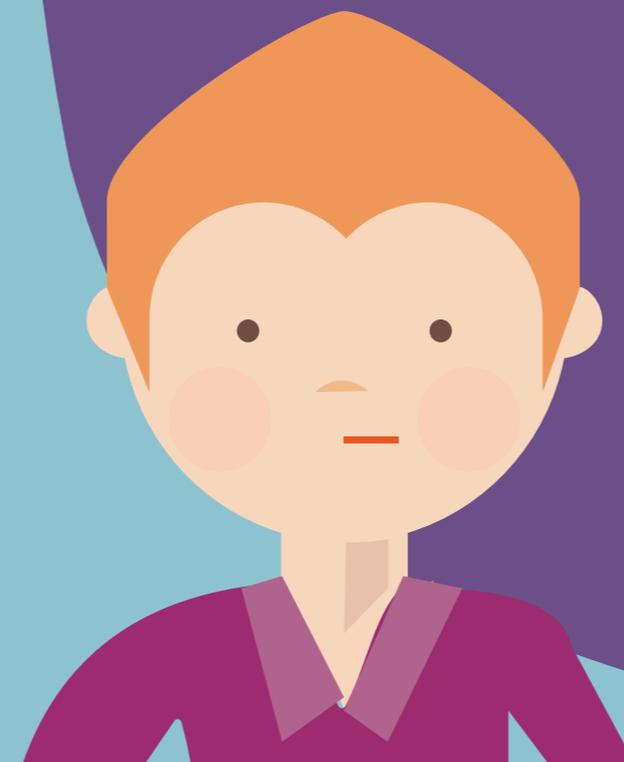




GOING TO COURT AN IMPORTANT JOB



GOING TO COURT: AN IMPORTANT JOB



If you are going to court as a witness, you might want to know what it will be like.

You might have lots of questions. You may feel nervous, frightened or confused. It is common for young people to have questions and feel this way.

A witness has a very important job to do.

This book will answer some of your questions. You should ask if you do not understand what is written or you have other questions.

A stylized illustration of a hand holding a gavel. The hand is purple and the gavel is light blue. The gavel is held in a way that suggests it is about to be used.

Michael O'Connell

Michael O'Connell

AN IMPORTANT JOB

Laws are important rules that everyone should obey. If someone does not obey these rules they are breaking the law.



An example of a law is that we should not hit other people or steal their property. It is a crime to break the law.



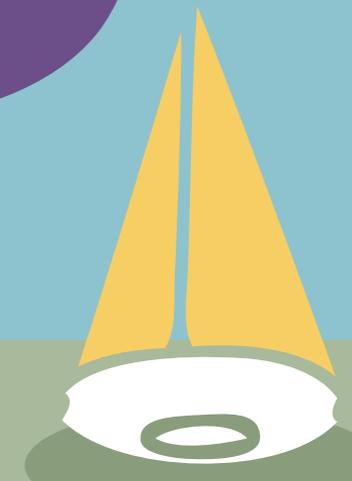
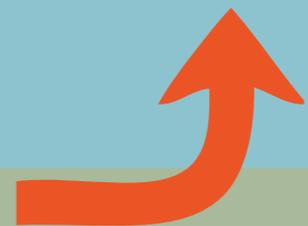
Use a pencil and trace the line, then colour it in your favorite colour.



The court decides if someone has broken the law by holding a trial. A trial is like building giant puzzle. When you put a puzzle together, you need all of the pieces if you want to see what picture it will make.

