

Going to the Children's Court

This fact sheet applies only to young people in Western Australia who have committed a criminal offence while under the age of 18 and deals with their first appearance in court.

I have received a piece of paper called "Notice to Attend Court" – Do I have to Go?

Yes. The "Notice" should have been given to you by someone, usually by a Police Officer who would have explained to you what the notice was and what would happen if you did not appear on the court date. A copy of the "Notice" should also have been given to your parent or a "responsible adult".

If you do not attend court on the court date, then the Magistrate can order that a "warrant" be issued for you to be arrested and brought to court. This will mean that the Police can pick you up and keep you in custody (Police lock-up or Rangeview Remand Centre) until you can be brought before the Magistrate in the Children's Court.

Can I go to Court on my own?

No. You must come to court with a parent or a responsible adult. If you do not have a parent or responsible adult then you will still need to go to court but should try to get someone over the age of 18 who can go with you. If your matter is not dealt with on your court date, the Magistrate will put you on bail until your next court appearance.

Bail is like a promise to come back to court on the next date. A responsible adult must sign your bail papers.

Where do I go when I get to Court?

This will depend on which Children's Court you go to. In Perth, there is a Courthouse especially for young people called the Children's Court. When you appear at this court, you must give your name at the desk as you walk in. You will then be told which court room you will be appearing in, or you might be told to see the Duty Lawyer, or Aboriginal Legal Service (ALS) lawyer.

Children's Courts in the Perth Metropolitan Area are in Perth, Midland, Joondalup, Fremantle, Armadale, Rockingham and Mandurah. When you arrive at these courthouses, if you are unsure where the courtroom is, you will need to ask at the main desk.

In some country Children's Courts, you may not even appear before a Magistrate but before two Justices of the Peace. If you do not know what to do, then ask at the main desk and someone will help you and let them know you want to see the Duty Lawyer or if you are Aboriginal, the Aboriginal Legal Service lawyer.

Do I need a lawyer?

Yes. It is always better for a young person to be represented. This may not be possible in some country courts in which case prior to going to court, you should get legal advice. You can call Youth Legal Service on 1800 199 006 or 9202 1688 and speak to a lawyer about your charge.

Most Courts in Western Australia will have a Duty Lawyer or Aboriginal Legal Service lawyer. The Duty Lawyer can only discuss your case with you briefly as they must usually see a lot of other people before court begins. If the Duty Lawyer thinks your matter needs to be looked into in more detail, your matter may be put off for a few weeks (adjourned) so that you can get legal advice.



Going to the Children's Court (cont.)

Can I sit inside the courtroom and watch what goes on?

No. You must sit outside the courtroom and wait for your name to be called. Sometimes, however you may be asked by a court officer to sit in the back of the courtroom and wait for your name to be called out.

What happens when I go inside the courtroom?

It is a long standing tradition that as you enter the courtroom, you bow your head to the Magistrate if he or she is sitting then you walk to your lawyer. You should also bow your head to the Magistrate when you leave the court. This applies whether the Magistrate sees you or not. You will stand next to your lawyer at the bench (a long table where you (the defendant) will stand at one end, in the middle of the bench a Juvenile Justice Officer will sit and the Prosecutor will stand at the other end).

In front of the bench is another table where the Bench Clerk (the Magistrate's assistant) sits and the Magistrate sits at the head of the room. Your parent or responsible adult will sit at the back of the courtroom. If you do not have a lawyer, then you will be told where to stand and your parent or responsible adult can stand with you.

What does the Juvenile Justice Officer do?

The Juvenile Justice Officer sits in the middle of the bench. He or she advises the Magistrate whether you have any record and whether there are any sentencing issues.

What does the Prosecutor Do?

The Prosecutor is there to explain to the Magistrate the Police Case against you. If you plead guilty to the offence, he/she will read to the Magistrate the Police facts against you. If you apply for bail, the Prosecutor will tell the Magistrate why the Police oppose you being on bail or that they have no objections to bail being granted.

The Prosecutor will also inform the Magistrate what the police attitude is towards any penalty to be imposed on you.

What Does my Lawyer Do?

Your lawyer is there to speak for you. Your lawyer will tell the Magistrate how you intend to plead. The lawyer, in court is there to put your side of what occurred to the Magistrate and to portray you in the best light that he or she can.

Your lawyer, although there for you, is still an "Officer of the Court" so will not tell the court any lies to make you look good. Your lawyer will also speak to the Magistrate about what sort of sentence to pass and say why bail should be granted.



Going to the Children's Court (cont.)

Do I have to say anything?

You will only have to say something if you are going to plead "guilty" or "not guilty".

What happens after you stand at the bench in the courtroom is as follows:

1. the Magistrate will read out the charges to you and ask you how you wish to plead
2. you will have received advice by this stage and know whether you are going to plead guilty, not guilty or whether you are having your matter put off so you can get legal advice
3. your lawyer will then tell the Magistrate whether you intend to plead guilty, not guilty or seek a remand (put the matter off for 2 or 3 weeks so you can see a lawyer)
4. if you do not have a lawyer, the Magistrate will explain to you the nature of your charge and ask you what you wish to do
5. you will stand up and then say "guilty" or "not guilty".

What do I call the Judge or Magistrate?

Unless your offence is very serious, you will appear before a Children's Court Magistrate. The correct way to address the Magistrate is "Your Honour". You may also address the Magistrate as "Sir" or "Mam".

It is also important to stand up if you need to talk to the Magistrate or are spoken to by the Magistrate.

The President of the Children's Court is a Judge. The correct way to address the Judge is "Your Honour".

Will I look "stupid" if I stand up, call the Magistrate 'Your Honour' and bow when I come in and leave the court?

No. Everyone who appears in court follows this practice so you will not look stupid. In fact, the people who are in the court all the time are so used to this practice that they are unlikely to notice.

If you treat the Magistrate with respect, then you will be treated with respect. It is important that everyone observe the traditions of the court as otherwise it would be chaotic, disorderly and not in the defendant's (your) best interests.

If I plead Guilty, will that be the end of it?

Not necessarily. It will depend on what you have been charged with and what sort of penalty the Magistrate imposes. Often your matter will be adjourned for 2 weeks and you will have to see a Juvenile Justice Officer so that a Pre-sentence Report can be prepared.

You may be given a fine or you may be referred to the Juvenile Justice Team in which case you will have to go there at an arranged time. Sometimes you may be given community service to perform which will require you to do work at a stated time.

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Important: This general information is not the same as legal advice. You should speak with a lawyer about your situation.



YOUTH LEGAL SERVICE inc
western australia

For assistance contact:

Kids Helpline

1800 551 800

Crisis Care

9223 1111 or 1800 199 008

For help with this and other issues contact:

Youth Legal Service Inc (WA)

(08) 9202 1688 (Perth Metro)

1800 199 006 (Country WA)

www.youthlegalserviceinc.com.au