental authorities (the Crown), the prosecution of offenders under federal and provincial laws. The Director of Criminal and Penal Prosecutions directs the Criminal and Penal Prosecuting Attorneys.

CRIMINAL CODE

Takuaimatsheun-mashinaikan uatakaniti matshi-tutamuna

A federal code (a major statute) that lists most criminal offences of Canada, and which contains most criminal procedure. Some other federal statutes list other criminal offences.

CRIMINAL LAW

Tipenitamun eshi-takuaimatshenanut anite matshi-tutamunit

An area of federal law which deals with acts considered to be criminal offences in Canada, the prosecution of these offences, the defence of accused persons and the punishment of those convicted of criminal offences. It includes procedural aspects.

CRIMINAL NEGLIGENCE

E matshi-tutukanit auen eshpish eka akua tutakanit

Showing a reckless disregard for the lives or safety of other persons, either through his actions or his failure to do something where there is a legal duty to do it.

- Criminal negligence causing death
- Criminal negligence causing bodily harm

CRIMINAL PROSECUTION

Nashauakanu kauaeshtakannit

The process of causing a person to be brought to court to answer to a criminal charge; the trial process.

CRIMINAL RECORD

Auen umatshi-tutamun-mashinaikan

A formal registry of, among other things, a person's criminal convictions, acquittals, withdrawn charges, absolute and conditional discharges, stays of proceedings and disposition entered in a national register or database.

The criminal record is available to the local police, the court system and the RCMP.

CROSS-EXAMINATION

Kueshte e kukuetshitshemunanut

Process whereby one party (or his lawyer) questions the witness of the opposing party at trial, after that witness has been examined by the opposing party. The main purposes of the cross-examination are to test the accuracy of the witness's testimony or to attempt to undermine his credibility and to obtain answers that assist the case of the cross-examining party.

CROWN

Kaimishiht ka nashatsheht

In the criminal context, the Crown generally means the prosecutor or the government depending on circumstances.

For example, the Crown (meaning Crown counsel) has appealed a decision; goods have been seized by the Crown (by the government).

CROWN ATTORNEY / CROWN COUNSEL

Kaimisht ka nashatshet

Lawyer who takes charge of and conducts, on behalf of the governmental authorities (the Crown), the prosecution of offenders under federal and provincial laws.

CRUELTY TO ANIMALS

E (na)nekatshiakanit aueshish

Overt and intentional acts of violence (beating, torturing, confining in an inappropriate way) towards an animal or the failure to provide for the welfare of an animal under one's control, such as food and water or appropriate treatment for disease or injury. Includes causing harm that is not physical, such as distress, torment or terror. It is an offense under the Criminal Code of Canada.

CURFEW

E tipaimuakanit auen tshe ishpush pitutshet

An order or condition establishing the hours, between which certain regulations apply, usually at night. Generally, a curfew requires that a specific person or group of persons remain indoors during that period.

CUSTODIAL PARENT

Uikanishimau ka kanuenimat utauassima

The parent who has legal custody of the child.

CUSTODIAL PORTION

Minuanakanu ussinitshishu kie ma ussishkuess muk" tshika ui nakatuenimakanu uenapissish

Where a young person's sentence includes a custody and a supervision order, the part of that sentence that must be served in custody before the young person begins to serve the rest of it under supervision in the community.

CUSTODY (CHILD PROTECTION)

Katakuaitshesht auassa ka tshitapamat minuanau auassa

The rights and responsibilities of a parent in respect to a child's custody.

CUSTODY (PARENTING)

Nishtutatun e kanuenimakanit auass

This describes the parenting arrangement made for the care of the children after parents separate. Custody refers to decision making and responsibility for the children. There are different types of custody arrangements.

CUSTODY BY AGREEMENT

Nishtutatun e kanuenimakanit auass

Custody arrangements for children are agreed upon by the parents.

CUSTODY ORDER

Kauaeshtakanit-mashinaikan auen tshetshi kanuenimat utauassima

A court order which states who is to have custody of a child.

CUSTODY, JOINT

Uikanishimauat mamishkut kanuenameuat utauassimuaua

A parenting arrangement where parents make major decisions about the children together. The day-to-day decisions for the children are made by the parents whom the children are with. The children may reside with one parent the majority of the time or they may spend equal amounts of time with both parents.

CUSTODY, SOLE (PARENTING)

Uikanishimau uin muk" minakanu tshetshi kanuenimat auassa

In a sole custody arrangement, the children live primarily with one parent who has decision-making responsibility. The other parent usually has the right to have the children spend time with him and to request and receive information about the children.

CUSTODY, SPLIT

Uikanishimau tat^u auassa minakanu tshe kanuenimat

When one parent has custody of some of the children, and the other parent has custody of the remaining children. Courts try to never split up younger children from their siblings. However, older siblings may often choose to live with different parents.

DANGEROUS OPERATION OF A VEHICLE CAUSING BODILY HARM OR DEATH

Ushikuieu kie ma nipaieu auennua eshpish kushtikuannit eshi-pimipanit

Operating a vehicle (such as a motor vehicle, boat or aircraft) in a way that is dangerous to the public, considering all the circumstances, and which causes bodily harm or death to a person.

DECISION

Kakushkuenitak / katipapekaitshesht / kapishitshitak patshitinam^u utaimun eshi-tipapekaitshet

The final result of a case, determined by a judge or jury. Also, a ruling on a question, such as the admissibility of a piece of evidence, arising within a case, decided by a judge.

DECLARATION OF FATHERHOOD

Nishtuapatakannu uetaumaut

A decision of a judge as to who is the father of a child where this has been called into question. Sometimes referred to as declaration of paternity.

DEFAULT

E pataikanit

The failure to do something. Examples are not obeying the terms of a court order or not filing documents the court needs.

DEFAULT JUDGMENT

Kakushkuenitak / katipapekaitshesht / kapishitshitak patshitinam^u utaimun eshi-tipapekaitshet at shuk^u eka taniti kauaueshiakanniti

A judgment obtained where the respondent fails to defend against the applicant's claim.

DEFAULT TO APPEAR

Eka etat kie ma etutet auen anite ua uaueshiakanit

Failure of the individual who has received an order to appear before the judge to do so on the date, time and place specified.

DEFENCE

Tshishpeuatitishun

A denial, answer or plea from the accused opposing the truth or validity of the charge against him. The accused's response may include, among other things, evidence, arguments, an alibi or a mental disorder defence.

DEFENCE COUNSEL

1. Kaimisht ka tshishpeuatat kauaueshiakanniti;

2. Kaimisht ka tshishpeuashuet

A lawyer who represents the accused during the judicial process. At the trial, he attempts to demonstrate that the prosecutor has not proven that the accused should be found guilty. Where the accused is found guilty, his lawyer makes recommendations to the judge with respect to sentence.

DEFENCE OF PROPERTY

Tipenitamun auen ka tshishpeuatak / tshishpanitak utaitapashtauna

The law concerning what a person is allowed to do to defend his property, especially with respect to the use of force.

DEFENDANT (ALSO CALLED ACCUSED)

1. Kaitishkamuakanit (*criminal law*);

2. Kanashauakanit (*civil law*)

1. In criminal law, another word sometimes used for the accused.

2. In civil law, the term for the party against whom the case is brought, the party bringing the case being the plaintiff.

DEFERRED CUSTODY AND SUPERVISION ORDER

Anuenimakanu kaiauassiut tshetshi anite pitukamit e kanuenimakanit

A category of sentence of a young person found guilty of an offence (other than a violent offence). It is similar to a conditional sentence for adults under the Criminal Code as the custodial part of the sentence is served in the community under conditions (such as attending school or making reasonable efforts to get and keep a suitable job).

DEGREE OF PARTICIPATION

Eshpish uauitshiaushit anite ka matshi-tutakannit

The person's level of participation in committing an offence is one of the facts that the court takes into account in determining the sentence to be imposed.

DELIBERATE (ADJECTIVE) (ALSO CALLED INTENTIONAL)

Usht aitu

Something done consciously and intentionally; on purpose.

DELIBERATE (VERB)

Mamitunenitakannu tshe ishi-uaueshiakanit

To consider, to think about what to do; e.g., the jury went out to deliberate.

DEMEANOUR

Etenitakushit kie eitim auen

The outward appearance and behaviour of a person. In assessing the evidence given by a witness, the judge or the jury considers the witness' demeanour. Does he appear to be forthright and honest? Does he try to answer the questions without trying to change the subject?

DEPENDANT

Auen ka pakassiakanit

A person who relies on another for support. A person whom another has an obligation to support.

DIRECTOR

Katakuaitshet auassa ka tshitapamat

In the Youth Protection Act, the Director of Youth Protection.

Among other things, the Director is responsible for analyzing a child's situation according to the Youth Protection Act, in order to decide whether the child's security or development is in danger.

The Director also has the powers of a "provincial director" under the Youth Criminal Justice Act.

DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS

Utshimau-kanashatitshet metshi-tutakanniti

The Director of Criminal and Penal Prosecutions directs, on behalf of the government under the authority of the Attorney General and Minister of Justice, most criminal and penal prosecutions in Quebec.

He acts as prosecutor in most proceedings under the Criminal Code, the Youth Criminal Justice Act and other federal Acts. He also acts as prosecutor in most of the proceedings under the Code of Penal Procedure (offences under any Quebec Acts (law or regulation)).

Criminal and penal prosecuting attorneys represent the Director in the exercise of his functions.

DIRECTOR'S ANALYSIS OF A CHILD'S SOCIAL SITUATION

E minu-natu-tshissenimat auassa ne Katakuaitshet auassa ka tshitapamat

A report prepared by the Director of Youth Protection, after gathering information, summarizing a child's situation and suggesting measures for the protection of the child.

DISCHARGE

Patshitinakanu

To release a person from an obligation or a situation; e.g. "The accused was discharged following his acquittal by the jury". "The patient was discharged from hospital."

DISCHARGE OF AN ACCUSED

Kau patshitinakanu auen eshk" eka e tshishi-uaueshiakanit

In the context of a preliminary inquiry, also referred to as a preliminary hearing, an accused is to be discharged where, at the end of this inquiry, the judge believes that there is not enough evidence to warrant a trial.

The discharge after a preliminary inquiry is different from both a conditional and absolute discharge in the sentencing context and from an acquittal.

DISCLOSURE OF THE EVIDENCE

Minakanu kamakuneshiu-mashinaikannu nutim eshi-atamenimakanit

Disclosure to the accused or to his lawyer of the evidence in relation to criminal or penal proceedings by the prosecutor as soon as possible before the trial.

The accused has a fundamental right to receive all the relevant evidence held by the Crown against him except where the evidence is confidential or "privileged" (such as the identity of an informant).

DISCREDIT

Natu-katshitinakanu tshetshi pataik

To take away credibility; to show that someone or something is not believable.

DISCRETION

Katipapekaitshesht / kapishitshitak / kakushkuenitak apashtau ushutshishiun tshetshi patshitinak uin etenitak

In law, a term that is used to indicate that an official, such as a judge, or another person, has the power to decide a matter as he thinks best.

DISFIGURE

Pikuaikannu utashtamik"

To damage the appearance of a person. It is a factor in some cases of aggravated assault. E.g., "The victim's nose was broken so badly that he was left permanently disfigured."

DISPENSATION WITH SERVICE

Kauaueshtakanit uishatshemu-mashinaikan tiapuetakaniti tshetshi eka apatshiakanit kamakunuesht kie ma kanashatshesht

A court order authorizing that a motion not be served on one of the parties, for exceptional reasons.

DISPOSING OF EXHIBITS

Kau patshitinakanua kie ma pikuaikanua ka makunakaniti tshekuana

After a trial is over, an order will be made by the judge stating what will be done with any items of evidence that were made exhibits in the trial. Some must be destroyed, e.g., weapons or drugs, and others may be returned to their owners.

DISPUTE RESOLUTION

Upime kauaueshtakanit ka natu-nishtutatunanut

Ways to resolve conflict without going before a judge.

DNA

Ka natu-nishtuapamakanit auen anite ut uiat kie umikut

Deoxyribonucleic Acid. A self-replicating material present in nearly all living organisms as the main constituent of chromosomes. It is the carrier of genetic information. Among other things, we use it as a tool for inquiry, since it allows us to link an offender to different components of a crime scene.

DNA ORDER

Kauaueshtakanit-mashinaikan patshinakanu tshetshi natu-nishtuapamakanit auen anite ut uiat kie ma umikut

A judge's order that a person must submit to a sample being taken of their DNA.

DOCKET

Mashinaikan anite uanakaniht tshe pimipaniakaniht

A list of the court matters to be heard on a particular day in court.

DOCTOR'S REPORT

Akushiu-mashinaikan

A written report from a physician.

DOCTRINE OF RECENT POSSESSION

Aitun ka ishi-nishtuapatakanit e kanuenitakanit anutshish katshi tshimutinanut

The unexplained possession, by an accused, of recently stolen property, is sufficient to allow a court to infer, or come to the conclusion, that the accused is guilty of theft, or a similar crime.

DOMESTIC VIOLENCE

Mitshuapit kamashitshenanut

Any or all of the many different forms of abuse and mistreatment that people may experience in their intimate domestic relationships.

DRAFT AGREEMENT

Auassat ka tshishpeuatakaniht mashinaikan tshe ui nishtutatunanut tshetshi minupaniht

In the youth protection context, a proposed agreement between parties (such as the Director of Youth Protection and the parents or a guardian) with respect to the facts showing that the security or the development of a child is in danger and the measures submitted to the court to put an end to the situation.

When the court is satisfied that these measures respect the rights and interests of the child, it may order these measures or others it considers appropriate.

DRIVING PROHIBITION

Kauaeshtakanit-mashinaikan e tshitaimuakanit tshetshi pimipanitat kassinu eishinakuannit utapannu

Where a person is convicted of impaired driving, the court must prohibit that person from driving for a period of time. In other offences involving motor vehicles, the court may prohibit a convicted person from driving for a period of time.

DRIVING WITH MORE THAN 80 MG OF ALCOHOL IN 100 ML OF BLOOD

Auen ka pimipanitat utapannu e ueshamaik 80 mg ishkutuapunu anite umikut

Operating or having the care and control of a motor vehicle, a boat or an aircraft, whether or not it is moving, while the person's blood alcohol level exceeds .08, which means with more than the maximum authorized by law (80 mg of alcohol in 100 ml of blood).

This offence is to be distinguished from driving a motor vehicle or a boat or an aircraft while the driver's ability to operate is impaired by alcohol or a drug.

DUTY COUNSEL

Kaimisht ka nakatuapatitshesht

A lawyer at court who helps the accused through the initial court process (not at trial); he assists people who are arrested.

DUTY TO REPORT (CHILD PROTECTION)

Uemut tshe ui mamishitshemunanut auass eka ka minu-tutuakanit

When a person has information that a child is or may be in need of protection, the person must immediately report the matter to the Director, social worker or peace officer. It is an offence not to do so except for some professionals under certain circumstances.

DWELLING PLACE / DOMICILE

Mitshuap

A dwelling place is a person's home (includes an apartment or mobile home).

EARLIER OFFENCE

Utat matshi-tutamun

An offence for which a person has been found guilty in the past and that may be taken into account by the court in determining his sentence for a subsequent offence committed after having been found guilty.

EDUCATIONAL BODY

Katshishkutamatsheutshuap

In the Youth Protection Act, an institution providing education at the elementary, secondary or college level.

ELDERS

Tshishennuat

Mature and respected members of the community to whom others turn for advice and direction.

ELECTION, ACCUSED

Katshi atamenimakanit, naushunam^u tshe ishi-uaeshiakanit

Except for absolute jurisdiction offences, where the accused cannot have a jury trial, and certain serious offences such as murder where an accused normally must have a jury trial, an accused who is tried on an indictment may choose the court in which he is to be tried. He may be tried by a Provincial Court judge without a jury, by a Superior Court judge without a jury or by a Superior Court judge with a jury. This choice is called the accused's election.

ENDANGERMENT OF A CHILD'S SECURITY OR DEVELOPMENT

Kueshtikuannit eshi-nitautshit auass anite etat

A situation in which the child's well-being and development are threatened.

ENFORCEMENT

Tshika ui nasham^u / nashatam^u etashumakanit

Where one party takes measures under the law or with permission of the court to compel the other party to obey a court order.

ESCAPE FROM LAWFUL CUSTODY

1. Kamakunakanit ka tshitishimut (*escaping from lawful custody*);

2. Katshipauakanit ka tshitishimut kie ma eka tshiu et kau tshipaututshuapit (*being illegally free*)

Escaping from lawful custody (from a prison or during an arrest) or being illegally "at large" (free) before the end of a prison term.

ESSENTIAL ELEMENTS OF A CRIMINAL OFFENCE

Iapatak tshekuan tshetshi auen atamenimakanit katshi matshi-tutak

Facts or other elements that the prosecutor must prove in court before an accused may be convicted of an offence. The offence must be set out in the Criminal Code or in another statute. The offence charged is written down in a document called the information or, for more serious offences, indictment. Also, the Crown may add details to the barebones offence and the prosecutor is then required to prove the elements added, as well as the elements of the offence set out in the Criminal Code or other statute.