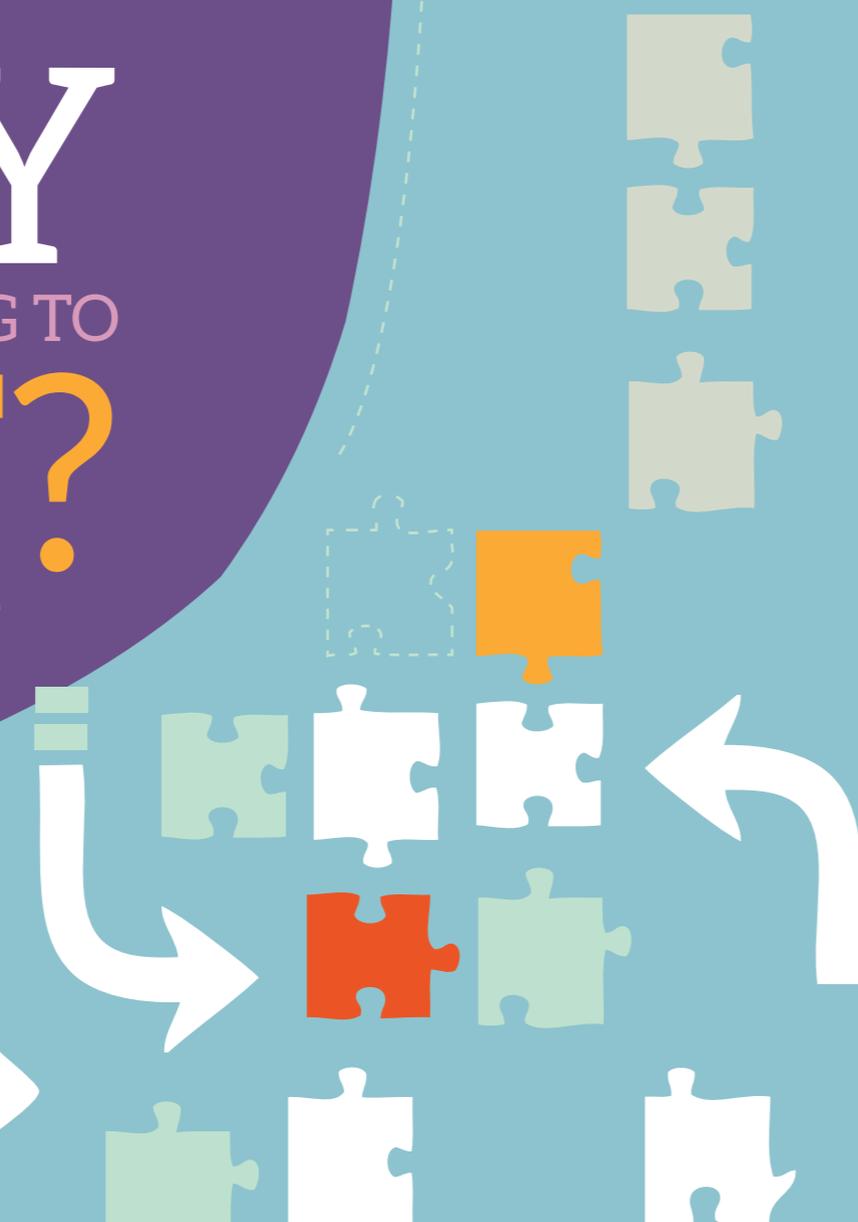
The court listens to each witness. What they say makes up the pieces of the puzzle. When all the witnesses have spoken, the puzzle is complete and the court must decide if the picture they see shows that a law has been broken.

If someone has broken the law the court will decide what happens to them.





WHY AM I GOING TO COURT?



You may be going to court because something has happened to you or you may have seen something or know something about it. You may not think this is very important but even small pieces of information can be very important. What you know is a piece of the puzzle.

Your job as a witness is to tell the court about what you saw, what you heard or what you know. **This is called**

giving evidence.



★ It's a very important job. Without you, the puzzle may not be completed.





HOW MIGHT I FEEL?



Going to court is not easy.
It may make you feel
nervous, upset, tired
or confused.



I feel
.....
.....

I feel
.....
.....

I feel
.....
.....

Here are some
feeling clouds,
write or draw
how you might
be feeling.

Most witnesses, even
adults, feel the same
about going to court.
Being in a strange place
and being asked
questions **can be hard**.



It is important to
tell the court what
happened even if it
is difficult.

WHAT HAPPENS IN COURT?



A person who may have broken a law is called the accused (sometimes they are called 'the defendant'). The judge asks them if they broke the law. If the accused pleads **guilty** they are saying "Yes, I did break the law".

If the accused pleads **not guilty** they are saying "I did not break the law". This means there will be a trial and you will need to be a **witness**.

