



INFORMATION / FACT SHEET

PREPARING TO ATTEND A TRIAL (CHILDREN & ADOLESCENTS)

For young children and adolescents, attending a criminal trial can be an unfamiliar and stressful experience.

Children and adolescents may not fully understand the criminal justice process and can often feel frightened or overwhelmed by the court process.

The experience can also be difficult if children and adolescents are required to give evidence against family members or other persons they know.

With this in mind it is important that you prepare your child or adolescent to attend trial well in advance.

BEFORE THE TRIAL

- ✓ Advise your child's school (or teacher) in advance of the days that your child may be required for trial.
- ✓ Ask Police or the DPP to provide a letter to the school about the dates your child may be required to attend trial.
- ✓ Arrive at the court earlier than the time you are given. Avoid rushing where you can.
- ✓ Arrange a place to meet with your *Witness Assistance Officer* or *Court Companion*.
- ✓ Make arrangements to have key support person(s) available to accompany your child and to remain present at court for the duration they are required.
- ✓ Ensure you have appropriate child care arrangements in place for other children that may need supervising during the trial process.
- ✓ If driving, plan where you might park in advance (there is plenty of secure (paid) parking close to the court).
- ✓ Check timetables for trams, trains or buses and allow additional time should there be delays with public transport.
- ✓ Dress your child appropriately for a court environment (something they are comfortable in, neat and casual).
- ✓ Prepare your child a good breakfast and have some snacks prepared for you both.
- ✓ Bring a book or magazine for yourself (in the event that you have quite a long wait), plus a game, book or favourite toy for your child.
- ✓ Make sure you take (or bring) prescribed medications that you or the child may require. It is not recommended that your child cease taking prescription medications before the trial (unless advised by their doctor or specialist).
- ✓ Make plans for after trial (i.e. let your child talk to someone about how giving evidence made them feel, celebrate their bravery by going out for dinner, or do something else they really enjoy).
- ✓ Ensure that the child's counsellors and other support people know your child is going to give evidence.
- ✓ Ensure your child has completed a *Court Tour* before the trial,
- ✓ Ensure special provisions for your child giving evidence are discussed with your allocated *Witness Assistance Officer*.
- ✓ Go through the booklet entitled "*An Important Job, Going To Court*" with your child so they have an understanding of what they are about to go through.
- ✓ Take time to answer your child's questions or concerns. If you cannot answer their questions, speak to the *Investigation Officer* or *DPP staff*.

DURING THE TRIAL

Before Giving Evidence

- ✓ Make yourself and your child known to the Sheriff's Officers when you arrive
- ✓ Try to encourage your child to remain calm while waiting if possible.
- ✓ Remain calm for your child. You child will become 'worked up' if they see you becoming anxious or distressed.
- ✓ Let relevant staff know if you or your child are becoming anxious or 'worked up'.
- ✓ Wait quietly in one of the designated *Witness Waiting Areas*. There are special waiting areas so neither you nor your child has to see the accused.

When Giving Evidence

- When it is your child's turn to give evidence, the *Sheriff's Officer* will come and get your child and lead them to the witness box.
- If your child is giving evidence via CCTV, the *Sheriff's Officer* will set up the relevant technology and let you know when the court is ready to begin.
- The *Judge's Associate* will ask your child to *Swear on the Bible* or give an *Affirmation (promise) to Tell the Truth*. Your child will then be asked to sit down.
- Depending on the age of your child, the Judge may ask them questions about 'telling the truth'. This is not meant to trick your child and is a normal part of the trial process.
- The Prosecutor will ask your child questions first and assist your child to tell the court about what has happened to them.
- Following the Prosecutor, the Defence Lawyer will then ask your child questions about their evidence. This is called "cross examination".
- When giving evidence in court, remind your child to:
 - ✓ Always tell the truth;
 - ✓ Speak clearly and take their time (try not to speak too softly or quickly);
 - ✓ Wait for the lawyers to ask them questions before they respond;
 - ✓ Speak to the Judge if he or she asks them a question.
 - ✓ Avoid guessing the answer to a question;
 - ✓ Avoid using gestures to answer questions (they cannot nod their head, shrug their shoulders, etc, instead of speaking);

- ✓ Say so if they do not understand a question they are asked;
- ✓ Say so if they do not know (or recall) the answer to a question;
- Also remind your child about the following:
 - ✓ Turn off their mobile phone whilst in the court room;
 - ✓ Do not chew gum, eat or drink (apart from the water provided) whilst in the court room;
 - ✓ Ask if they need some more water;
 - ✓ Ask for a break if they are becoming tired or need the toilet;
 - ✓ Do not be disrespectful when giving evidence (no unnecessary language or swearing);
 - ✓ Not to leave the court room unless the Judge has given them permission to;
 - ✓ Not to leave the court building unaccompanied or on their own.
- After your child has given their evidence, they are free to leave the court room and court building. Court sessions are normally between **10am - 1pm** and **2:15 - 4:30pm**.
- The same court room should be used for each day of the trial.
- Your child cannot discuss their evidence with anyone during the breaks. **DO NOT** ask your child what has been said by them or anyone else in the court room.

AFTER THE TRIAL

- It is appropriate for you to ask your child how they are feeling about giving their evidence, but it is important you **DO NOT** discuss their evidence until after the trial is completed.
- If your child wants to talk to you about their evidence it is important you explain to them you are not able to do this until after the trial is completed.
- Have a plan in place to distract your child after they have given their evidence.
- Make plans for after trial (i.e. let your child talk to someone about how giving evidence made them feel, celebrate their bravery by going out for dinner, or do something else they really enjoy).
- Try not to worry, stress or 'dissect' what may have happened during the trial. This will only upset your child.
- If your child has a counsellor or key support person, it may assist to arrange an appointment for your child to see them.

- If you notice your child becoming distressed or unusually withdrawn after the trial, seek professional support / advice.

OTHER GENERAL TIPS

- Prepare your child well in advance to attend trial.
- It is normal for people to feel worried and nervous about attending court. Your allocated *Witness Assistance Officer* or *Court Companion* can assist in discussing these feelings with you or your child
- Organise relevant support persons in advance.
- Be on time.
- Speak with the *Investigating Officer* or relevant *ODPP Staff* in advance where you have particular concerns.
- Remain calm.
- Support, encourage and reinforce your child.
- Remind your child that they are not the person on trial.
- Note any unusual changes in your child's demeanour or behaviour.
- Seek professional advice if you feel concerned for your child.