EVIDENCE

Tshika ui nukutakannu ka ishi-matshi-tutakanit

Information with respect to a matter being considered by a court, provided mostly through witnesses (a witness is a person who heard, saw, did, or knows something relevant about the case) who have sworn under an oath or solemn affirmation to tell the truth. The judge considers only the evidence presented in court in order to make his judgment.

EVIDENCE / PROOF

Tshika ui nukutakannu ka ishi-matshi-tutakanit

Anything relevant (oral and written statements and actual things) which may legally be used to prove or disprove a fact or an assertion at issue in a legal proceeding.

When a fact is "proven", the party presenting it has convinced the judge (or jury) of the truth of this fact. The evidence may be direct or circumstantial.

Circumstantial evidence does not prove a fact in issue directly but by inference or by logical deduction from other facts that have been proven.

EVIDENCE IN FAVOUR OF THE ACCUSED

Tshekuannu uatshikut kauaueshiakanit tshetshi tshishpeuatitishut

Evidence which supports the contention that the accused should not be found guilty of the offence charged.

EVIDENCE, ADMISSIBLE

Uetinkanit ashpatshishimuatsheun anite kauaueshtakanit

In order to make its decisions, a court relies upon evidence, mostly given by a witness or witnesses. There are many rules which determine whether or not a piece of evidence will be accepted by a court. Evidence which will be accepted, as conforming to these rules, is called admissible evidence.

EVIDENCE, INADMISSIBLE

Eka tiapuetakanit tshekuan tshetshi ashpatshishimuatshenanut anite kauaueshtakanit

In order to make its decisions, a court relies upon evidence, mostly given by a witness or witnesses. There are many rules which determine whether or not a piece of evidence will be accepted by a court. Evidence which does not conform to the rules will not be accepted and is termed inadmissible.

EVIDENCE, INSUFFICIENT

Apu ishpush takuak tshekuan tshetshi nukutakannit katshi matshi-tutak

The Crown must offer proof of each essential element. Where there is no proof of one or more of the essential elements, there is insufficient evidence and the accused cannot be convicted. Even where there is some evidence for each element, the trier of fact, the judge or the jury, may feel that the evidence is insufficient for a conviction, i.e. that the evidence is just not enough.

EVIDENCE, UNSWORN

Auen ka uapatitshet e matshi-tutakannit eka netuenitamuakanit katapuenanunit tshetshi tutak

A person under the age of 14 or of limited mental capacity who does not understand the nature of an oath or solemn affirmation, but who is still able to communicate the evidence, may be permitted to give evidence on promising to tell the truth.

The Supreme Court of Canada has made it possible for unsworn evidence to be received by a court when the unsworn evidence is necessary and reliable.

EX PARTE APPLICATION

Natuenitakanu tshetshi shaputuepanitakanit kauaueshtakanit at eka tati ne auen kiatshitaukut

An expression meaning an application made in the absence of the opposing party.

This is a type of court application which is made without notice to any other party.

EXAMINATION

1. E kukuetshitshemunanut (*direct examination*); 2. Kueshte e kukuetshitshemunanut (*cross examination*)

The questioning of a witness under oath or affirmation. Direct Examination: The questioning of a witness in a trial or other proceeding, conducted by the party who called the witness to testify. Cross Examination: The examination of a witness by an opposing party to test the truth of evidence given by the witness during direct examination.

EXAMINATION-IN-CHIEF

Ushkat e kukuetshitshemut kaimisht

The first stage in questioning a witness in a trial or other proceeding, conducted by the party who called that witness to testify, after which the opposing side conducts a cross-examination of the same witness.

EXCLUSION OF THE PUBLIC

Unuitishauakanuat auenitshenat

An order made by a judge in certain cases to exclude all or any members of the public from the courtroom, the basic principle being that proceedings, including those against an accused, shall be held in open court.

However, in criminal proceedings, the judge may order the exclusion of all or any members of the public from the courtroom for all or part of the proceedings if such an order is in the interest of public morals, the maintenance of order or the proper administration of justice. This includes ensuring that witnesses under eighteen years or others whose identity must remain unknown for security purposes (such as an informant or an undercover officer) are protected.

EXCLUSION OF WITNESSES

Unuitishauakanuat kauapatitsheshiht

A trial judge may order, at a party's request, that all witnesses stay out of the courtroom until called to give evidence.

EXHIBIT

Tshekuan ka uapatiniuenanut

A document or another object admitted as evidence in court.

EXPERT

Kamishta-tshissenitak

A person who has developed skill and knowledge on a subject and is accepted by a court as being able to form opinions on evidence presented to assist the judge.

EXPERT WITNESS

Ka nishtuapamakanit kauaueshtakannit e mishta-tshissenitak tshekuannu

An expert who testifies in court. The court must first qualify someone as an expert witness before he may testify as such. This requires an inquiry into the person's education, work experience and other qualifications.

EXPERT, HANDWRITING

Ka minu-nishtuapatak eshi-mashinaitshenanunit

A specialist who analyzes samples of handwriting to give his opinion as to whether it is the handwriting of a certain person, or a forgery.

EXPERTISE

E natuenitakanit tshekuan tshetshi minu-natu-tshissenitakanit

An expert knowledge, ability, competence or skill in a particular area. The expression includes an expert opinion or expert advice.

EXPLICIT

E minu-uauitakanit

Clear, in detail, certain.

EXTENDED STAYS

E shaputuepanitakanit kauaeshtakanit anite ut auass tshetshi kanuenimakanit (anite uikanisha kie ma kutaka auennua)

The Director of Youth Protection may authorize that the child stay with his parents, or a person who is important to the child, or a foster family, for periods of more than 15 days during the last 60 days of the compulsory foster care period as part of an intervention plan, in order to prepare the child to return to his family or social environment.

EXTORTION (BLACKMAIL)

E natu-shetshiakanit auen ua ushkuishtuakanit tshetshi tutak tshekuannu

Getting, or trying to get, anything from someone by threats, accusations or violence, or in order for him or anyone else to do anything or cause anything to be done (such as obtaining money, property or sexual favours).

EXTRAJUDICIAL MEASURES

Tipaikan eshk" eka uaueshiakanit kaiauassiut

Measures other than judicial proceedings used to deal with a young person involved in committing an offence, including extrajudicial sanctions.

They are designed to provide an alternative to regular judicial measures, in a timely manner, and to encourage the young person to acknowledge and repair the harm he has caused to the victim and the community.

EXTRAJUDICIAL SANCTION

Ianuenimakanit auass eka e uaueshiakanit

A punishment, other than a judicial one, used for a young person who committed an offence and that may not be adequately dealt with by a warning from a peace officer or a prosecutor, because of the seriousness of the offence, the nature and number of previous offences, and other aggravating circumstances.

Under this program, the young person must consent to the sanction and accept responsibility for the alleged offence.

EYEWITNESS

Ka uapatak ka ishpannit

A person who saw what occurred.

FAILURE TO ATTEND COURT

Eka ka itutet kauaueshtakannit katshi mashinatautishut (tshetshi uaueshiakanit)

A failure of a person being at large (not in custody), without a lawful excuse, to appear before the court following an undertaking or recognizance made before a judge or a Justice of the Peace or as required by a judge after having made a first appearance.

FAILURE TO COMPLY WITH APPEARANCE NOTICE OR PROMISE TO APPEAR

Apu nashak / nashatak ka itashumakanit

A failure of a person who is named in an appearance notice or promise to appear, without a lawful excuse, to show up at the time and place stated in that appearance notice or promise to appear.

The appearance may be required before a court or before a peace officer for the purposes of identification (such as fingerprinting).

FAILURE TO COMPLY WITH A CONDITION OF UNDERTAKING OR RECOGNIZANCE

Pikunam^u ka itashumakanit

A failure of a person, without lawful excuse, to comply with a condition of an undertaking or recognizance to be released conditionally, made before an officer in charge after having been arrested.

FAILURE TO COMPLY WITH PROBATION ORDER / BREACH OF PROBATION

Pikunam^u ka itashumakanit

An offender's failure or refusal to comply with a probation order that applies to him, unless he has a reasonable excuse.

FAILURE TO COMPLY WITH SUMMONS

Pikunam^u ka itashumakanit tshetshi tat anite kauaueshtakannit (ka atamenimakanit)

A failure of a person who has been served with a summons, without lawful excuse, to appear at the time and place stated in the summons.

The appearance may be required before a court or before a peace officer for the purposes of identification (such as fingerprinting).

FAILURE TO STOP AT SCENE OF ACCIDENT ("HIT AND RUN")

Tshitishimu katshi pishtauat auennua kie ma katshi pishtaik tshekuannu

As a driver, failing to stop his vehicle, boat or aircraft, when involved in an accident, to identify himself and, where necessary, to offer assistance where a person has been injured or appears to require assistance, in order to avoid civil or criminal liability.

FALSE PRETENCE

1. E uieshitshemut auen; 2. Uieshitshemun

Willfully making a false representation of fact with the intent to bring the person to whom it is made to act upon it.

FALSE PRETENCE AND FALSE STATEMENT

Katshinauatshimu kie ma katshinaushtau tshetshi kanieut tshekuannu

Falsely representing a past or present fact made with an illegal (fraudulent) intent in order to lead the person to whom it is made to act on it.

For instance, a person making a false statement in writing with respect to his financial condition with the intent to get certain property or financial benefits.

FAMILY LAW

Tipenitamun eshi-takuaimatshenanut anite uikanishimat

The laws that deal with family-related issues such as divorce, custody and access, division of property and support.

FEES

Eishi-tshishikashunanut

1. A charge for services.
2. Court fees payable in various proceedings as set out by regulation.

FILE (VERB)

Ka utamaikanit mashinaikan anite kauaueshtakanit

To formally submit a document to the court.

FINANCIAL STATEMENT

Atshitashu-mashinaikan

A document that sets out a person's income, expenses, property, debts and liabilities.

FINE

Eshi-nashauakanit kie ma eshi-anuenimakanit auen anite shuniat

A sum of money ordered by a court to be paid to the government or to a municipality or a band council by an offender as a punishment for an offence.

The court usually sets a time limit for payment. A fine may also be imposed in addition to imprisonment.

Imprisonment or community work may be imposed for a failure to pay a fine.

Under the Youth Criminal Justice Act, a fine imposed on a young person may not exceed \$1,000. Under the Code of Penal Procedure, the maximum fine is \$100 for an accused between 14 and 18 years old. A fine is different from an order to financially compensate a victim for loss or damage to property or loss of income due to the offence of the offender.

FORCIBLE CONFINEMENT

Tshipauakanu e ushkuishtuakanit

Restraining, forcibly seizing or imprisoning someone without lawful authority and without his consent.

FORENSIC PATHOLOGIST

Tshipai-natukunish

A medical expert who determines the cause of death by examining a corpse and, if needed, the identity of the deceased.

FORFEITURE

Makunakanu tshekuan

The loss of a right, money, or property, because of one's criminal act, default, or failure or neglect to perform a duty.

FORFEITURE ORDER

Kauaeshtakanit-mashinaikan tshetshi makunakanit tshekuan

An order of the court as a punishment whereby an offender's property is surrendered to the government. This property is often the proceeds of unlawful activity or related to the commission of an offence.

FORGERY

Eka tiapuemakak mashinaikan

The act of falsifying or counterfeiting a document in order that it be used or acted upon as genuine, to the harm of anyone, including altering a genuine document, such as adding a false date, or other important feature.

FOSTER CARE MEASURE

Tshitapatakanu anite upime uenapissish tshetshi minuanakanit auass

A measure where a child lives elsewhere than with his parents, such as with a foster family or in a rehabilitation centre.

Foster care measures may be ordered by the court and, for a shorter period of time, by the Director of Youth Protection (such as an immediate measure) if it is concluded that the security or the development of the child would be in danger if the child remained with his parents or guardian.

FOSTER FAMILY

Uikanishimau ka kanuaushut / kanuiaushut

One or two persons receiving in their place of residence, through a social service centre, children in difficulty.

The purpose of the placement is to respond to the children's needs and to provide them with a family-like environment fostering a parent-child type of relationship.

FRAUD

Uieshitshemun

Depriving or taking property, money, valuable security or service from someone through deceit, falsehood or other trick or dishonest means.

GARNISHEE

Kauaueshtakanit ka makunamuat auennua ushuniaminu tshetshi tshishikuakanit ne ka mashinaimuakanit

A third party who owes money to a debtor, but must instead pay it to the court or a government agency, to the benefit of a creditor.

GARNISHMENT

Eshi-pimutenanut kauaueshtakanit tshetshi makunakanniti umatshunishima

A process whereby a person who has a court order for payment may demand money owed to a debtor by someone else. Most often, people garnish wages or bank accounts.

GENUINE

Paikass etashtet mashinaikan

The real thing, not fake. It is a word used in the offence of using a forged document.

GRADUAL RETURN OF A CHILD TO HIS FAMILY OR SOCIAL ENVIRONMENT

Ka patshitinakanit petshikat / metikat auass anite uikanisha kie ma anite ka utshipanit

The return of a child to his family or social environment in steps, through longer and more frequent stays, as determined by the court.

GUILTY

Patashtauakanu kie ma patashtautishu

The status of someone having admitted before a court the commission of a criminal or statutory offence or having been convicted by a judge or a jury to have committed such an offence.

The person charged with an offence may accept legal responsibility by pleading guilty and then the judge will impose a sentence after hearing both parties on that specific issue. Otherwise, the accused pleads "not guilty". The prosecutor then has the duty to prove the essential elements of the offence before the court.

GUILTY PLEA

Uitam" e patashtautishut

A formal admission by the accused or his counsel to the court that he consents to a conviction being entered without completing a trial. If the court accepts the plea, the case proceeds to sentencing.

HARASSING TELEPHONE CALLS

Ka nanitamueuetitat kaiminanunit tshetshi natu-shetshiu

Making repeated telephone calls (or causing them to be made) in order to harass someone, without lawful excuse.

"Harass" means with the intent to trouble and annoy a person, which includes repeated calls even where the recipient does not pick up the telephone.

HEALTH SERVICES

Uauitshiaushiutshuap / uauitshitun-mitshuap

Care given to maintain health, such as medical examinations, treatments and dental care. It may include the services of family physicians, medical specialists, nurses, chiropractors and physiotherapists.

HEARING (1)

Kapishitshitak / katipapekaitshesht / kakushkuenitak shenam^u kauaueshtakannit

The process during which a judge hears the witnesses in a case and the legal arguments in order to be able to make a decision, such as the guilt of an accused or regarding the protection of a child in a youth protection context.

HEARING (2)

E natashtuakanit kapishitshitak/ katipapekaitshesht/ kakushkuenitak tshe ishi-anuenimat auennua

This is a hearing (court proceeding) before the judge in which both the Crown lawyer and the defence lawyer put forward their recommendations on what sentence should be imposed after an accused has either been found guilty after a trial or pleaded guilty. Witnesses are often called, and evidence put forward, to help the judge decide what sentence should be handed down.

HEARSAY

Auen ka petak ka itatshimunanunit eka e uapatak kie ma eka e petak

The essential defining features of hearsay are the fact that the out-of-court statement (oral and written) made by a person is submitted in court to prove the truth of its contents (as opposed to proving only that the statement was made) where it is not possible to cross-examine that person in court. Subject to certain exceptions, hearsay evidence is not admissible as proof in a proceeding.

HEAT OF PASSION

Shassikut mishta-tshishuapu kie apu tshi mitshiminitishut

A loss of self-control involving great anger. Culpable homicide that would otherwise be murder may be reduced to manslaughter if the person who committed it did so in the heat of passion caused by sudden provocation.

HOME CHILDCARE

Uikanishimau-kakanuauputshesht ka nishtuapamakanit anite tshishe-utshimat

Childcare provided by a person who is self-employed and contracts with parents to provide childcare in a private residence, in return for payment.

Under certain circumstances, the person providing the service must be recognized by a Home Childcare coordinating office accredited by the Minister.

HOMICIDE

Kanipatatshenanut

Directly or indirectly causing the death of a human being.

HOSTILE WITNESS

Ka shutshi-nanakauit ua kukuetshimakanit

A witness whose behaviour, general attitude and evidence in the Examination-in-Chief are such to make him an adverse or openly oppositional witness, following which the side that called the witness may, with the judge's permission, cross-examine him.

For instance, a witness who testifies contrary to a previous statement and displays hostility or prejudice against the party which called him to testify may be declared "hostile" by a judge at the request of the lawyer examining him.

HUNG JURY

Apu nishtutatuht kamamuanakaniht tshe ishi-tipapekauat kauaueshiakanniti

A jury of 12 persons who are unable to decide on the verdict of the case they are judging.

IMMEDIATE PROTECTIVE MEASURES

Utshepinanu tshetshi minuanakanit auass

Measures taken by the Director of Youth Protection, when he accepts a report on the protection of a child, to ensure the security of that child for up to 48 hours, before making an "Assessment of a Child's Social Situation" to determine if the security or development of the child is in danger.