The trial

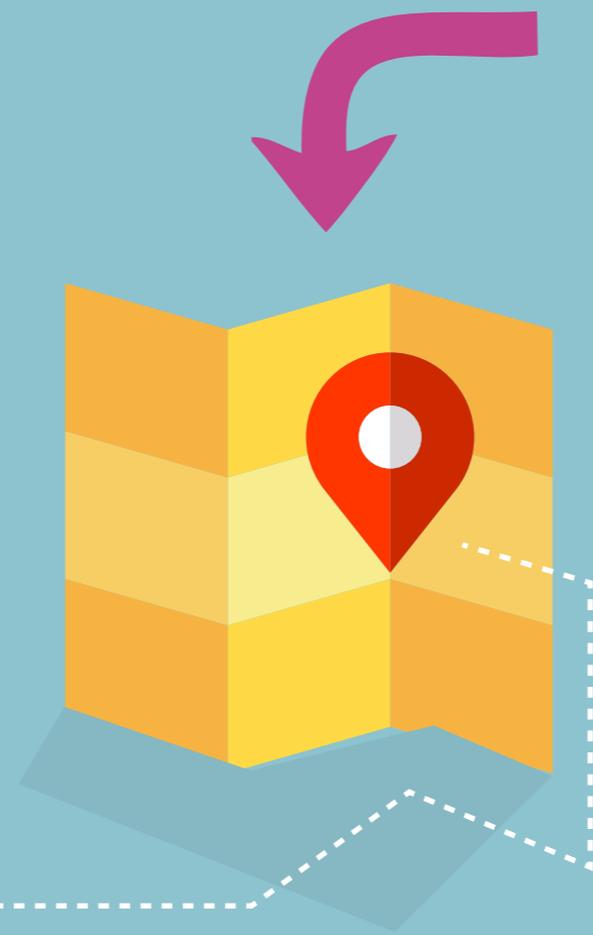
The trial will be held in a court. There are four types of courts in our state: the Magistrates Court, Youth Court, District Court and Supreme Court. Each of these works slightly differently, but your job is the same.



HOW DO I GET READY FOR COURT?



It is a good idea to visit the court before you have to be a witness. It will help you to know where everyone including you will sit on the day and what a courtroom looks like.



There are people who will help you get ready for court. These people include the police, the prosecutor and a witness assistance officer.

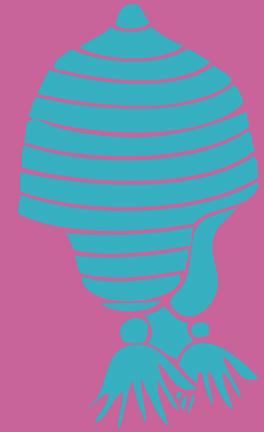
Before you tell the court what you saw, what you heard or what you know (that is giving evidence), the police or prosecutor will give you a chance to talk about the evidence and ask questions.

Answering these questions is good practice for giving evidence in court.



WHAT SHOULD I WEAR?

You should wear something you feel comfortable in and that looks neat and tidy.



