



## First Time Appearing In 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 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 is and what will happen if you do 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 Banksia Hill Detention Centre) until you can be brought before the Magistrate in the Children's Court.

You may also have received a "Prosecution Notice" from the Police with a Bail Undertaking which tells you the time and place you must appear in the Children's Court. If you do not appear on the date and time at the court, a "warrant" will be issued for your arrest.

### What Do I Do If I Did Not Go To Court When I Was Supposed To?

You must take steps as soon as you can to go to the court at the next court sitting date. You can call the Youth Legal Service on 1800 199 006 or 9202 1688 to speak to a Lawyer about your situation.

### What Do I Wear To Court?

You should wear clothes that look respectable (avoid t-shirts with rude slogans on them, singlets and thongs). However, the important thing is that you go to court on the right day and time so if you do not think you have any respectable clothes, do not stress about your clothing and wear what you feel comfortable in.

### Can I Go To Court On My Own?

**No.** If you are under the age of 18, you must go 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 to 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 at the court registry after your matter has been heard. You can sign your own bail papers if you are 17 years old (or older) and live independently or are independent of your parent or guardian. If you are now 18, then you can sign your own 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 Perth Children's Court. When you appear at this court, you must give your name at Court Security as you walk in. You will then be told which court room you will be appearing in and you may be directed as to where to see the Welfare Officer to arrange to see the Legal Aid Duty Lawyer or Aboriginal Legal Service.

There are six other Children's Courts in the Perth Metropolitan area, located in Midland, Joondalup, Fremantle, Armadale, Rockingham and Mandurah. If you are unsure where the courtroom is at these courthouses, you will need to ask a Court Security Officer or go to the main desk when you arrive.

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. Let them know you want to see the Legal Aid Duty Lawyer or the Aboriginal Legal Service.

## 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 you should get legal advice prior to going to court or get an adjournment at court for legal advice. You can call Youth Legal Service on 1800 199 006 or 9202 1688 and speak to a lawyer about your charge(s).

Most Courts in Western Australia will have a Legal Aid Duty Lawyer and/or the Aboriginal Legal Service. 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 (remanded/adjourned) so that you can get legal advice.

## 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 security officer to sit in the back of the courtroom and wait for your name to be called out.

## Before You Enter The Courtroom

Before you enter the courtroom, make sure you switch off your mobile phone and take off your cap and sunglasses. No food or drinks can be taken into the courtroom.



## 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 Coat of Arms behind the Magistrate. This is a sign of respect to the Magistrate or Judge, the Court and the law of the land. You should also bow your head to the Coat of Arms behind the Magistrate when you leave the court or if the Magistrate leaves the court.

If you have to sit at the back of the court, remain quiet, do not laugh and talk.

When your name is called out, you approach the bench and stand next to your lawyer.

## What Is The Bench?

The bench is a long table where you (the accused) will stand at one end, a Youth Justice Officer will sit in the middle and the Prosecutor will stand at the other end.

In front of the bench is another table where the Judicial Support Officer (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.

r destruction of evidence, the safety of persons would be at risk or the questioning is so urgent that it should not be delayed.

## What Does The Youth Justice Officer Do?

The Youth Justice Officer is from the Department of Justice. He or she advises the Magistrate whether you have any criminal record and whether there are any sentencing issues.

## What Does The Prosecutor Do?

The Prosecutor is a Police Officer unless you are appearing in the Perth Children's Court in which case he/she is a lawyer from the Office of the Director of Public Prosecutions.

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 either tell the Magistrate why the Police oppose you being on bail or say 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 and act on your instructions. Your lawyer will tell the Magistrate how you intend to plead. In court, your lawyer 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 to represent you, is still an "Officer of the Court" and will not tell the court any lies. Your lawyer will also speak to the Magistrate about what sort of sentence they believe the Magistrate should give you and/or say why bail should be granted.

## Do I Have To Say Anything?

If you are represented by a Lawyer, you will usually only have to say "guilty" or "not guilty", although sometimes the Magistrate will speak directly to you and ask you questions.

If the Magistrate speaks to you, you must stand up.

## What Happens After I Approach The Bench?

After you stand at the bench in the courtroom the following will occur:

1. The Magistrate will read out the charges to you and ask you how you wish to plead.
2. Your lawyer will 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 get legal advice).
3. 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.

## What Do I Call The Judge Or Magistrate?

All Magistrates and Judges are addressed as "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 court 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 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 Youth Justice Officer so that a Pre-sentence Report can be prepared.

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.

## More Information

For legal assistance, contact Youth Legal Service 1800 199 006 or 9202 1688.

Legal Aid: <https://www.legalaid.wa.gov.au/find-legal-answers/about-law/going-court>

Aboriginal Legal Service: View the "Young People and the Law" pamphlet at <https://www.als.org.au/wp-content/uploads/2015/08/young-people-and-the-law.pdf>

Children's Court: [www.childrenscourt.wa.gov.au](http://www.childrenscourt.wa.gov.au) and click on 'Criminal Matters' and then 'For Young People'.

Children's Court: View the "Appearing in the Children's Court" pamphlet at [http://www.childrenscourt.wa.gov.au/\\_files/Appearing\\_in\\_Childrens\\_Court.pdf](http://www.childrenscourt.wa.gov.au/_files/Appearing_in_Childrens_Court.pdf)

**Please note:** Laws are subject to change. Last updated July 2020.

**Important:** The information provided in this infosheet is for information only.

It should not be relied on as legal advice.

Please seek legal advice about your particular circumstances.