The immediate removal of the child from his present environment is an example of such a measure.

IMPACT OF THE OFFENCE

Ka aishi-nanekatshiut auen katshi matshi-tutuakanit

The consequences of an offence for its victim(s).

IMPAIRED

Ka nashipannit auen umitunenitshikan

Reduced ability to perform a task. It is a term most commonly found in the offence of driving a motor vehicle when under the influence of alcohol or a drug.

IMPAIRED DRIVING

E pimipannit auen utapannu e nashipannit umitunenitshikan katshi minit kie ma katshi utinak kamatshikaunit

Operating or having the care and control of a motor vehicle or a boat or an aircraft, whether it is in motion or not, while the person's ability to operate it is impaired by alcohol or a drug.

This offence is different from the driving offence related to the alcohol level in a driver's blood (often called ".08 offence").

IMPAIRED DRIVING BY USE OF DRUGS

E pimipanitat auen utapannu e nashipannit umitunenitshikan katshi utinak kamatshikaunit

Operating or having the care and control of a motor vehicle or a boat or an aircraft, whether it is in motion or not, while the person's ability to operate it is impaired by a drug.

Recent amendments to the Criminal Code give police authority to demand a physical coordination test and more detailed evidence of a driver's impairment by drug use, such as an eye examination to measure pupil size, vertical and horizontal movement of the eyes and convergence of the eyes.

IMPARTIAL

Ka kuishkushinanut

Not favouring one side nor the other; fair.

IMPLICIT

Eka e minu-uauitakanit

Something that is not clearly stated in a statement or behaviour but is contained within the meaning of the statement or behaviour when properly understood. E.g. "Implicit in the unusually heavy fine imposed by the judge was his severe disapproval of the accused's behaviour."

IMPLIED

Tshissenitakuan ua issishuemakak at eka uitakaniti

That which is not clearly expressed in words but is, logically, part of the meaning of a statement or pattern of behaviour. E.g., "By making no reference to his son in his will, the testator implied that he had no love for him."

IMPUTED INCOME

Ishkupanitakannu tshe ishpish nashauakanit ut utauassima katshi nanatu-katat eshi-kanieut

In family law, when a judge finds that the amount of income a parent discloses is not accurate, the judge may attribute additional income to that person for purposes of calculating child support. A judge may also impute income when no income information is provided.

IN CAMERA

Unuitishauakanu auen tshetshi eka natutak kie ma petak

Private or closed; said of hearings that are not open to the public or the media.

INCEST

E uipemituht uikanishimauat

Having sexual intercourse with his parent, child, brother or half-brother, sister or half-sister, grandparent or grandchild, knowing that that person is blood-related to him.

INCOHERENT

Apu paikassitakushit

Unable, because of emotional distress or physical disability, to make sense. E.g., "The witness collapsed in tears and became completely incoherent. The judge took a break for a few minutes while the witness calmed down and was ready to continue answering questions."

INDECENT ACT

Tshishuaieueu eshi-uapatiniuet uiau

Intentionally doing an act not acceptable in a public place in front of one or more persons, or in a place in order to insult or offend someone; or Exposing one's genitals to someone under 16 years old for a sexual purpose.

An indecent act exceeds the community standard of tolerance but does not necessarily have to be sexual in nature.

INDEMNITIES AND ALLOWANCES PAYABLE TO WITNESSES ("TAXATION")

Eshi-tshishikuakanit auen katshi uishamakanit kauaeshtakannit

An amount of money paid, according to the law, to a witness in a trial, as compensation for his time, travel, lodging and meal expenses.

The expression "taxation of witness" refers to the process under which such amounts are paid to a witness.

INDICTABLE OFFENCE

Mishta-matshi-tutamun eshi-nashatshenanut

A criminal offence which is triable by way of indictment. The most serious criminal offences are indictable offences, such as murder.

INDICTMENT

Kauaeshtakanit-mashinaikanuian uatamatshemakak eshi-nashauakanit auen eshi-matshi-tutak

The formal legal document containing a description of the indictable offences upon which an accused will be tried.

INFANTICIDE

E nipaiait ukaumau upepessima

The killing of an infant soon after birth. In the Criminal Code, the act or failure to act of a mother causing the death of her newly-born infant, if at the time she is not fully recovered from the effects of giving birth and for this reason her mind is then disturbed.

It carries a lesser penalty than murder (maximum up to five years of imprisonment).

INFERENCE

Munenitamun

Where certain facts are known, an inference is a conclusion which is reasonable and logical, even without direct evidence of the conclusion.

INFORMANT

Tshimut ka mamishitshemut

The person who provides information, i.e., makes a written complaint of criminal behaviour under oath. Also a person who provides information of criminal activity to the police, secretly.

The law provides special protections for such people because it is believed that they are necessary for the suppression of crime.

INFORMATION

Kauaueshtakanit-mashinaikan ka mamishitshemunanut

A document, usually initiated by the police, generally with the prior authorization of a Crown attorney, sworn under oath before a judge or a Justice of the Peace, which claims that an accused has committed an offence (other than an indictable offence where the criminal charge is set out through an indictment). The bringing of an information to court starts a criminal proceeding.

INJUNCTION

Aikamiakanu

An order of the court requiring a party either to do, or not to do, a specific act, failing which he may be charged for contempt of court.

INMATE (ALSO CALLED PRISONER)

1. Katshipauakanit (*in prison*); 2. Kamakunakanit (*in jail*)

A prisoner in a correctional institution or jail.

INSANITY

Eka ka uashkamenimut

Madness. Insanity used to have a special legal meaning whereby an accused might be found not guilty by reason of insanity. The law no longer speaks of insanity, but rather mental disorder.

INSTITUTION

Uauitshiaushiutshuap / uauitshitun-mitshuap

In the context of health and social services, premises in which health and social services are provided, such as a local community service centre, a hospital centre, a social service centre or a reception centre.

INTENT

Itenitamun

A person is said to have acted with intent when they take action or fail to take action where there is or should be an awareness of the consequences of their action or failure to act. A person does not necessarily have to want a particular thing to happen, nor does intent refer to a reason or a plan to do wrong. He simply must act in a way that creates a risk of an outcome that could injure another person or their property. Intent can be very important when a judge is trying to determine someone's civil or criminal liability. The Parliament has the power to decide how much intent is required to find someone criminally liable.

INTENTIONAL (ALSO CALLED DELIBERATE)

Aieshkuenitam"

Deliberate, not accidental.

INTERCOUNTRY ADOPTION

Ka nitautshinakanit auass aitassit ka utshipanit

The adoption of a child who was living outside of Quebec by persons living in Quebec.

INTEREST OF THE CHILD

Eshi-minuenimut auass

A principle regarding what is best for the development and well-being of a child in consideration of his moral, intellectual, emotional and physical or material needs, as well as, among other things, his age, health, personality and family environment.

INTERIM DETENTION, PREVENTIVE DETENTION OR REMAND TO CUSTODY

E makunakanit auen

A remand is the temporary detention of a person waiting for trial, sentencing or the start of a term of imprisonment.

The general principle is that if the accused is detained following arrest, he should be released until the trial.

However, if the prosecutor justifies it, the judge may order that the accused be kept in custody until the trial, where it is necessary:

- to ensure the accused's attendance in court;

- for the protection or safety of the public; or
- to maintain confidence in the administration of justice.

INTERIM/INTERLOCUTORY ORDER

Kauaueshtakanit-mashinaikan pitama e aikamiakanit auen tshekuannu

An order rendered during a trial that is valid for a specified period of time or until there is a final order. It does not finally dispose of the case or claim before the court.

INTERMITTENT CUSTODY

Nananikutini e pitukaiakanit auass anite ka kanuenimakanniti auassa

A type of custody where a person is to be held only on certain days specified by the court as part of his sentence, instead of continually being in custody.

For example, a person may only be in custody on weekends.

INTERPRETER

Kaiashu-uitamatshesht

A person who translates the words that someone is speaking into a different language, including sign language.

INTERPRETER & TRANSLATOR

Kaiashushtat / kaiashu-mashinaitshesht (*translator*)

Interpreters and translators perform similar tasks. Translators convert written material (such as a book, article, contract, law) into a different language while the interpreters do the same with any spoken material such as a testimony or a judgement being rendered orally.

INTERVENTION

Aitun tshetshi minuanakanit auass

In the context of child protection, an action taken by the Director of Youth Protection under the Youth Protection Act when the security or development of a child is considered to be in danger.

INTOXICATED

1. Minukashu (*alcohol*); 2. Akuatamatshiu (*drug*)

Under the influence of alcohol or a drug.

INVESTIGATION

Kananatu-tshissenitakanit anite kamakunueshiu-atusseunit

An inquiry. The process of discovering what happened. It is used to describe what the police do when someone complains that a crime was committed.

ISSUE

Kapishitshitak / katipapekaitshesht / kakushkuenitak tshe tipapekaik eshi-animinuenitak tshekuannu

Something that is in question, that has to be resolved by a judge, after the lawyers have had an opportunity to say how they suggest it should be resolved.

JAIL

Tshipaututshuap

A prison. A place where people are confined to serve a prison sentence.

JUDGE

Kakushkuenitak / katipapekaitshesht / kapishitshitak

A person authorized to preside over judicial proceedings and to pronounce judgments in courts of law.

In the criminal context, the judge renders a decision, based on the evidence, as to the innocence or guilt of the accused, in certain cases with a jury, and determines the appropriate sentence.

JUDGMENT

Kakushkuenitak / katipapekaitshesht / kapishitshitak patshitinam" utaimun eshi-tipapekaitshet

Generally, the determination of a court upon matters submitted to it. In the criminal context, a decision made by a judge in the course of a trial with or without a jury, including with respect to the sentence or a major question raised in the criminal proceedings.

JUDICIAL DISTRICT

Kapishitshitak / kakuishkuenitak / katipapekaitshesht eshi-tipaimuakanit assinu anite tshe uaueshiakanniti auennua

A geographical division of Quebec into regions or districts, determined by law, for the practical administration of justice by courts.

For instance, the Code of Penal Procedure provides that generally the hearing is held in the judicial district in which the offence was committed or in which the accused has his residence.

JUDICIARY

Atusseun anite uetshipanit kauaueshtakanit

Generally, "judiciary" means related to courts (and judges) and to the administration of justice. "Judiciary" also collectively refers to all judges as a body.

JURISDICTION

Kauaueshtakanit eshi-tipenitak anite tshetshi tipapekaitshet

A broad term, it includes the power of a court to hear and determine a case depending on its nature, where it happened and the parties involved.

Collectively, jurisdiction is over subject matters, parties and locations.

For example, the Court of Quebec or a municipal court may not hear a trial for murder, which is under the exclusive power of the Superior Court.

Also, the term may apply to the geographical district or limits within which the judgments or orders of a court or a judge may be enforced.

JUROR

Ka naushunakanit tshetshi tat anite kamamuanakanniti tshetshi tipapekaitshet

A citizen chosen to be a member of a jury in a criminal trial.

JURY

Kamamuanakaniht tshetshi tipapekauht kauaueshiakanniti

A group of generally twelve people sworn to decide the facts at issue in a jury trial, either because the accused has chosen that mode of trial or because the law imposes it.

To reach a verdict, the jury must be unanimous which means that all jurors must agree. Where the jurors cannot agree ("deadlocked jury" or "hung jury"), the judge orders a mistrial and generally another trial will be held.

JURY LIST

Mashinaikan anite ka uinakaniht auenitshenat uashamakaniht tshetshi naushunakaniht tshetshi taht anite kamamuanakanniti

The list of the people ordered to appear in court to perform jury service if selected. The list is compiled by the sheriff.

JURY SEQUESTERED

E tshipautishuht kamamuanakaniht tshetshi uauitahk tan tshe ishi-tipapekauht kauaueshiakanniti

After a jury has heard all the evidence, the speeches of the lawyers and the charge, it is kept together and apart from other people until it makes a decision. We say then that the jury is sequestered.

JUSTICE OF THE PEACE

Pitau-kakushkuenitak / pitau-katipapekaitshesht / pitau-kapishitshitak

Justices of the peace exercise the powers and functions determined by the law according to the class assigned to them. There are two categories in Quebec: Presiding Justices of the Peace and Administrative Justices of the Peace.

Administrative Justices of the Peace have limited powers such as: receiving informations, undertakings and commitments, as well as issuing summons and subpoenas to witnesses.

The functions of a Presiding Justice of the Peace include exercising the functions and powers of Administrative Justices of the Peace plus other powers that are also exercised by judges of the Court of Quebec such as: trying provincial offences, issuing arrest warrants, search and seizure orders and orders on the mental status of an accused with the consent of the parties (prosecutor and accused).

KEEP THE PEACE

Tshetshi tshiaminniunanut

A condition of all probation orders. To stay out of trouble. Do not break any laws.

KIDNAPPING (ABDUCTION)

E utshipitakanit auen tshetshi kanuenimakanit eka e tapuetak

Carrying off a person by illegal force, deception or fraud for the purpose of confining or imprisoning him against his will, including for ransom, or holding him to service, or causing him to be unlawfully sent out of Canada against his will.

This act can be committed against one's own children.

Kidnapping involves forcible confinement but forcible confinement does not necessarily involve kidnapping.

LAW AND STATUTES

Takuaimatsheuna

The "law" refers to all the rules which govern a country or particular part of the country (such as a province) and which are enforceable through judicial or administrative systems.

A statute, often referred to as an "Act" and sometimes as a "Code", is a written law which expresses the will of a provincial legislature (such as the Youth Protection Act or the Highway Safety Code) or the Canadian Parliament (such as the Youth Criminal Justice Act or the Criminal Code).

LAWFUL (ALSO CALLED LEGAL)

Kuishk" e nashakaniti / nashatakaniti takuaimatsheuna

Permitted or allowed by law.

LAWYER (COUNSEL / ATTORNEY)

Kaimisht

A person trained and licensed to prepare, manage, and either prosecute or defend a court action as the agent of another person, and who also gives advice on legal matters that may or may not require court action.

(In the youth protection context, see "Advocate")

LEADING QUESTION

Shitshimu-kukuetshitshemun

A question phrased by a person examining a witness that directly or indirectly suggests the answer the witness is to give or that can be answered simply by "yes" or "no".

LEAVE OF THE COURT

Kauaueshtakanit kie ma kapashitshitak / kakushkuenitak / katipapekaitshesht tapuetam" tshekuannu

Permission of the judge or court.

LEGAL AID

Ka uauitshiakaniht kauaueshiakaniht tshetshi tshishpeuatitishuht ianimiuh tshuniat

The provision of publicly funded legal services by the province (advice, assistance or representation) to persons demonstrating financial need, according to provincial criteria.

LEGAL AID APPLICATION

Mashinaikan anite netuenitahk kauaueshiakaniht tshetshi uauitshiakaniht ua tshishpeuatitishuht ianimiuh tshuniat

A form which must be filled out when a person involved in a court case wants a Legal Aid lawyer to represent him throughout the court proceedings. The application has to be approved before a lawyer may be assigned. Sometimes the application is rejected or denied for various reasons.

LESS INTRUSIVE COURSE OF ACTION (CHILD PROTECTION)

Ashtanite ishpush kushikuan tshetshi itshenakanit auass anite mekuat etat tshetshi mishkut minupit

A measure which is less severe than removing a child, but still adequately protects the child.

LEVEL OF CUSTODY

Eshpush tipaimuakanit auass tshe aitit (katshi anuenimakanit kauaueshtakannit)

The degree of restraint of a young person in a youth custody facility, such as open or secure custody. There are at least two levels of custody (minimal or higher degree of restraint) for young persons available in each province.

LIABLE

Tshipa tshi ishinakuan

Generally, what a person is actually or potentially subject to, or may be legally exposed to, as a result of an act or omission.

For instance, a person found guilty of certain offences is liable up to a certain number of years of imprisonment, or to a fine or to both.

LIAISON OFFICER

Kamakunueshiu-kupaniesh (kauaueshtakanit)

A person (normally a police officer) who provides a communication link between the prosecutor (Crown Attorney) and the police in relation to criminal legal proceedings.

LIMITATION ON PROCEEDINGS / LIMITATION OF ACTION

Eshkuat tshetshi pimipanitakanit kauaueshtakanit

A fixed period of time determined by law within which proceedings must be commenced. Generally, after the period of time has passed, the proceedings may not be commenced.

For example, under the Criminal Code, the prosecution of a summary conviction offence must be initiated within six months of the offence; under the Quebec Code of Penal Procedure, the prosecution of a provincial offence must generally be instituted within one year of the offence.

LIMITATION PERIOD

Etshtet takuaimatsheun-mashinaikanit tshe ishpish tshi pimipanitakanit tshekuan kauaueshtakanit

The statutory time limit for commencing a legal proceeding. A statutory time limit means one that is set out in law.

LITIGATION

Tshekuan e pimipanitakanit kauaueshtakanit eka e nishtutatunanut

Legal proceedings before a court.