Draw your favorite picture on this t-shirt

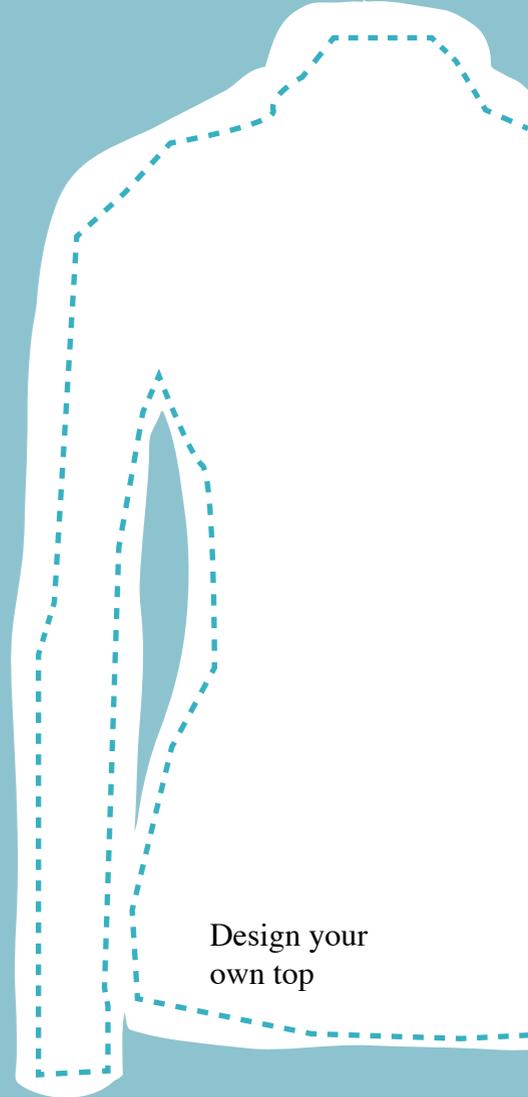


WHAT SHOULD I TAKE TO COURT?

A jumper or a coat in case you get cold.

Something to do while you are waiting: a book to read or a game to play.

A snack and/or drink as you might be at court for a long time.



Design your own top



WHERE DO I WAIT?

In some court buildings, you can wait in a room where you will be away from the accused person and where you will be safe. Someone will wait with you.

If there is no special waiting room, the police or witness assistance officer will find a safe place for you to wait.



E V I D E N C E A Q C
 C S T A T E M E N T O
 O O W J U D G E W E U
 W J U R Y U S H E R R
 I Y W R E R U L E S T
 T S F N T O R I E O H
 N T D E F E N C E S O
 E P Q A C C U S E D U
 S V K I A L A W F I S
 S O L A W Y E R P B E
 E O Q E R T U B I P O
 P R O S E C U T O R P

See if you can find the following words hidden in the jumble letters:

- | | | |
|-----------|------------|------------|
| evidence | prosecutor | lawyer |
| court | police | defence |
| statement | accused | courthouse |
| judge | jury | law |
| witness | usher | rules |



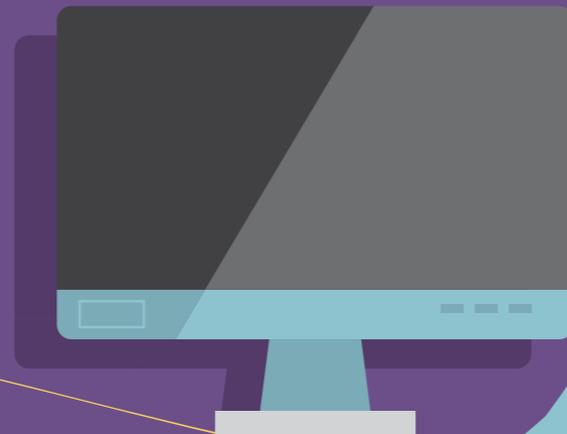
WHERE WILL I SIT?

There are
two
different ways
you can give
evidence.



You can sit in the courtroom or in a special witness room that has a TV and camera.

The person in control of the court who might be a magistrate or a judge will decide where you will sit to give your evidence. You can read about the magistrate's or judge's job later in this book.



1

In the courtroom

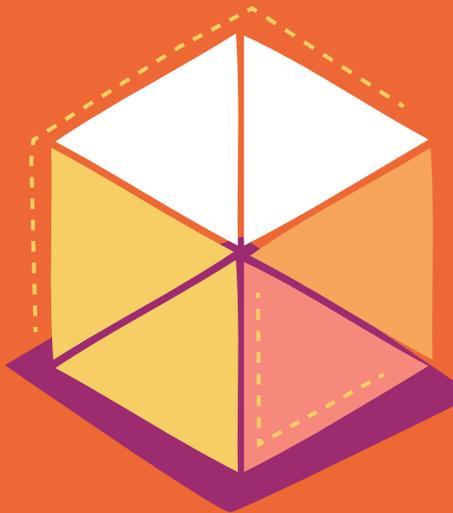
If you give evidence in the courtroom you will sit in the witness box.

You should tell someone if you are worried about seeing the accused. You may be able to have a screen between you and the accused so you do not see them when you are answering the questions.



The magistrate or judge will decide if you can have a screen.





Special witness room

You may be able to give evidence from a special witness room with a TV and a camera. The camera makes sure the people in the court can see you and hear what you are saying.

You will be able to see the magistrate or judge and they will be able to see you. If you need help or a break, you can ask the magistrate or judge.

A person who works for the court will stay with you. This person is called a Sherriff's Officer. Their job is described later in this book. A support person can also stay with you.



The magistrate or judge will decide if you can give evidence from the special witness room.

WHO WILL BE IN THE COURT ROOM?

When you are giving evidence there will be other people in the courtroom. Some of these people wear special clothes or uniforms. The people that may be in court are:

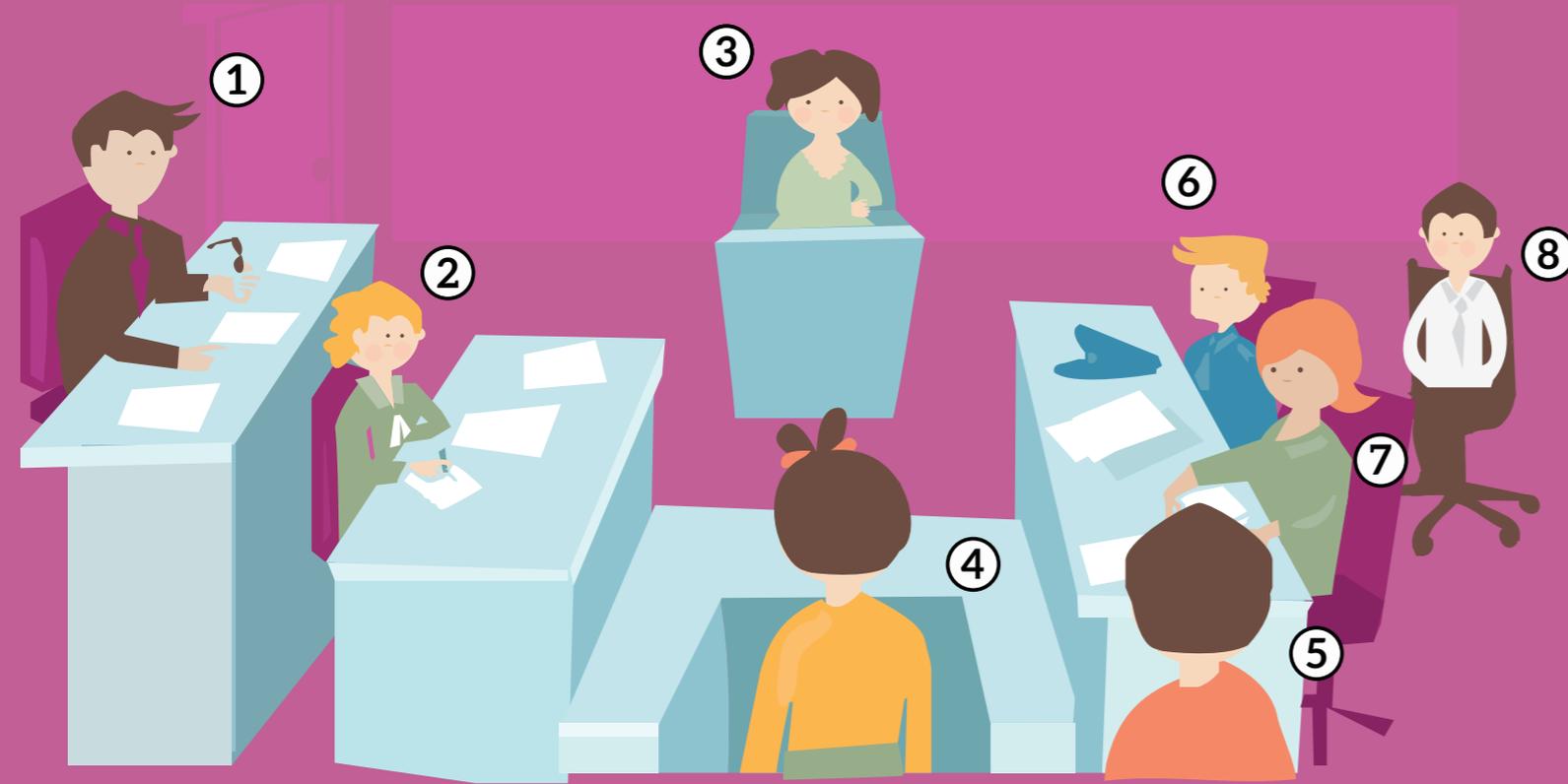
District and Supreme Court
The courtroom will look something like this when you walk in.