MAINTENANCE

Eshpish nashauakanit shuniat ut utauassima kie ma utshiasha

Money paid by a person toward the living expenses of a spouse, child, or dependant parent. Usually called "support".

MAKING A STATEMENT

Mashinaikanashtakannu auen utipatshimun

A description of events which is given to police or to "persons in authority" by a witness, a victim or an accused after being informed of his right to remain silent. It is usually in writing and signed by the person giving the statement. To serve as proof in a court case, it must be voluntary, without threats or promises of benefits.

MANSLAUGHTER

E patashtauakanit auen katshi nipatatshet at eka ka itenitak tshetshi nipatatshet

Unlawfully or unjustifiably killing a person in an unintentional way. It is a form of homicide that is not murder (murder requires a wrongful intent of killing).

MARRIAGE CONTRACT

Nipaun-mashinaikan

A contract entered into by two persons who intend to marry each other, in which they agree on their respective rights and obligations during the marriage, or in case of separation, divorce, annulment or death.

MEDIATION

Natu-nishtutatun

Mediation is a process for working out disagreements with the help of a trained, impartial person (a mediator). Mediation allows disputes to be settled outside of court. Mediators do not judge who is wrong or right. They encourage people to focus on common interests and work towards a mutually acceptable solution.

MEDIATOR

Kanatu-minupanitat

A mediator is a trained, impartial third party who helps two or more parties discuss a dispute and work toward a solution that is acceptable to all parties. Mediators do not judge who is wrong or right. They encourage people to focus on common interests and to work towards a mutually acceptable solution.

MEDICAL DOCTOR

Natukunish

A person legally qualified to practise medicine. Also called physician.

MEDICAL EXAMINERS

Tshipai-natukunish

A public official in some jurisdictions responsible for investigating suspicious deaths.

MEDICATION

1. Kakutakaniti; 2. Natukuna

The medicines taken by a patient, prescribed by a doctor.

MENTAL DISORDER / INSANE

Ushtikuan-akushuna

A person who has a disease of the mind or abnormal condition to an extent that he is incapable of understanding the nature and quality of an act or omission or of knowing that it is wrong, may be found by the court not criminally responsible for an act committed or an omission made while suffering from such a mental disorder.

A mental disorder may also result in a finding or verdict that the accused is unfit to stand trial.

MENTAL HEALTH

Etenitakuannit umitunenitshikan

Health of the mind.

MISCHIEF

Usht ka pikunakanit tshekuan

Intentionally destroying or damaging property, making it dangerous, useless or otherwise interfering with its lawful use, enjoyment or operation.

A broad criminal offence ranging from very minor interference to very major matters. The punishment is higher when the mischief is in relation to property, the value of which exceeds \$5,000.

MISTRIAL

E nakaikanit kauaueshtakanit eshk" eka tshishtapanit

A trial that is ended before a final judgement is rendered because of a lack of jurisdiction or to prevent a miscarriage of justice. This includes a serious error or a serious difficulty in procedure (such as where the jury cannot agree on a verdict) or a disregard of some fundamental process either before or during the trial.

MITIGATING CIRCUMSTANCES

Uitshiku tshatapatakanniti nutim utaituna tshetshi eka ishpish anuenimakanit

The facts that reduce the seriousness of a given offence and that can lessen the sentence of the offender, including his character, the absence of prior criminal record and the circumstances of the offence (such as remorse, pleading guilty and cooperation with the investigation).

MOTION FOR AN ORDER NOT TO PUBLISH

Natuenitakannu tshetshi itashumakanit auen tshetshi eka uauitak ka ishi-unuipannit aimunnu anite ut kauaueshtakannit

Where one of the parties in a case asks the judge to order that the names of the victim and witnesses, and other evidence heard in the case, not be broadcast or published in any way.

MOTION FOR MISTRIAL

Mashinaikan netuenitakanit tshetshi nakaikanit kauaueshtakanit eshk" eka ne auen tshishi-uaueshiakanit

A request to the judge that he declare a mistrial.

MOTION TO DISCHARGE A JUROR

Mashinaikan netuenitakanit tshetshi itshenakanit ne peik^u auen ka tat anite kamamuanakanniti

A request to the judge that a juror should be discharged, or removed from the case.

MOTION TO INSTITUTE PROCEEDINGS

Mashinaikan ushkat e patshitinakanit kauaueshtakanit uiauitakanit tshekuan eshi-natuenitakanit

A written application to the court with the names of the parties, a summary of the issues in dispute, the facts one of the parties wishes to put before the court and the measures sought in the case.

MOTIVE

Eshi-natshinikut tshetshi matshi-tutak

The reason someone does something. In a murder case, most people tend to ask what was the motive. In other words, why did the person kill the deceased? Was it for money, or because of jealousy?

MURDER

Aieshkuenitamushapan auen tshetshi nipatatshet

Intentionally killing a person. Murder includes intentionally causing bodily harm knowing it is likely to cause the death of a person or being reckless as to whether or not death occurs.

The Criminal Code distinguishes between first degree murder (when the homicide is planned), which carries a life sentence without possibility of parole before 25 years, and second degree murder (murder without planning) which also carries a life sentence but with possibility of parole after serving 10 years.

NECESSITY

At eshi-atamitshikuakaniti ishinakuannipan tshetshi tutak tshekuannu

A defence in criminal law. Breaking down someone else's door would normally be an offence of mischief. To do so to save a life would raise the defence of necessity.

NEGLECT

Apu minu-aitutuat utauassima

A situation in which the child's parents or the person having custody of him do not meet his basic needs (physical needs, including food, clothing, hygiene; lodging needs; care for physical or mental health; appropriate supervision or support; or taking the steps to provide him with schooling).

This includes situations where there is a serious risk that a child's parents or the person with custody of him are not providing for the child's basic needs.

NEGLECT (CHILD PROTECTION)

Apu minu-aitutuat utauassima

In child protection cases, the failure by a parent or other caregiver to provide for a child's basic physical, emotional or developmental needs or to protect a child from harm or potential harm.

NO CONTACT ORDERS (CHILD PROTECTION)

Kauaueshtakanit-mashinaikan uatakanit tshetshi eka aimikut auennua ne auass

An order rendered by a judge where there are reasonable grounds to believe that contact between a child and another person would cause the child to be in need of protective intervention.

NON-CULPABLE HOMICIDE

Eka e patashtauakanit auen katshi nipatatshet at eka ka itenitak tshetshi nipatatshet

The killing of a human being that is not a criminal offence. For example, self defence: When a person kills another person only because it was necessary to do so to save himself or someone under his protection.

NOT GUILTY

Apu patashtauakanit

A formal finding or a formal plea that an accused is not culpable of the offence with which he is charged. There is a distinction between "not guilty" and "innocent". While not being factually innocent, an accused may be found legally not guilty, for example on the basis of no evidence or insufficient evidence of his guilt, or on the basis of a mental disorder.

NOT GUILTY ON THE BASIS OF NO EVIDENCE

Eka e patashtauakanit enutepannit tshekuannu tshetshi ashpatshishimuatshenanunit

If there is no evidence, or insufficient evidence, before the court in a criminal case, the accused may not be found guilty and is therefore declared not guilty.

NOT GUILTY PLEA

E uitak auen eka e patashtautishut

A formal plea by the accused or his lawyer generally at the beginning of trial or even at the appearance stage, which results in the Crown attorney having to prove the offence beyond a reasonable doubt, failing which the accused will be acquitted (found not guilty).

NOTARY

Kaimisht ka atusseshtak nishtutatun-mashinaikana

A person trained and licensed to perform legal formalities, in particular the settlement of estates, the drafting of wills, marriage agreements and other deeds including securities, such as mortgages, and who also gives advice on legal matters that may or may not require legal action. A notarized document contains the signature of the notary and his seal of office and may have more legal force than a non-notarized document.

NOTICE OF APPLICATION FOR ADULT SENTENCE

Mashinaikan uatamuakanit auass tshe ishi-uaueshiakanit miam kaishpitishiniti

A procedure undertaken by the prosecutor at the appearance stage, notifying the young person and the court that the prosecutor will later make a request that the young person be subjected to an adult sentence.

NOTICE TO PARENTS

Mashinaikan uatamuakanit utaumau kie ukaumau tshe uaueshiakanniti utauassimuaua

A notice to the parents of the charge brought against their child (who is a minor).

As applicable, a notice to the parents of their minor child's arrest and detention, or notice if the young person is dealt with by an extrajudicial sanction.

NOTICE TO THE DEFENDANT

Mashinaikan uatamuakanit auen tshe uaueshiakanit

A document attached to the motion to institute proceedings informing the defendant, among other things, about the time period for him to respond and the date on which the motion will be presented to the court.

OATH

Katapuenanut

An appeal to God or to another revered deity, person or object (such as a Bible) to witness the intention of a person to speak the truth or to attest to the truth of his statement.

As with the person who solemnly affirms, the person who takes the oath and who knows it to be false, may subject himself to prosecution for perjury or other legal proceedings.

OBJECTION

Kaimisht nianakauishtak aimunnu kie ma mashinaikannu

A submission by a lawyer in court that a question asked of a witness by a lawyer for the other side will bring out an answer that is inadmissible evidence. It is also used when a lawyer opposes certain information which the other side is attempting to enter as evidence. For example, the defence might object if the Crown attempts to enter photo-

graphs of an injury. The judge will then hear arguments from both lawyers which support their positions before deciding whether the photos will be accepted as evidence.

OBSTRUCTING JUSTICE

Mamashitau ka uaueshtakanit

Intentionally interfering or attempting to interfere with the course of justice in an existing or proposed judicial proceeding, including by influencing a person in relation to giving evidence or in relation to his conduct as a juror, or accepting a benefit (such as a bribe) for one of those purposes.

OFFENCE

Matshi-tutamun

Generally, an act or omission punishable under the criminal or penal law.

OFFENDER (CRIMINAL)

1. Kamatshi-tutak (*offender*);

2. Kamatshi-tutak ka nakatuenimakanit (*long-term offender*);

3. Kamatshi-tutak ka kushtikushit (*dangerous offender*)

A person who commits an illegal act that is an offence according to law. More specifically, a person who has been determined by a court to be guilty of an offence, whether by a guilty plea or a finding of guilt.

OFFICE OF THE COURT (COURT REGISTRY)

Anite kenuenitakaniti kauaueshtakanit-mashinaikana

The office or people responsible for the administration of one or more courts, whose main functions are issuing court orders and preserving court records.

ONUS OF PROOF / BURDEN OF PROOF

Tshishe-utshimau-kaimisht tshe ui uapatiniuet ka matshi-tutaminiti tshetshi patashtauakanniti

The degree of evidence the Crown or, under certain circumstances, the accused, has to bring to prove or disprove a fact at issue. The two main burdens of proof are evidence on a balance of probabilities or beyond a reasonable doubt, depending on the nature of the matter.

For instance, in the criminal and penal context, the prosecutor must prove beyond a reasonable doubt that the accused is guilty of the offence, failing which he will be acquitted.

In the bail context, it is the obligation of a party to prove on a balance of probabilities whether the detention of the accused in a given case is necessary during trial to ensure his attendance in court, for the protection or safety of the public or to maintain confidence in the administration of justice.

ORAL TESTIMONY

Natshi-uitam" eshi-tshissenitak

Spoken evidence under oath. By far the most common form of evidence.

ORDER

Kauaueshtakanit-mashinaikan eikamiakanit auen

In the judicial context, a direction of a judge commanding a party to do or not to do something, failing which this party may be charged among other things with contempt of court.

For instance, an order excluding witnesses from the courtroom; an order for the medical assessment of an offender; an order to stand trial after a preliminary inquiry.

ORDER FOR TEMPORARY TRANSFER TO ADULT FACILITY

Kauaueshtakanit-mashinaikan tiapuetakanit tshetshi kanuenimakanit auass shash katshi tshishapeut anite tshipaututshuapit eshk" eka e tshishi-uaueshiakanit

A judicial order that a young person who reaches the age of 18 be temporarily detained, before sentencing, in a provincial correctional facility for adults. This order is despite the general rule that young persons be kept in custody separately from adults, but the young person is still to be kept separate from an adult in such a correctional facility.

ORDER FOR TRANSFER TO ADULT FACILITY

Kauaueshtakanit-mashinaikan auass etat anite ka kanuemakanniti auassa netuenitakannit tshetshi itishauakanit tshipaututshuapit katshi tshishapeut

A judicial order that a young person committed to custody and who reaches the age of 18 be transferred and detained in a provincial correctional facility for adults or penitentiary for the rest of his sentence.

This order is despite the general rule that young persons be kept in custody separately from adults.

ORDER REQUIRING ATTENDANCE OF PARENT

Kauaueshtakanit-mashinaikan eikamiakaniht uikanishimauat tshetshi taht kauaueshtakannit

An order for a parent of a young person to be present in court during the criminal legal proceedings taken against his child. This order may be made by the court where the parent does not attend proceedings held before the youth justice court, if in the court's opinion, the presence of the parent is necessary or is in the interest of the young person.

ORDER TO STAND TRIAL

Kauaueshtakanit-mashinaikan uatakanit shash eshpanit tshe ishi-ashpitshishimuatsHENANUNIT tshetshi itishauakanit auen tshe uaueshiakanit katshi natu-tshissenitaminiti kapishitshitaminiti / katipapekaitsheshiniti / kakushkuenitaminiti

After reviewing the evidence and a determination that there is sufficient evidence at the preliminary inquiry to put the accused on trial, the judge orders the accused to stand trial at a later date.

OVERRULE THE OBJECTION

E uepinakannit kaimisht ka ishi-nanakauishtak

Where a lawyer makes the submission that evidence that the lawyer for the other side is trying to put before the court is inadmissible, the judge has to decide who is right. If he agrees with the lawyer making the objection, he allows the objection or rules in favour of it. If he does not agree with the objection, he rules against it or overrules it.

PARENTAL AUTHORITY

Uikanishimau-tipenitamun

All of the rights and duties that parents normally have regarding their minor child in relation to supervision, education, custody, maintenance and support, including generally the consent to health care, choice of schools, the child's social and sports activities and the duty of ensuring the child's health and safety.

PAROLE

Patshitinakanu auen eshk" eka e tshishtat ka ishi-anuenimakanit

Various forms of limited freedom granted to prisoners by the National Parole Board. The word has the meaning of "giving one's word".

PARTY

- 1. Kanashatuht (*parties*);**
- 2. Kanashauakanit (*defendant*);**
- 3. Kanashatshet (*plaintiff*)**

A person by or against whom a legal action is brought; or The people who make promises to each other in a contract.

PATERNITY

E natu-tshissenitakanit auen e utaumaut

In law, the question of who is the father of a child.

PATHOLOGIST

Tshipai-natukunish

Pathology is the study of disease. A pathologist is a physician who specializes in this branch of medicine. Pathologists are often expert witnesses who give opinion evidence in homicide cases.

PAYOR

Auen shunianu ka mashinaitshet

A person who is required to pay money to another person under a court order or agreement.

PEACE BOND

Kauaueshtakanit-mashinaikan e mashinatautishut auen tshetshi tshiaminniut

A form of recognizance. Upon an application being made, a judge may order a person to keep the peace towards the person who applied to the court for a peace bond. The judge may also include additional conditions. Such conditions may include that the person named in the peace bond may not communicate with the applicant or must remain a specific distance away from that person or his family members.

PEACE OFFICER AND POLICE OFFICER

Kamakunuesht

A peace officer is a civil officer with the authority to preserve the public peace. Police officers and special constables form part, among others, of the large category of peace officers.

A police officer is a member of a police force with the status of "police officer" and the authority to enforce federal and provincial statutes and bylaws in a given territory, such as a province or a municipality.

PENALTY

Anuenimitun

Another word for punishment.

PENITENTIARY

Mishta-tshipututshuap

A place of detention for offenders who have been sentenced to two or more years of imprisonment. It is a federal institution.

PERJURY

Katshinau katshi tutak katapuenanunit

Making a false statement under oath or solemn affirmation, either in writing or orally, with the intention to mislead.

PERSON IMPORTANT TO THE CHILD

Auen ka shutshenimikut auassa

A person who is important to the child, such as a grandparent, aunt or uncle or other members of the extended family.

PHYSICAL ABUSE

(Na)nekatshiakanu anite uiat

A situation in which the child is the victim of bodily injury or is subjected to unreasonable methods of upbringing by his parents or someone else, including a failure by the child's parents to take the necessary steps to put an end to such a situation. It also includes situations where the child runs a serious risk of becoming the victim of such physical abuse.

PHYSICAL DISABILITY

Massiun

An activity limitation associated with a physical condition or a health problem.

PLACEMENT CONSIDERATIONS (CHILD PROTECTION)

Ne ut auass e tshishpeuatakanit tshe ishi-tipapekaikanit tshetshi minuanakanit

Factors which must be considered when deciding where a removed child should be placed. For example, the placement should be least disruptive to a child, it is important to keep siblings together, contact with family or other significant people is important. Consideration should first be given to placing the child with a relative or a person with whom the child has a significant relationship.