1. Judge
2. Associate
3. Court Reporter
4. You, the Witness
5. Court Companion
6. Accused
7. Defence Counsel
8. Prosecutor
9. Jury
10. Sheriff's Officer

Magistrates court

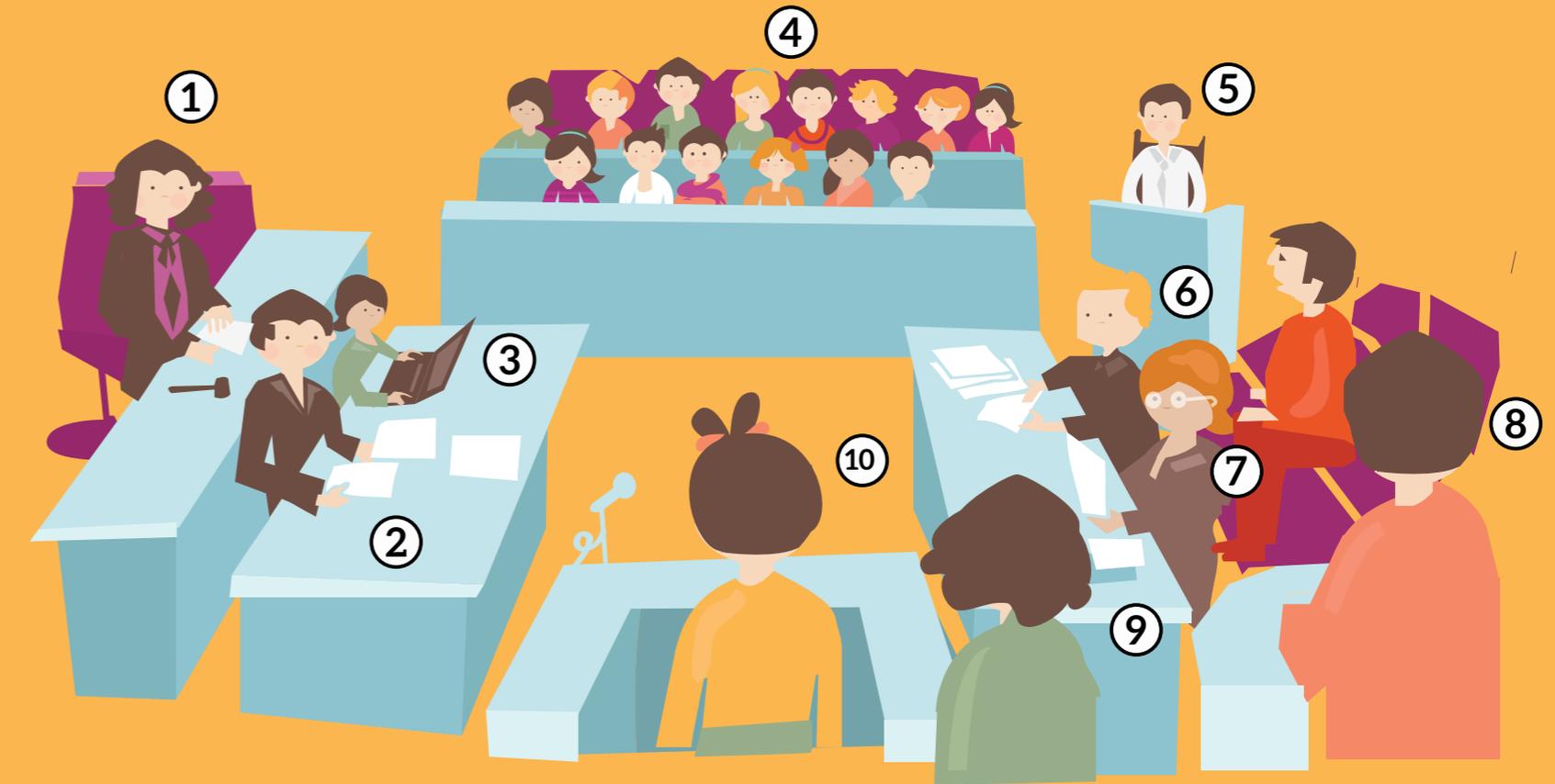
The courtroom will look something like this from the witness box.