PLANNED

E aieshkushtet

Thinking something out in advance of doing it. Evidence of planning in a criminal case provides evidence of intent. A component in the crime of first degree murder which is murder that is planned and deliberate.

PLEA

E uitak auen e patashtautishut kie ma eka e patashtautishut

At the time of appearance following the reading of the charges, statement made by the accused or his counsel specifying whether he enters a plea of guilty or not guilty.

POINTING A FIREARM

Itashkunamuakanu passikannu

Pointing a firearm at someone else, whether or not the firearm is loaded, without lawful excuse.

POLICE WARNING

Utipenitamun auen tshetshi eka aimit eka ui aimiti e nakanikut kamakunueshiniti

The police warning is what the police are supposed to say to a suspect, before they take a statement from him, if they hope to use the statement in evidence. It usually goes something like this: "You have the right to remain silent". When a suspect chooses not to exercise his right to remain silent, and instead gives a statement to the police, the courts may accept that statement, which is often a confession of guilt, as evidence, but will first want to be sure that the accused made the statement voluntarily.

In addition, the police have to tell the suspect that he has the right to call a lawyer and that, if he can't afford a lawyer, Legal Aid will pay for the lawyer.

POSSESSION FOR PURPOSE OF TRAFFICKING

Kanuenitam" ka matshikaunit tshetshi ataatshet kie ma minat auennua

Personally having an illegal drug, or knowingly having it with someone else, in order to sell or give it.

POSSESSION OF DRUGS

E kanuenitakanit kamatshikaut

Personally having an illegal drug, or knowingly having it with someone else or having it in a place for one's own benefit or that of someone else.

POSSESSION OF PROPERTY OBTAINED BY CRIME

Kanuenitam" tshekuannu ka tshimutinanunit

Possessing property, or money or what was received if it was sold, knowing that it was obtained through an offence such as robbery or fraud.

A person is also considered to have such a thing in his possession even when he knowingly has it with another person, or has it in a place for his benefit or that of someone else.

PRECEDENT

Kapishitshitak anite utat utaimun ka ishi-pimutet tshetshi tipapekaik tshekuannu

A judicial decision or judgment that is used as the authority for deciding a similar situation in the same manner.

PRE-HEARING CONFERENCE / PRE-TRIAL CONFERENCE

E natshishkatunanut tshetshi aieshkupinanut eshk" eka uaueshtakanit

A meeting of the parties (or their lawyers) in front of a judge after a case has been scheduled for a hearing, and before it takes place, to determine appropriate ways to simplify the case and to shorten the hearing (such as by obtaining admissions or providing a list of witnesses).

PRE-HEARING CONFERENCE MINUTES

Ka mashinaitshepanitakanit aimun ka natshishkatunanut tshetshi aieshkushtakanit tshe uaeshtakanit

An official record of the agreements between the parties (or their lawyers) made in the presence of the judge and decisions made by the judge at a pre-hearing conference.

PREJUDICE

Eshi-katshitaukut auen tshekuannu

Sometimes a judge has to decide whether a piece of evidence will be put before the jury because its prejudicial effect could outweigh its probative value. In this context, the word prejudice is used in a technical manner and a defense lawyer may use it when asking the court to prohibit the Crown from putting before the jury some piece of evidence, such as the accused's criminal record, in particular if it shows that the accused has previously been convicted of offences similar to the one he is currently facing.

The judge may agree and rule that the Crown may not bring up the record because of its possible prejudicial effect on the jury. Knowing that the accused has done this sort of thing before may cause them to lose sight of the specific facts of the case before them and convict him because of his record.

PRELIMINARY INQUIRY / PRELIMINARY HEARING

Kapishitshitak / katipapekaitshesht / kakushkuenitak pitama natu-tshissenitam" tshima ishpanikue tshakuan tshetshi ashpitshishimuatshenanut eshi-atamenimakanit auen

Hearing before a judge, held before the trial, to determine whether the Crown has sufficient evidence to put the accused on trial.

PRELIMINARY MATTERS / PRELIMINARY MOTION

Kukuetshitshemuna eshk" eka tshitshipannanut kauaeshtakanit

At the beginning of a trial, the judge will ask the lawyers if there are any preliminary matters to be addressed before the trial gets underway. In a jury trial, especially, courts like to get such matters dealt with in an organized manner so as to inconvenience the jury as little as possible. These matters are dealt with in the absence of the jury.

PREMEDITATED

Ka aieshku-mamitunenitak auen tshe aitit

Planned in advance.

PRE-SENTENCE REPORT

Mashinaikan netuenitakanit kauaeshtakanit uiauitakannit auen utinniun eshk" eka anuenimakanit

A report prepared by a probation officer (for adults) or a social worker (for youth) before sentencing containing information regarding, among other things, the offender's history, to be used in assisting the court to determine the appropriate sentence.

The report informs the court of the accused's potential for rehabilitation, and the threat he presents for society in general. In preparing the report, the probation officer or the social worker may also contact the victim to determine the nature and seriousness of the harm he suffered.

PRESUMPTION OF INNOCENCE

Nanitam tshika ui ishi-utinakanu auen miam eka ka matshi-tutak at atamenimakaniti eshku eka patashtauakanit

A person charged with an offence has the fundamental right to be presumed innocent until proven guilty. The prosecutor must provide evidence beyond a reasonable doubt that the accused is guilty of a criminal or a regulatory offence with which he is charged, failing which he will be acquitted.

PRE-TRIAL SETTLEMENT CONFERENCE (CHILD PROTECTION)

E natshishkatunanut tshetshi aieshkushtakannit tshe ishi-uaueshiakanit kaiauassiut

A meeting with a judge who is not going to be hearing the trial. At this meeting, the parties briefly explain to the judge their own positions on each issue. The judge then gives a brief opinion based on how he thinks the case could be resolved. This meeting is used to help settle cases.

PRIMA FACIE

Eshinakuak tshekuan ushkat e uapatakanit

A term meaning "at first sight". We often speak of a prima facie case, meaning that it looks, at first glance, as if someone, the Crown in a criminal case or the plaintiff in a civil case, has at least the basis for a case, and should be allowed to take up the time of the court in attempting to prove it.

PRISON

Tshipaututshuap

A place of detention for offenders who have been sentenced to less than two years of imprisonment. It is a provincial institution.

PRISON BREACH

E tshitishimut katshipauakanit

Breaking out of a prison by force or violence in order to free himself or another confined person, or in order to escape. Or, escaping from lawful custody, or being at large without lawful excuse before the expiration of a term of imprisonment.

PRISONER (ALSO CALLED INMATE)

1. Katshipauakanit (*in prison*); 2. Kamakunakanit (*in jail*)

An offender kept in custody in a jail.

PROBATION OFFICER OR PAROLE OFFICER

Ka nakatuapamat auennua ka uaeshiakanniti

A person who supervises an offender placed on probation or parole. Among other things, he is mandated by the judge to prepare a report on the accused in order to assist the court in rendering a sentence. He also assists in the rehabilitation of an offender where this is a requirement of a sentence.

PROBATION ORDER

Kauaueshtakanit-mashinaikan tshe aishi-nakatuapamakanit auen

An order of the court requiring the offender to be under the supervision of a probation officer to ensure his rehabilitation.

Probation is a sentencing option that may be imposed on its own (such as a suspended sentence) or that may be ordered in addition to other sentencing options. For instance, offenders released into the community on a conditional sentence order are placed on probation and must follow the conditions imposed.

An offender convicted of a breach of conditions (set out in a probation order) is liable to imprisonment of up to two years.

PROGRAM TO DEVELOP SKILLS AND AUTONOMY

Atusseun ua tshishkutamuakanit auass tshetshi pikutat e aitutatishut

A program outside the formal educational environment which helps a child to develop his learning abilities and to become more independent.

Participation in such a program may be imposed by the court or be part of the voluntary measures proposed by the Director of Youth Protection to be included in an agreement under the Youth Protection Act, where the security or the development of a child is in danger.

PROHIBITION ORDER

Kauaueshtakanit-mashinaikan tshetaimatshenanut tshekuan

A court order prohibiting a person from having certain objects such as a firearm or other weapon, ammunition or explosives for the period specified in the order, in addition to an imposed sentence.

PROMISE TO APPEAR

E mashinatautishut auen tshetshi tat anite tshe piminiakanit

A form signed by a person in custody in which, in order to be released, he promises to attend court at a given time and place to face criminal charges mentioned in that document.

It may include a requirement to appear for the purposes of identification (such as fingerprints).

The document also sets out the legal consequences of a failure to comply.

PROOF (EVIDENCE)

Tshika ui nukutakannu ka ishi-matshi-tutakanit

Anything relevant (statements or objects) which is used to establish or negate a fact or an allegation in a legal proceeding.

A fact is proven or established when a party convinces the judge (or jury) of the truth of this fact. It is also considered proven or established when it is admitted as true by the opposing party in a given case.

PROOF AND HEARING

Kapishitshitak / kakushkuenitak / katipapekaitshesht shenam" kauaeshtakannit tshe natutak

The hearing before the court, which includes testimony and submissions. Informally, the term "hearing" is used instead of "proof and hearing".

PROOF OF SERVICE

Ashpatshishimuatsheun-mashinaikanuian uatakanit katshi patshitinakanit mashinaikanuian

A written declaration or written statement that a document (such as a subpoena or a statement of offence) has been delivered as required by the law to the person for whom it was intended.

PROPERTY

Ka ishi-tipenitak

That which is owned by a person, corporation or government.

PROPORTIONATE SENTENCING

Eshpish anuenimakanit auen tshatapatakannit ka ishpish matshi-tutak

A fundamental principle that the sentence must be in line with the seriousness of the offence and the degree of responsibility of the offender.

PROSECUTOR

Kaimisht ka nashatshet

The person who takes charge of and conducts, on behalf of the governmental authorities (the Crown), the prosecution of offenders under federal and provincial laws.

PROVE

E nukutakanit tshekuan katshi ishpanit

To establish the truth or existence of a fact or an allegation by evidence or argument.

PROVEN

Tapuemakan katshi ishpanit

When the truth or existence of a fact or an allegation has been established by evidence or argument.

PROVINCIAL COURT

Uepishtikueiau-assit nikan-kauaueshtakanit

In the Criminal Code, for Quebec, the Court of Quebec or a municipal court.

PROVINCIAL DIRECTOR

Katakuaitshet kaiauassiuniti ka tshitapamat

In Quebec, the Director of Youth Protection.

In addition to his roles and responsibilities under the Youth Protection Act, the Director of Youth Protection assumes those given to the "Provincial Director" under the Youth Criminal Justice Act.

PROVISIONAL AGREEMENT

Uenapissish tshe ishi-nishtutatunanut

An agreement made between the Director of Youth Protection and the child's parents during the assessment period, before an agreement on voluntary measures is signed or before the case is referred to the court. Such an agreement may not cover more than 30 days and may not be renewed.

PROVISIONAL COMPULSORY FOSTER CARE

Uemut uenapissish tshe minuanakanit auass

A court order requiring a child to stay at a specific place, such as with a foster family or in a rehabilitation centre, for up to 30 days where the court concludes that staying with his parents or at his residence would likely cause the child serious harm. As justified by the facts, the court may order a single extension for a period up to 30 days.

PROVISIONAL CUSTODY AUTHORIZATION

Tapuetakannu ne kaiauassiut tshetshi tshipauakanit uenapissish

An authorization given by the Director of Youth Protection for the detention, in Quebec, of a young person under arrest until his appearance in court.

It also determines the facility where he will be held.

PROVISIONAL MEASURES

Kapishitshitak / katipapekaitshesht / kakushkuenitak tshika ui utinam^u aimunnu tshetshi tshishpeuatakanit auass e utshepinanunit tshe ishpish minuat pimipaniakanit

Measures ordered by the court during proceedings if, for example, a case must be postponed and the measures are considered necessary for the child's security or development.

Provisional compulsory foster care may only be ordered if there is a risk of serious harm for the child if he remains with his family or in his residence.

PROVISIONAL ORDER

Kauaueshtakanit-mashinaikan pitama e aikamiakanit auen tshekuannu

A child support order that is made in one province but has no legal effect in another province until it is confirmed in that other province.

PROVOCATION

E nanatu-tshishuaiat auen auennua

The conduct of a person, including, but not limited to, blows, words and gestures, that tends to excite feelings of anger in another person. It is a limited defence in the law of murder, capable of reducing the crime of murder to manslaughter.

PSYCHIATRIC ASSESSMENT

E natu-tshissenimakanit auen umitunenitshikanit tshetshi uashkamenimukue

Assessment of the mental state of a person, done by a psychiatrist.

PSYCHIATRIC INSTITUTION

Mitunenitshikan-akushiutshuap

A hospital for patients suffering from psychiatric illnesses. Some of these hospitals have facilities like jails, where patients may be locked up and placed under guard. The Douglas Hospital in Montreal is an example of a psychiatric institution.

PSYCHIATRIC REMAND

Kauaueshtakanit-mashinaikan netuenitakanit tshetshi natu-tshissenimakanit auen umitunenitshikanit

A court order calling for an assessment of the mental condition of an accused.

PSYCHIATRIC REPORT

Akushiu-mashinaikan katshi natu-tshissenimakanit auen umitunenitshikanit

A report made following an assessment of the mental state of a person by a psychiatrist.

PSYCHIATRIST

Mitunentshikan-natukunish

A physician who specializes in the treatment of mental illness.

PSYCHOLOGICAL ASSESSMENT

E natu-tshissenimakanit auen uminuenimunit

An assessment of the mental state of a person, conducted by a psychologist.

PSYCHOLOGICAL ILL TREATMENT

E nenekatshiakanit auass umitunenitshikanit

A situation in which a child is seriously or repeatedly subjected to behaviour on the part of his parents or someone else that could cause harm to him, and the child's parents fail to take the necessary steps to put an end to the situation. Such behaviour includes insults, emotional rejection, isolation, indifference, threats and exposure to domestic violence or exploitation.

PSYCHOLOGICAL REPORT

Akushiu-mashinaikan katshi natu-tshissenimakanit auen uminuenimunit

A report made following an assessment of the mental state of a person by a psychologist.

PSYCHOLOGIST

Minuenimun-natukunish

A professional who specializes in the field of emotional and behavioral disorders. Psychologists and psychiatrists perform similar work, but only psychiatrists may prescribe medication.

PUBLICATION BAN

Tshitaimatshenanu tshetshi uauitakanit ka ishi-uaueshiakanit auen

The general principle being open and accessible court proceedings, an exceptional court order prohibiting, for a given period of time, a person from repeating outside the courtroom, or publishing or otherwise communicating information heard in the courtroom.

PURE ACCIDENT

Eka usht e tutakanit

An accident where no one is to blame in any way and no one was negligent.

PUT IN CUSTODY

E itishauakanit auass anite tshe nakatuenimakanit

The act of detaining a young person in a facility designated for the placement of young persons, including a secure restraint facility, a community residential centre or a group home.

QUALIFICATIONS

Eshi-nishtuapatak auen utatusseunit

That which qualifies a person in a specific area. Before an expert may give opinion evidence, the court will hear details of the prospective witness' qualifications in the area in which he has been called to give his opinion. If satisfied that the witness is qualified in that area, the court will then allow him to give opinion evidence.

QUASH

1. Ashanakanu (null); 2. Shash apu minuat katshi ishkuapanit (void)

To render null and void.

QUASH THE INFORMATION

Ashanakanu mashinaikan ka mamishitshemunanut

A declaration by the court that the information is invalid. If the information is invalid, when, for example, it has not been sworn, the case may not proceed and the Crown would have to begin the process over again.

QUEBEC HUMAN RIGHTS COMMISSION

Kauaueshtakanit anite tsheshpeuatakanniti utipenitamunuaua innuat mak kaiauassiuht

A body that ensures, among other things, the promotion and the protection of human rights including children's interests and rights, in particular the Youth Protection Act and the Youth Criminal Justice Act.

RAPE

Ka aikamiakanit auen ua nutshiakanit

Rape is a term that is commonly understood to mean a person is forced to have sexual intercourse against his or her will.

REASONABLE DOUBT

Apu tshi minu-tapuetatishunanunit katshi matshi-tutak auen

It is a fundamental principle of criminal law that, to obtain a finding of guilt against an accused, the Crown must prove the charge beyond a reasonable doubt. When a judge or a jury has such a doubt, it must acquit the accused. Judges sometimes describe a reasonable doubt as an honest and fair doubt, not a trivial or frivolous doubt that an irresponsible juror might come up with to avoid the unpleasant duty of making a finding of guilt.

REASONS

Eshi-ashpatshishimuatshet kapishitshitak / kakushkuenitak / katipapekaitshesht

When a judge makes a decision he is to give his reasons for that decision. These may be useful to an appeal court if there is an appeal. The accused has the right to have the reasons in Innu-Aimun.

REBUTTAL EVIDENCE

Ashu-ashpatshishimuatsheuna

The party that begins a case, i.e., the Crown in a criminal case and the plaintiff in a civil case, calls evidence first. If the other party calls evidence, it does so after the first party has called all its evidence. Depending on the evidence called by the second party, the first party may call evidence again, in reply to the evidence of the second party. This is called rebuttal or reply evidence.

RECIDIVIST

Kauitshi-matshi-tutak

A person who repeatedly commits offences, or who returns to a criminal behaviour.

RECIPIENT

Shunianu ka mashinaimuakanit

In family law cases, a person who is entitled to receive support under an order or agreement. Also called a payee.

RECKLESS

Nasht eka tshekuannu ka apatenitak anite kueshtikuannit

Showing no regard for danger or consequences, in particular on the safety and life of others.

RECOGNIZANCE

Kauaeshtakanit-mashinaikan e mashinatautishut auen tshetshi itutet anite etashumakanit

The procedure by which the detained person, in order to be released, makes a promise in writing to appear and respond to criminal charges against him or to attend a place, such as a police station for the purposes of identification, such as fingerprints.

This may include a written promise to do or not do something such as not communicating with a victim, witness or another person or depositing a sum of money or other valuable security with the court.

Where the conditions are not followed, among other consequences, the accused may be arrested, charged with an offence of failure to comply and is liable to imprisonment for a term up to two years and to lose security given.

RECOGNIZANCE, BREACH OF

1. E pikunak auen ka mashinatautishut tshetshi tat anite tshipa ui piminiakanipan; 2. E pikunak auen ka mashinatautishut eka e nashak ka itashumakanit

Undertakings and recognizances are official documents allowing a person in custody to be released until the trial date. Both will state when the person has to go to court and usually involve other conditions. A breach of either an undertaking or recognizance is a criminal offence and may lead the person being taken back into custody where he might remain until the conclusion of the trial.

RECOMMENDATION

Eshi-natashtuakanit kapishitshitak / kakushkuenitak / katipapekaitshesht tshe ishi-anuenimat auennua

The act of suggesting that it would be advisable to take a particular action. For example, it was the defence counsel's recommendation that the accused be sentenced to probation, rather than jail time.

REFERRAL TO CHILD WELFARE AGENCY

Itishauakanu anite ka nakatuenimaht auassa

A court order which may be made at a stage of the proceedings to send the young person to a child welfare agency for assessment to determine whether he is in need of child welfare services. This order may be made in addition to another judicial order.

REFUSING TO TAKE A BREATHALYZER TEST

E nanakauit auen ua putatamuniakanit

Where a peace officer believes on reasonable and probable grounds that a person has committed the offence of driving a motor vehicle while impaired by alcohol within the preceding three hours, he may demand that the person submit to a breathalyzer or a datamaster test.

Unless the person has a reasonable excuse to refuse this demand, he commits an offence for which the penalties are the same as those for impaired driving itself.

REGULATORY OFFENCE

1. E pikunakanit takuaimatsheun (*federal law*); 2. E pikunakanit pitau-takuaimatsheun (*provincial law*)

An offence under provincial or federal laws which by its nature is not criminal and which is considered to be generally less serious than criminal offences.

REHABILITATION

Ka uauitshiakanit auen ka animiut

Helping a person with problems or issues so that he does not re-offend or does not repeat risky or unhealthy behaviour.

REHABILITATION CENTRE

Uauitshiaushiutshuap

A centre offering rehabilitation and social integration services to persons who, due to physical or mental impairment, behavioural disorders, family difficulties or addiction problems, require these services, as well as support services for their families and friends.

REINTEGRATION

Ka uauitshiakanit kamatshi-tutak tshetshi tshiaminniut

The process of helping and supporting the offender back into the community after he has been released from custody.

REINTEGRATION PLAN

Mashinaikan tshe ishi-uauitshiakanit kamatshi-tutak tshetshi tshiaminniut

A plan established to help and support an offender back into the community after he has been released from custody.

RELEASE

Patshitinakanu

To discharge from custody.

REMAND

Tshipauakanu nuash tshe ishpish tshishi-uaueshiakanit

The most common use of this word indicates that an accused is kept in custody until the conclusion of his court matter.

REMOVAL (CHILD PROTECTION)

Ka unuitishinakanit auass anite ut ka kanuenimakanit

In child protection cases, to remove a child from his parents or the person having care of the child and take him to a place of safety.

REMOVAL OF YOUTH IN EXCEPTIONAL CIRCUMSTANCES (CHILD PROTECTION)

Uemut tshe ui unuitishinakanit auass anite ut ka kanuenimakanit

Where the Director of Youth Protection believes on reasonable grounds that a youth is in need of protective intervention and that a less intrusive course of action is not available or will not adequately protect the youth, he may remove the youth.

REPAIRING THE HARM CAUSED TO VICTIMS

Uemut tshika ui uaueshtau anite ka matshi-tutak

An extrajudicial measure designed to encourage young persons to recognize and repair the harm that the offence committed has caused to the victim and the community.

REPORT

Mashinaikan auen ka ishi-uapatak, ka ishi-petak, ka ishpannit mak ishi-natu-tshissenitak

A written or spoken account of something that a person has observed, heard, done or investigated.

REPORT REGARDING A CHILD

E mamishitshemunanut ut auass ka nanekatshiut

A report to the Director of Youth Protection when it is believed that the security or development of a child is in danger.

REPRIMAND

E tshikanakuikanit kaiauassit katshi matshi-tutak

A sentence in which a judge gives an official, strong criticism (reproach) to the young person for his action or conduct.

RESERVED JUDGMENT

Kakushkuenitak / katipapekaitshesht / kaphitshitak mamitunenitam^u tshe ishi-tipapekaitshet

When the judge postpones making a decision to research, review the law, or the evidence presented during the proceeding.

RESISTING ARREST

E nanakauit auen ua makunakanit

It is an offence to resist a police officer as they attempt to carry out the duty of making an arrest.

RESPOND

Anuenimu

To answer.

RESPONDENT

Kanashauakanit

A person against whom a claim is made in an application, answer or appeal.

RESPONSE

Anuenimu e uaueshiakanit

The formal answer or reply to a court application. It should address the claims made by the applicant and state clearly the reason the respondent is defending the action.

RESTITUTION

Pikushinaitsheun

A restitution order (to be distinguished from a fine) is imposed as part of a sentence requiring the offender to restore property to its rightful owner, or to provide compensation for losses to the victim of an offence (up to the amount of the replacement value of the property or for monetary losses associated with harm caused, but not for pain and suffering).

It may involve the payment of money or work done for the victim's benefit.

RESTITUTION ORDER

Aikamiakanu tshetshi pikushinaitshet

A judicial order rendered as part of the sentence and requiring the offender to restore property to its rightful owner, or to provide compensation for losses to the victim of an offence.

RESTRAINING ORDER

Kauaeshtakanit-mashinaikan tshetaimatshenanut tshakuan

1. In criminal law cases, an order restraining harassment or that prohibits a person from molesting, annoying, harassing or communicating with a named person, such as his spouse or his children.

2. In family law cases, an order stopping one spouse from selling or depleting joint property.

RESTRICTING CONTACT

Tshitaimuakanu tshetshi aimiat utauassima kie ma kutaka auassa

A measure or order to limit parents or other persons from having contact with the children.

RÉSUMÉ / CURRICULUM VITAE

Umashinaikan auen ka ishi-tshishkutamuakanit, ka pet ishi-atusset mak eshi-pikutat tshekuannu

1. A summary of a person's academic or vocational qualifications and work experience, prepared usually for the review of a prospective employer or educational institution.

2. A witness who is seeking to be qualified as an expert witness normally provides the court and lawyers with a curriculum vitae for review to show his qualifications.

REVERSE ONUS

Kauaueshiakanit tshe ui uapatiniuet tshekuannu ma tshipa ui patshitinakanu

In criminal law, it is usually the Crown that has to show why an accused should be deprived of his liberty. There are exceptions to this rule. Where an accused has been charged with a very serious offence such as murder, he will be detained before his trial, unless he can persuade a court that he should be released. This is called reverse onus.

REVIEW OF THE SENTENCE

Ka uaueshi-tshitapatakannit kaiauassiut ka ishi-anuenimakanit

A specific procedure established by law by which the court may re-evaluate the sentence of a young person.

REVOKE

1. E ashtepanitakanit tshekuan; 2. E ashanakanit auen

To cancel.

RIGHT

Tipenitamun

A right is what a person is entitled to have or to do. For example, every person has the right to contact a lawyer upon arrest.

RIGHT TO BE KEPT APART FROM ADULT ACCUSED AND OFFENDERS

Kaiauassiut utipenitamun tshetshi eka tshipauakanit ashit kaishpitishiniti

When a minor has to be in custody, he must be kept in a place apart from adult offenders.

RIGHT TO COUNSEL

Auen utipenitamun tshetshi ukaimishimit

Everyone has the right, upon arrest or detention, to retain and instruct counsel without delay and to be informed of that right. The police have a duty to make it possible for a person in this situation to contact a lawyer. The courts will often refuse to allow the Crown to use any statement obtained from an accused whose right to speak to a lawyer has been interfered with by the police.

RIGHT TO PRIVACY

Utipenitamun auen tsheshpeutikut tshetshi eka musheshtakannit utinniun.

Everyone has the right to be secure against unreasonable search or seizure. The courts have said that a person has a reasonable expectation of privacy.

Essentially, this means that the police or Canada Revenue Agency, or some other government agency, may not enter a person's home, read a person's mail or emails, or otherwise investigate a person's affairs, unless it is consented to by the person, or unless authorized to do so by a law or by a court that gives the police or government agency a search warrant to do so.

RIGHT TO REMAIN SILENT

Auen utipenitamun tsheshpeuatikut tshetshi eka ushkuishtuakanit tshetshi aimit

The police may ask questions of a person as part of their investigation but that person has the right not to answer these questions and to remain silent. An arrested person has a fundamental right to be informed of his right to remain silent or to refuse to make a statement or to sign a confession.

Under the Code of Penal Procedure, a person must give his name and address when asked by the police for the purpose of issuing him a ticket (statement of offence), failing which the person is arrested and kept in custody until he gives this information.

RIGHT TO SPEAK TO PARENTS

Kaiauassiuut utipenitamun tshetshi aimaat uikanisha

Where a minor is arrested or detained, the police are required to tell one of his parents, as soon as possible, that their child has been arrested, why he has been arrested, and where he is being detained. The police must also advise the minor without delay and in terms that he can understand that he does not have to give them a statement and what use can be made of a statement. The minor must also be informed without delay that he may consult with a lawyer and with a parent, or other adult relative or friend, before making a statement.

ROBBERY

Tshimutamuanu auen e natu-shetshiakanit kie ma e ui ushikuiakanit ashit tshekuannu

Stealing using violence or threat of violence, or while armed with a weapon or imitation weapon.

RULES OF COURT

Kauaeshtakanit pitau-takuaimatsheuna

The written procedures which govern the proceedings in the court and which are to be followed by the parties.

SCHOOL

Katshishkutamatsheutshuap

An institution responsible for providing educational services.

SCHOOL ATTENDANCE

Tatutshishikua ka ishpish tat kaiauassiut katshikutamatsheutshuapit

The number of days that a young person has attended school in a given period.

SEARCH

1. Nanatunitshenanu (person);

2. Nanatuapatitshenanu (place or vehicle)

An examination of a person, or of a place or vehicle, with the goal of discovering: contraband; illegal or stolen property; or other evidence of guilt, to be used in the prosecution of an offence.

SEARCH WARRANT

Mashinaikan petshitinakanit tshetshi nanatuapatitshenanut

A document issued by a judge or a justice of the peace authorizing a police officer or a government official to enter a specific place to search for and take specific property as evidence of an offence. To issue such a warrant, the judge must be convinced that there is a proper basis to make a search.

Generally, a police officer may not search a place where a person has a reasonable expectation of privacy (such as a home, an office, a locker, a car, a hotel room) without prior authorization by a judge (search warrant).

SECTION

E atshitashunashtet tshekuan anite takuaimatsheunit

A distinct and numbered paragraph in a statute.

SEIZURE

E makunakanit tshekuan

Generally, the legal taking of an object or a sum of money by a public authority from someone without his consent for some legal purpose, such as where someone owing a debt fails to pay it despite a court order.

Where a person is suspected of violating, or is known to have violated, a criminal or penal law, an object may be seized by a public authority in order to be used as evidence in a judicial proceeding, and also may be given up to the government or otherwise dealt with according to the law.

SELF-DEFENCE

Tshishpeuatitishun

1. A defence in criminal law. Where a person is accused, for example, of murder, and he says that he only did what he had to do to protect his life, we say that he pleads self-defence. But there is a very important limitation to this defence. That is that the force used in self-defence must be only what is reasonably necessary for one's protection.

2. Defence of person: A defence in criminal law that justifies, under certain conditions, the use of reasonable force in repelling an unprovoked assault.

SENTENCE

Eshi-anuenimakanit kauaueshiakanit

Punishment imposed by the judge on a person who has been found guilty or who has pleaded guilty to an offence. Fines, restitution orders, absolute or conditional discharges, imprisonment and probation orders are examples of sentences.

SENTENCE OF IMPRISONMENT

E tshipauakanit e ishi-anuenimakanit kauaueshiakanit

Sentence providing for detention of an offender in a prison (less than 2 years) or a penitentiary (2 years or more).

SENTENCING

E tipapekauakanit eshi-anuenimakanit auen

The rendering of a sentence, or punishment, by a judge, on an accused who has been found guilty of an offence or has pleaded guilty to an offence.

SEPARATION

Nakatitun

In family law cases, where spouses are living separate and apart and one or both of them has the intention of ending the relationship.

SEPARATION AGREEMENT

Nishtutatun tshe ishi-nakatitunanut

Agreement by two people, who cohabited and have separated, on their respective rights and obligations.

SERIOUS BEHAVIOURAL DISTURBANCE

Mishta-animinueu kaiauassiut

A situation in which a child behaves in a way that seriously or repeatedly undermines his physical or psychological integrity or that of others where his parents do not take steps to address it or, if the child is 14 or over, he objects to such steps.

SERIOUS HARM

Ka kushpinitakut

Generally, the expression means severe physical injury or severe psychological damage.

For example, serious psychological disorders that can result from victimization include depression; conduct disorder (in children), various anxiety disorders, and worsening of pre-existing psychological or psychiatric problems.

SERIOUS VIOLENT OFFENCE

Matshi-tutamun e mishta-ushikuiakanit auen

An offence in which a young person causes, or tries to cause, serious bodily harm.

Among other things, this type of offence impacts the sentence of a young person.

SERVE AN APPLICATION

E patshitinakanit mashinaikan katshi utamaikanit anite kauaueshtakanit

The giving of a court document by one party to another. This giving of documents is referred to as service and the person who gives the document, often a police officer, is said to serve the document.

In the practice of law, there are many documents that have to be given to various people involved in cases before the courts. Witnesses have to be given subpoenas ordering them to attend court at a certain time, sometimes an accused has to be given a notice of intention to seek greater penalty, the plaintiff has to give the defendant a copy of the statement of claim, jurors have to be given the summons that tell them they have to attend court on a certain day to be available for jury duty and so on.

SERVICE

Ashpatshishimuatsheun-mashinaikan uatakanit katshi patshitinakanit mashinaikan

The delivery of a court document or other legal proceeding usually by a police officer, a bailiff or another authorized person (or by registered mail) to someone to officially inform him of a case or proceeding in which he is concerned. For instance, a summons or a subpoena may be served to a person required to appear before a court in criminal or other proceedings.

A document is generally considered to be "served" when service was properly done.

SETTLEMENT CONFERENCE

E natshishkatunanut tshetshi nanatu-nishtutatunanut

A meeting with a judge who generally is not going to be hearing the trial. At this meeting, the parties briefly explain to the judge their own positions on each issue. This meeting is used to help settle cases.

SEX OFFENDER INFORMATION REGISTRY

Tshishe-utshimau-mashinaikan uanakaniht anitshenat ka matshi-tutuaht auennua anite uianit mak kutuka ka ishi-nashpitutatumukaki matshi-tutamuna

The National Sex Offender Registry is a national sex offender database, which is maintained by the RCMP. Persons convicted of a designated sex offence as defined by the Sex Offender Information Registration Act (SOIRA) may be ordered by the court to register within a specific period of time. There are various reporting requirements which

must be met by the offender. The public does not have access to the registry. It provides Canadian police services with important information that improves their ability to investigate crimes of a sexual nature.

SEXUAL ABUSE

Ka aikamiakanit auass ua nutshiakanit kie ma ua nanatu-mishkunakanit

A situation in which a child is subjected to gestures or acts of a sexual nature by his parents or someone else, with or without physical contact.

Under the Youth Protection Act, the expression includes when the child runs the risk of being subjected to such gestures or acts and the child's parents fail to take necessary steps to put an end to the situation.

SEXUAL ACTIVITY

Aitun tiapitik kanutshitunanut

Any activity of a sexual nature.

SEXUAL ASSAULT

Ka ushkuishtuakanit auen e nutshiakanit

Committing an assault in circumstances of a sexual nature in a way that the sexual integrity of the victim is violated.

To determine whether an assault is of sexual nature, the following is considered: the part of body touched and the nature of the contact, gestures, words and other circumstances accompanying the act, including the absence of consent of the complainant.

SEXUAL ASSAULT CAUSING BODILY HARM

E ushikuiakanit auen katshi ushkuishtuakanit e nutshiakanit

A sexual assault in which the victim suffers bodily harm. A criminal offence carrying a maximum penalty of 14 years of imprisonment.

SEXUAL ASSAULT WITH A WEAPON, WITH THREATS OR BODILY HARM

1. E ushikuiakanit auen katshi ushkuishtuakanit e nutshiakanit (with bodily harm); 2. E ushkuishtuakanit auen e nutshiakanit e apashtakannit passikanu kie ma kutukanu tshekuannu (with a weapon)

Committing a sexual assault and carrying, using or threatening to use a weapon or imitation weapon; threatening to cause bodily harm to the complainant or to a person other than the complainant; or, causing bodily harm to the complainant.

It includes being a party to one of the above offences with someone else.

SEXUAL EXPLOITATION

Auen ka nakatuenimat kaiauassinuti shitshimeu tshetshi natu-mishkunitishuniti kie ma tshetshi natu-mishkunikut

A criminal offence in which a person in a position of trust touches a young person (defined as a person between 16 and 17 inclusive) for a sexual purpose, or invites that young person to engage in sexual touching.

SEXUAL INTERFERENCE

E matshi-tatshinakanit auass

Touching a child under 16 for a sexual purpose.

SEXUAL OFFENDER

Auen ka matshi-tutuat auennua uianit kie ma ka tutak kutakanu neshpitatumakannit matshi-tutamunnu

A person convicted of a sexual offence.

SEXUAL TOUCHING

Matshi-tatshinakanu

Touching someone for a sexual purpose.

SHARED CUSTODY

Mamishkut e kanuenimakanit auass

The situation where a child spends about an equal amount of time in the care and home of each of the two separated parents, and the parents share the legal rights in regards to the child.

SHERIFF'S SUMMONS

Mashinaikan uashamakanit auen tshetshi tat anite kamamuanakanniti tshetshi tipapekaitsheniti

Also called a jury summons. The document by which people who have been called to be selected for service on a jury are notified that they must appear in court.

SOCIAL SERVICES

Uauitshitun

A category of public services for the prevention, rehabilitation and social protection of individuals, families, groups and communities to ensure their well-being, including through social workers and psychologists, especially for more vulnerable individuals (such as young persons with problems, seniors with decreasing autonomy, persons affected by an impairment or mental health problem, victims of addiction).

SOLE CUSTODY (CHILD SUPPORT CONTEXT)

Uikanishimau uin muk" minakanu tshetshi kanuenimat utuassima mak eshi-mashinaimuakanit shuniat ut utauassima

The child lives mainly with the person receiving child support.

SOLEMN AFFIRMATION (SOLEMN DECLARATION)

Katapuenanut

Instead of taking an oath, a person may make a solemn affirmation (also known as "solemn declaration") to tell the truth.

This has the same legal effect as taking an oath, but without the religious element.

SPECIAL EXPENSES

Eka nakana ka ishi-meshtinakanit shuniau e pakassinaushunanut

Special expenses are expenses that the amounts in the child support tables may not cover. The guidelines define special expenses as expenses that are: necessary because they are in a child's best interests, and reasonable in relation to the means of the parents and of the child and consistent with the family's spending patterns prior to the separation. Special expenses include:

- 1) child-care expenses that a parent with whom the child lives incurs as a result of the parent's job, illness, disability or educational requirements for employment,
- 2) the portion of a parent's medical and dental insurance premiums that provides coverage for the child,
- 3) the child's health-care needs over and above that covered by insurance (for example, orthodontics, counselling, medication, eye care and other items) that exceed \$100 per year,
- 4) the child's extraordinary expenses for extracurricular activities,
- 5) the child's extraordinary expenses for primary and secondary education or other educational programs, and,
- 6) the child's expenses for post-secondary education.

SPLIT CUSTODY

Uikanishimau neshtuapamakanit anite kauaeshtakanit tshe kanuenimat utauassima

When one parent has custody of some of the children, and the other parent has custody of the remaining children. Courts try to never split up younger children from their siblings. However, older siblings may often choose to live with different parents.

SPOUSAL SUPPORT

Eshpish minakanit shunianu unapema kie ma utishkuema

Money paid by one spouse to another to contribute to the other spouse's living expenses.

SPOUSE

- 1. Unapema (*husband*);**
- 2. Utishkuema (*wife*);**
- 3. Uitapimakana (*outside marriage*)**

A person who lives with another person in a conjugal relationship, either inside or outside marriage. The length of time required to qualify as a spouse in situations outside of marriage is different under different statutes.

STABLE RELATIONSHIPS AND LIVING CONDITIONS

E tipapekaitshenanut menupit mak menuinniut anite kenuenimakanit auass

In a child protection context, a principle that seeks to ensure regularity and continuity in a child's relationships with the people in his immediate environment and consistency in lifestyle and rules.

STANDARD OF PROOF

Eshi-natuenitakanit tshetshi ishpish shukatenitakuak ashpatshishimuatsheun tshetshi utinakanit

The amount of proof needed in order for one side of a dispute to prove their case in court. Balance of Probabilities: This is the standard of proof used in civil and family matters. Beyond a Reasonable Doubt: This is the standard of proof used in criminal matters. This higher standard of proof reflects the potentially serious consequences (loss of liberty) in criminal cases.

STANDING

Auen e katshitaukut tshekuannu anite kauaeshtakanit

A party's right to make a legal claim or seek judicial remedy.

STANDING ASIDE

E itshenakanit pitama ka uishamakanit tshetshi tat anite kamamuana-kanniti tshetshi tipapekaitsheniti eshk" eka tshitshue naushunakanit

A procedure in the selection of a jury where a potential juror is not selected the first time he comes forward but, instead of being sent away, is required to wait in case he is picked the second time around.

STATEMENT

Auen utipatshimun e mashinaikanashtenit

A broad term referring to what a person says about a person, an event, a place, an object or a situation.

In legal practice, it is customary to talk to witnesses before they are called to court to testify and to have their statement recorded, about some event that will be considered by the court.

STATUTE (ALSO CALLED ACT, LAW, LEGISLATION)

Takuaimatsheun

The laws of the country and provinces are called Acts. Acts are also referred to as statutes and legislation.

STATUTE LAW

Takuaimatsheun ka mashinaikanashtet

An act of Parliament or an act of the Legislature is a statute. Statute law is different from common law, which is judge-made law. When statute law and common law conflict, statute law prevails.

STAY OF PROCEEDINGS (CROWN)

Tshishe-utshimau ka aimisht nakaim" ka uaueshiat auennua

The Crown has the power to bring criminal proceedings to a stop at any time before judgment. This is called a stay of proceedings. The law allows the Crown to start the prosecution up again within one year.

SUBMISSION

Natshi-ashtau tshekuannu anite kauaueshtakannit

A technical term for what a lawyer or a person representing himself before a court says to a judge or jury.

SUBMISSIONS ON SENTENCE

Kaimishiht natashtueuat kapishitshitaminiti tan tshipa ishi-anuenimakanu kamatshi-tutak

Following a finding of guilt or the guilty plea of an accused, recommendations by the lawyers to the judge on the sentence to be rendered. The judge is not obliged to follow these recommendations.

SUBMISSIONS, CLOSING

Mashten e nanatu-shakutshimakanit kakushkuenitak / katipapekaitshesht / kapishitshitak

These refer to the speeches made by the lawyers to the jury after all the evidence has been heard. Closing remarks generally consist of the theories of the two sides to the case, together with references to the evidence that supports the theories.

SUBMISSIONS, CROWN'S OPENING

Ushkat ua nanatu-shakutshimuet tshishe-utshimau-kaimisht anite kauaueshtakannit

In a jury trial, the lawyers are allowed to tell the jury, before the jury hears the witnesses called by them, what they expect their witnesses to say. The Crown always calls its evidence first. The Crown's opening remarks provide an outline to the jury of what the

Crown hopes to prove through the witnesses and help the jury to follow the presentation of the evidence.

SUBMISSIONS, DEFENCE OPENING

Ushkat ua nanatu-shakutshimuet kaimisht ka tshishpeuatitshet anite kauaueshtakannit

In a jury trial, the lawyers are allowed to tell the jury, before the jury hears the witnesses called by them, what they expect their witnesses to say. The defence has an opportunity to call evidence after the Crown closes its case. Sometimes, no evidence is called by the defence. However, if the defence does call evidence, it will usually make opening submissions before doing so. The defence's opening submissions provide an outline to the jury of what the defence hopes to prove through the witnesses and help the jury to follow the presentation of the evidence.

SUBPOENA

Uishatshemu-mashinaikan

A court document requiring someone to appear before a court to testify as a witness or to provide documents or other tangible items.

SUBSTITUTED SERVICE

Eka nakana ka ishi-patshitinakanit kauaueshtakanit-mashinaikan

When the required person cannot be served in accordance with the regular rules, an application to serve the documents in a different way can be made.

SUMMARY CONVICTION OFFENCE

Matshi-tutamun anite e takuashit tshe ishi-uaueshiakanit auen

A criminal offence which is considered less serious than an indictable offence and which is tried summarily (according to Part XXVII of the Criminal Code).

SUMMONS

Kauaueshtakanit-mashinaikan uatamuakanit auen tan tshe ishpish uaueshiakanit

A document issued by a court or a person authorized to issue a summons, requiring a person to attend court at a given time and place to face criminal charges mentioned in that document.

It may include a requirement to appear for the purposes of identification (such as fingerprints).

The document also sets out the legal consequences of a failure to comply.

SUPERIOR COURT OF QUEBEC

Uepishtikueiau-assit nikan-kauaueshtakanit

In the criminal law context, it is the court with the power to try the most serious criminal cases such as murder and those where the accused chooses a trial by jury, where that is an option.

In a broader context, the Superior Court also hears appeals of decisions of lower courts (by the Court of Quebec or municipal courts), where provided by law (such as on criminal summary offences and regulatory offences).

In civil matters, it hears cases involving amounts of \$85 000 or more and matters such as bankruptcy, divorce, spousal and child support, and child custody.

SUPERVISED ACCESS (CHILD PROTECTION)

E tapuetuakanit auen tshetshi mupishtuat auassa e nakatuenimakaniht

Access visits with the child that take place in the presence of a third party, to ensure safety. It is not necessarily court ordered. Supervised access is generally ordered in situations where the court believes it is necessary for the welfare or best interests of the child.

SUPERVISION PORTION

Tshe ishpush nakatuenimakanit kaiauassiu

The part of a young person's sentence after custody where he is generally in the community under supervision of a youth worker.

SUPPORT

1. Eshpush nashauakanit shuniat ut utauassima kie ma utshiasha;

2. Pakassiu-shuniau

Monetary assistance that a person provides for his dependant, for example, child support or spousal support.

SUPPORT PERSON

Ka kanuenimat kaiauassiu

A young person who is arrested and released may be placed in the care of a responsible person instead of being detained. This depends on the responsible person being willing and able to take care of and exercise control over the young person for the entire legal proceedings.

This support person is responsible for making sure that the young person attends court as required and complies with other conditions ordered by the court.

The court must be satisfied that the young person is willing to be placed under the care of the responsible person.

SUPREME COURT OF CANADA

Mishta-kauaueshtakanit

It is Canada's highest court of appeal, whether for individuals or governments, in all areas of the law, including criminal and penal law, the civil law of Quebec and the common law of the other provinces and territories.

The rulings of this court cannot be appealed.

SURETY

Auen shuniat ka ishi-akunauakanit kauaueshiakanit

A surety is a person who is not an accused, but is willing to guarantee in some form that he will be responsible for ensuring that an accused, who would otherwise be kept in custody prior to his trial, will appear for his trial and will stay out of trouble before his trial. Usually, a surety pays money to the court which he could lose if he does not take his responsibility seriously. The surety has his money to protect and so will be inclined to make sure that the accused abides by the conditions of his release.

SUSPENDED SENTENCE

Eka ianuenimakanit kauaueshiakanit mishkut tshika ui nashatam" / nasham" etashumakanit

Technically, a judgment which puts off serving a sentence until a later date.

Following conviction, a judge may suspend passing the sentence for a fixed period of time (with or without a probation order). If there are no further offences by the end of this period, no sentence is passed.

A suspended sentence may involve the release of the offender on certain conditions contained in a probation order. A failure to comply with these conditions results in the return of the accused before the judge who may, among other things, impose the sentence which had been suspended.

SUSTAIN THE OBJECTION

Katipapekaitshesht / kapishitshitak / kakushkuenitak utinamueu ka ishi-nanakauiniti kaimishiniti

It refers to the decision of a judge, for instance when asked to rule on the admissibility of a piece of evidence, agreeing with the lawyer that submitted that the evidence was inadmissible.

SUSTAINED

Katipapekaitshesht / kapishitshitak / kakushkuenitak utinamueu ka ishi-nanakauiniti kaimishiniti

Where a judge has agreed with a lawyer's objection.

SWEAR

Katapuenanut e tutakanit

When a party or any witness swears on the Bible to tell the truth. The process of swearing to tell the truth is often referred to as "being sworn in". A person who does not want to swear on a religious document makes an "affirmation".

TESTIFY

Natshi-tipatshimu kauapatitshet eshi-tshissenitak katshi tutak katapuenanunit

To give evidence under oath or affirmation.

TESTIMONY

1. Tipatshimun e mashinaikanashtet eshi-tshissenitak auen ka ishpannit tshekuannu (*written*); 2. Natshi-tipatshimu kauapatitshet eshi-tshissenitak kauaeshtakannit (*in court*)

A statement made in court by a witness under oath or solemn affirmation, relating to facts concerning an event of which the witness has personal knowledge. Special rules apply to testimony of experts, children and persons with mental deficiencies.

TESTING CREDIBILITY

Nanatu-tshissenitakannu kauapatitshet tshetshi ma shukatenitakuannikue utaimun

One of the main objectives of cross-examination is the testing of credibility, or believability, of witnesses. Under the pressure of adversarial questioning, a witness's credibility is tested. If his evidence is weak, the cross-examination will show this. If it is strong, cross-examination often enhances the credibility of the witness.

THEFT

Tshimutun

Taking someone else's property without a right to do so, with the intent to temporarily or permanently deprive the owner of it.

It includes dealing with the property of another person without his consent in a way that it is permanently damaged.

THEFT OVER \$5000

Anu patetat-tatutshishemitashumitannueiapiss ka ishpiteitakuak tshimutun

Taking someone's property worth over \$5000 without a right to do so, with the intent to temporarily or permanently deprive the owner of it. An indictable offence.

THEFT UNDER \$5000

Nashik" patetat-tatutshishemitashumitannueiapiss ka ishpitenitakuak tshimutun

Theft under \$5000 is a dual procedure/hybrid offence. The Crown, therefore, may elect to proceed by summary conviction or by indictment. If the Crown does so elect, however, the offence is an absolute jurisdiction offence and the accused does not have the right to trial by jury.

THREAT

Shetshimueuna

An expression of an intention to inflict damage or injury. This is an offence under certain circumstances.

TIME TO PAY

Tatutshishikua manakanit auen tshetshi tshishikashut

When a person is punished by a fine, the court that imposes it sets out the time by which it must be paid.

TOXICOLOGIST

Ka minu-nishtuapatak natukuna mak matshi-natukuna

An expert in the study of poisons.

TOXIN

Matshi-natukun

A poison such as a venom.

TRANSCRIPT

E mashinaikanashtakannit utaimun auen anite kauaeshtakannit

The record of oral testimony in a legal proceeding that was taken by a court reporter.

TRANSITION HOUSE / SAFE HOUSE

1. Ishkueu-tipinuaikan (for women); 2. Napeu-tipinuaikan (for men)

In family law, a safe house for the victims of family violence.

TRANSLATOR

Kaiashushtat / kaiashu-mashinaitshesht

Translators convert written material (such as a book, article, contract, law) into a different language while the interpreters do the same with any spoken words such as a testimony or a judgement being rendered orally.

TREATMENT

Eshi-natukuiakanit auen

The caring for a person with medical or other problems such as alcoholism.

TREATMENT CENTRE

Mitshuap ka uauitshiakanit auen ka animinikut ishkutuapunu kie ma kamatshikaunit

A place designed to help people with problems of alcohol or other substance abuse.

TRESPASSING

Auen e pikunamuat utipenitamunnu katshi pitutshet anite utassinit

Trespass to land can include any intentional interference with another person's possession of land, or any material damage suffered by someone occupying land when another person undertakes activities on it (for example, if someone has the right to use my land, I can sue them for trespassing if they do not clean up their waste products properly).

TRESPASSING AT NIGHT

Auen natamik" ka papamutet e tipishkanit anite uashka auennua uitshinit

It is a criminal offence to loiter or prowl at night near a dwelling house on another person's property.

TRIAL

Kauaueshtakanit

Judicial hearing, examination and determination of issues between parties by a judge or, in certain criminal cases, by judge and jury.

In the criminal context, the complete judicial process from the appearance of the accused (or of his counsel) to the verdict and, if applicable, the sentencing.

TRIAL BY JUDGE ALONE

Uaueshiakanu auen e peikussiniti kapishishtaminiti / katipapekaitsheshiniti / kakushkuenitaminiti

A trial without a jury.

TRIAL BY JUDGE AND JURY

Uaueshiakanu auen e taniti kamamuanakanniti tshetshi tipapekaitsheniti

There is both a judge and a jury for the same trial.

TRIAL OPTION

Katshi atamenimakanit, naushunam^u tshe ishi-uaueshiakanit

The act of registering his choice when the accused is charged with an indictable offence for which he has the choice of mode of trial according to the law. He chooses between three main options:

1. A Superior Court judge and a jury: the judge deals with the questions of law while the jury decides questions of fact. There is a preliminary hearing at the request of the accused or the prosecutor. With the consent of both the prosecutor and the accused, the trial may be held by a Superior Court judge alone, without a jury.
2. A Court of Quebec judge without jury: a trial with a preliminary inquiry only at the request of the accused or of the prosecutor.
3. A Court of Quebec judge alone: a trial without a preliminary inquiry.

TRIBUNAL

Uepishtikueiau-assit kauaueshtakanit anite auassat ka tshishpeuatakanit

In the Youth Protection Act, the term "tribunal" is used to mean the Court of Quebec, and generally refers to a judge presiding over a hearing and exercising his role under that Act.

TRIFLING AND TRANSITORY

Apu ishpush itenitakuannit tshetshi inanunit auen tshimaauakanu

Of very slight importance and short duration. It is a term that might be used in the context of an assault causing bodily harm where it is alleged by the Crown that the bodily harm consists of a red mark on the skin. Such an injury would be too trifling and transitory to constitute bodily harm.

TRUST RELATIONSHIP

Eshinakuannit auen utapun ka aiatinat auennua

Where the law imposes a duty to treat the other person in the relationship, who is some way dependent or vulnerable, with special care. For example, a teacher involving a student. It also applies to many others, i.e. doctors, social workers, educators, daycare workers and coaches.

TUTOR OF A CHILD

Kanitautshinaushut

Tutorship to a minor is a legal form of protective supervision and representation. Parents automatically have the tutorship of their child, in addition to parental authority. If parents cannot fulfill their obligations as tutors, the minor person is represented by a tutor appointed by the court (dative tutor).

TUTORSHIP

1. Takuaikan-atusseuakan auen tshetshi uauitshiakanit eka ishpish tshi minu-aitutatishut (*tutorship*); 2. Takuaikan-atusseuakan auen tshetshi uauitshiakanit nasht eka tshi aitutatishut (*curatorship*)

As a rule, minors (persons under 18) cannot exercise their legal rights themselves. They must be cared for and represented by an adult, except in certain circumstances.

Tutors must act in the minor's best interest and ensure his protection, defend his rights and administer his property until he reaches 18 years old. This includes:

- consenting to or refusing care proposed for the child (as of age 14, however, the minor's wishes generally take priority);
- exercising a recourse before the court, such as defending the child if he is subject to a legal action (civil or criminal); and
- collecting money owing to the child.

In a youth protection context, it is a form of protective supervision by which the Director of Youth Protection or someone other than the child's parents is given parental authority over the child (the power to make decisions regarding the child).

An incapacitated adult that is unable or that becomes unable to take care of himself or to manage his affairs may, under certain conditions, be placed under a protective supervision. That protected person's rights will then be exercised by someone designated by the court and his freedom will be limited. The Civil Code of Quebec provides three main protection measures to address incapacity in a person of full age (adult).

Assistance by an advisor: The least intrusive version of protective supervision, suitable for a person with a mild intellectual deficit or temporary incapacity due to illness or an accident. That person is capable of taking care of himself but may be unable to cope with certain decisions. When an advisor is appointed to assist him, the person retains his autonomy and continues to exercise his rights since the advisor has no authority to execute an act on the person's behalf and is not allowed to oblige the person to follow his advice.

Tutorship: Suitable for a person whose incapacity is partial or temporary. This kind of supervision may apply to the property, the person, or both, depending on the person's incapacity and their needs. The person under tutorship may execute certain acts alone or with the help of their tutor whose responsibilities are determined either by the court, when it appoints the tutor on the recommendation of a meeting of relatives or friends, or by the Civil Code of Quebec. The tutor may be assigned to the person, their property – with simple administration – or both.

Curatorship: This is the most intrusive version of protective supervision used for a person whose incapacity is total and permanent. The curator is to be appointed by the court on the recommendation of a meeting of the relatives (including relatives by marriage) or friends. The curator represents the person in all civil acts and may be appointed to the person, the property – with full administration – or both.

UNANIMOUS

Nutim tapuetatishuat

A word used of a decision in which all who make the decision agree. The verdict of a jury in a criminal trial in Canada must be unanimous. All jurors must agree.

UNCONTESTED

Nasht apu anuetakanit

A case, or a step in a case, which is not contested by the responding party.

UNDERTAKING

E mashinatautishut auen tshetshi nashak / nashatak nenu etashtenit

In a criminal context, a promise in writing by the accused to comply with certain conditions such as to appear in court or to attend a place (such as a police station for the purposes of identification, such as fingerprinting) in exchange for his release from custody before trial.

A difference between an undertaking and a recognizance is that a recognizance involves the payment or pledge of money whereas generally an undertaking does not.

The failure to comply with the conditions of an undertaking is a criminal offence and, among other things, the accused is liable to imprisonment for up to two years and to lose security given, if applicable.

UNDERTAKING, BREACH OF

Pikunam^u auen ka mashinatautishut tshetshi nashak nenu ka itashtenit

Undertakings and recognizances are official documents allowing a person in custody to be released until the trial date. Both will state when the person has to go to court and usually involve other conditions. A breach of one condition of an undertaking or recognizance is a criminal offence and can lead to the person being taken back into custody where he might remain until the conclusion of the trial.

UNDETERMINED DEATH

Apu tshissenitakuannit tan ka itashpinet

A death where the cause is not known.

UNDUE HARDSHIP

Ueshami-aitashumakanu

In child support cases, a judge may order an amount different than the Child Support Guideline amount when the judge is convinced that ordering that amount would cause excessive financial difficulty to one of the parties involved. In order to convince the court that there is undue hardship, the person claiming it must be able to show that he has a good reason to claim undue hardship (the court will only accept a limited number of reasons) and the person must show that his household is at a lower standard of living than the other parent's.

UNFIT TO STAND TRIAL

Apu ishpish itenitakushit tshetshi uaueshiakanit

A person who is unfit to stand trial, because of mental disorder, is unable to understand the proceedings, or its consequences, or communicate with a lawyer. All others are fit to stand trial.

UNJUST ENRICHMENT

Ka ueshami-katshitinak auen tshekuannu eka eshinakuannit

A benefit obtained by one person at the expense of another, without a legal justification for it.

UNLAWFUL (ALSO CALLED ILLEGAL)

Eka kuishk" e nashakanit / nashatakanit takuaimatsheun

Contrary to or forbidden by law.

UNLAWFUL CONFINEMENT

E tshipauakanit auen eka e tapuetak

Keeping someone in a place without their consent.

UNSWORN EVIDENCE

Auen ka uapatitshet e matshi-tutakannit eka netuenitamukanit katapuenanunit tshetshi tutak

A person under the age of 14 or of limited mental capacity who does not understand the nature of an oath or solemn affirmation, but who is still able to communicate the evidence, may be permitted to give evidence on promising to tell the truth. The court must be of the opinion that the unsworn evidence is necessary and reliable.

UNTIMELY SERVICE

E patshitinakanit mashinaikan katshi utamaikanit anite kauaueshtakanit eka e nashakanit tshe ishpish ui patshitinakanit

Service (meaning legal delivery) of a document that is not made within the required period of time established by law.

UTTERING THREATS

E nanatu-shetshimakanit

Saying or otherwise knowingly causing a person to receive a threat of death or bodily harm in relation to him or another person or to damage property or to kill or injure an animal that belongs to a person.

VAGUE

Eka e minu-tshissenitakuak

Uncertain, without clear definition, ambiguous.

VARIANCE / VARIATION

E mishkutashtakanit tshekuan anite kauaeshtakanit-mashinaikanit

A change to an existing order.

VARY

E mishkutashtakanit tshekuan

To change.

VENUE

Anite ka uaeshtakanit auen

The place where a trial is held. Usually this is the place where the offence is alleged to have taken place.

VERDICT

Kakushkuenitak / kapishitshitak / katipapekaitshesht patshitinam^u utaimun

The finding or decision of a judge or a jury, as the case may be.

When the verdict is given by a jury, it must be unanimous (all jurors must agree). The jury gives its verdict (deciding guilt or innocence) and the judge imposes the sentence, if applicable.

For instance, a verdict may be a finding of guilty or not guilty (acquittal), of not criminally responsible on account of mental disorder or whether or not an accused is fit to stand trial.

VICTIM

Kamatshi-tutuakanit

A person to whom harm was done or who suffered physical, emotional or material damage as a result of the commission of an offence.

Where the person is dead or ill as a result of the commission of an offence, the spouse or relative of such a person, anyone who has custody or is responsible for that person's care or support and a dependant of that person may also be considered a victim for specific purposes.

VICTIM FINE SURCHARGE

Eshpish natuenitamuakanit kamatshi-tutak tshetshi patshitinak shunianu anite uiauitshiakanniti kamatshi-tutuakanniti

An amount the court orders the offender to pay in addition to another punishment imposed. Victim fine surcharges are used for the development of provincial services providing assistance to the victims of crime, such as through the Quebec crime victims assistance centres (CAVAC) or the assistance centres for victims of sexual assaults (CALACS).

VICTIM IMPACT STATEMENT

E uitak auen ka ishi-nanekatshiut katshi matshi-tutuakanit

A statement that describes the harm or loss suffered by the victim of an offence. The court considers the statement when the offender is sentenced. The preparation and submission of an impact statement is the victim's choice. The victim may also choose to read his impact statement aloud at the sentencing hearing if he wishes.

VISITATION AND OUTING RIGHTS (ACCESS RIGHTS)

Minakanu auen tshetshi tshitutaiat mak tshetshi mupishtuat utauassima

Rights of a parent, when the custody of his child is entrusted to the other parent, to on-going contact with the child through visits and outings as determined by the court.

VOIR DIRE

Kapitau-uaueshtakanit

A separate hearing held within a trial to determine the admissibility of certain evidence (such as whether the evidence submitted by a party may be considered in deciding guilt or innocence).

For instance, a voir dire may be held to determine whether or not the confession of an accused to police or to a person in authority was obtained voluntarily or whether or not he was informed of his right to remain silent.

In a jury trial, the voir dire is held out of the presence of the jury.

VOLUNTARY INTOXICATION

- 1. Usht e mishta-minukashiutishut auen (*alcohol*);**
- 2. Usht e utinak kakutakannit kie ma kamatshikaunit auen tshetshi tshishkueshkakut (*drugs*)**

The state of being intoxicated by alcohol or drugs, consumed willingly in the knowledge that intoxication could result. In some circumstances extreme intoxication can result in a state of automatism. The law does not allow automatism to be a defence when it comes about as a result of voluntary intoxication. However, if a person entered into a state of automatism as a result of having been fed an intoxicating substance unknowingly, the defence of automatism might be available to him.

WAIVE

E ashanak auen tipenitamunnu etashtenit takuaimatsheun-mashinaikanit

To abandon a right or to refrain from insisting on a right or a formality.

WAIVER (TO WAIVE)

Ui ashanam" nenu ua ishi-uaueshiakanit

Generally, to surrender or renounce a right, privilege or claim.

For example, a person in custody may waive his right to consult a lawyer, meaning that the person decides not to consult a lawyer although he has the right to do so.

To be valid, a waiver must be done with a full understanding of its consequences.

WANTON OR RECKLESS DISREGARD

Nasht eka tshekuannu ka apatenitak anite kueshtikuannit kie ma utinniunnu auennua

These are the words used in the offence of criminal negligence, meaning the showing of no regard for danger or consequences in particular on the safety and life of others.

WARNING

E katshessimakanit kaiauassiu

Generally, a measure that a police officer may take instead of starting the legal process, where he warns a young person not to repeat the offence.

WARRANT, DISCRETIONARY

Kauaueshtakanit-mashinaikan tshe makunakanit auen ut eka ka tat ka ui uaueshiakanit anite kauaueshtakannit

Where an accused or a witness does not appear in court when required to do so, the judge may issue a warrant, or order, for the arrest of that person. If it is unclear why the person did not appear, and if the person may have had a good excuse, the judge may ask that discretion be used by the police in executing the warrant. The idea is that a person should not be taken into custody except for very good reason.

WEAPON

Ka apashtakanit tshekuan tshetshi nipaikanit, ushikuiakanit kie ma shetshimakanit auen

Anything used or intended for use in causing injury or death to a person or for the purpose of threatening or intimidating a person.

WEAPONS PROHIBITIONS

Tshitaimatsheun tshetshi kanuenitak passikannu auen kie ma kamatuekatenit

Many offences involving violence or the use of firearms require or allow the judge who finds an accused guilty of such an offence to make an order prohibiting the accused from possessing weapons.

Depending on the circumstances, such a prohibition can be for varying periods of time.

WEIGH THE EVIDENCE

E tipapekaikanniti ashpatshishimuatsheuna

A term that means to consider carefully the evidence. It is what a judge or a jury is expected to do before making a decision.

WILLFUL BLINDNESS

Usht auen eka ui uapatak matshi-tutamuna

Since it is an offence to possess goods that have been stolen when the person knows that it has been stolen, willful blindness is an important concept in criminal law. For instance, if a person wants to sell me a boat for a very low price, I may well have a suspicion that he stole it and that it is why I am being offered such an attractive price. Because I want the boat for a low price I take care not to ask too many questions. The law will say that I was willfully blind which has the same effect as if I knew that the boat was stolen and I will be charged for a criminal offence.

WITHDRAW CHARGES

E ashanakannit ka ishi-atamenimakanit

Charges are brought to the court by the Crown. It sometimes happens that, upon closer scrutiny, the Crown decides that charges should not proceed and the decision to withdraw charges is made.

WITHDRAWAL

E ashanakanit tshekuan

A decision made by the prosecutor (Crown attorney) to remove a charge from the consideration of the court, ending the proceedings on the withdrawn charge.

He may withdraw a charge without proceeding to a verdict where:

- there is no reasonable and probable grounds to lay the charge;
- there is no reasonable likelihood of conviction; or
- it is not in the public interest to continue the prosecution.

The prosecutor may also withdraw a charge intending to proceed on a different charge.

WITNESS

Kauapatitshet

A person who, in the course of a judicial process, testifies to matters of fact and gives evidence or produces a document. More broadly, a person who has information in relation to a given offence or a given offender.

WITNESS RECANTING PREVIOUS STATEMENT (SECTION 9(2) CANADA EVIDENCE ACT)

Auen eka peikutau essishuet miam utat ka ishi-patshitinak utaimun.

As a rule, the lawyer who calls a witness expects that witness to give evidence that supports the case the lawyer is arguing. Often, the witness has spoken to the lawyer or someone working with him before the trial and has made a statement which has been written down. It is normal procedure for Crown witnesses to have made such statements. It happens frequently, however, that the witness gives evidence that is inconsistent with, different from, what he said in his statement. When this happens, the lawyer may ask the judge for permission to cross-examine the witness on his statement.

Usually a lawyer is not allowed to cross-examine his own witness. This is an exception to that rule. This refers to Section 9(2) of the Canada Evidence Act.

WOUND

Anite ka ushikuiakanit auen

An injury done by stabbing or cutting or shooting, etc. The word is used in two criminal offences, discharging a firearm with intent to wound and aggravated assault. One would usually understand wound as more serious than simple bodily harm. A bad bruising might be bodily harm but not wounding.

WRITTEN STATEMENT

Auen utipatshimun e mashinaikanashtenit

A statement that is written down.

YOUNG OFFENDER

Kaiauassiuht ka matshi-tutak

A person over the age of 12 but under the age of 18, who is convicted of a criminal offence.

YOUNG PERSON

Kaiauassiuht

For the purpose of the Youth Criminal Justice Act, means a person who is between 12 years old and 18 years old.

YOUTH CRIMINAL JUSTICE ACT (YCJA)

Takuaimatsheun-mashinaikan ka ishi-uaueshiakaniht kaiauassiuht

A federal law that applies to Canadian youth ages 12 to 17 inclusive who encounter the law, or persons 18 or older who are alleged to have committed an offence as a youth.

YOUTH FACILITY

Kaiauassiuht anite ka kanuenimakaniht

A facility for the placement of young persons held in custody, including a secure restraint facility, a community residential centre and a group home.

Secure custody: The level of custody with the highest degree of restraint of the young person.

Open custody: The level of custody with the lowest degree of restraint of the young person.