1. Magistrate 2. Magistrate's Clerk 3. Accused 4. You, the Witness 5. Court Companion
6. Police Prosecutor 7. Defence Solicitor 8. Sheriff's Officer

District or Supreme Court

The courtroom will look something like this from the witness box.



1. Judge 2. Associate 3. Court Reporter 4. Jury 5. Sheriff's Officer 6. Defence Counsel 7. Prosecutor 8. Accused
9. Court Companion 10. You, the Witness

WHAT WILL I HAVE TO DO IN COURT?



The most important thing you should do is tell the **truth** in court.

You will be called when it is your turn to give evidence. You will be shown where to sit. Before you sit down you will be asked to promise to tell the truth in court.

Sometimes the magistrate or judge may start by asking you some questions to make sure you know the difference between telling the truth and telling a lie. This is to help the judge know what you can understand.



The prosecutor will ask you questions first. Then the defence lawyer will ask you questions. Sometimes the magistrate or judge will also ask questions.





WHAT SHOULD I REMEMBER WHEN GIVING EVIDENCE?



Listen carefully to the questions before you answer...

Speak clearly and in a loud voice.

Take your time before answering questions and really think before you give your answer.

Look at the judge or jury when you answer your questions.

If you are asked the question again but still don't understand it is OK to say **"I still don't understand"**.

If you don't hear a question, it is OK to say **"can you please repeat the question"**.

If you need some time to think about your answer then say **"I need more time"**.

If you do not understand the questions it is OK to say **"I don't understand"**.

Sometimes lawyers use special language in court and it can be hard to understand. If you do not understand it is important to say **"I don't understand"**.



Never guess the answer to a question. If you do not know the answer it is OK to say **"I don't know"**.

If you are sure you can say **"I am sure"**.

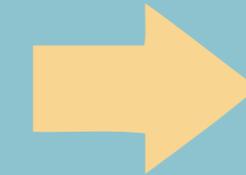
You may be asked the same question twice. This does not mean that your first answer was wrong, just keep telling the truth.

If you do not remember something it is OK to say **"I don't remember"**.

Sometimes you may be asked two questions at once. You may agree with one part of the question but think the other part is wrong. It is OK to say which part you agree with and which part you don't.

Some of the questions you will be asked will be about what you said to the police. This may have been a long time ago and you may find it hard to remember. It is OK to say **"I don't remember what I said to the police"**.

If you don't agree with something it is OK to say **"I don't agree"**.



Remember, you do not have to look at the accused or talk to them.

You may also be asked about the first person you told about what happened. You may be asked why you told this person and what you told them. Again, if you don't remember just say so.

If you are answering a question and someone interrupts you, it is OK to say **"I'm not finished"**.

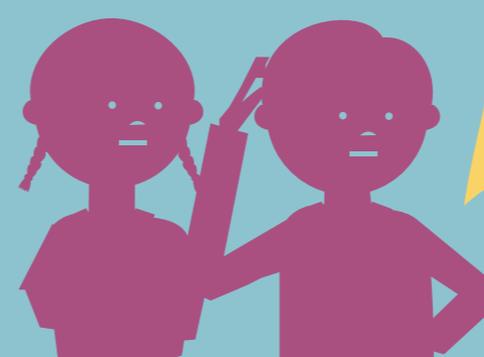
If you are upset, stop for a minute. You might find it helpful to have a drink of water or to take some deep breaths.

There will be water for you, where you are sitting: it is OK to have a drink before you answer questions.

Expect interruptions (e.g. lunch breaks, or lawyer objecting to a question).

If the questions have taken a long time, you may need a rest, a drink or to go to the toilet. It is OK to ask the judge if you can have a break.

You may find it helpful to hold a tissue, tiny toy or special stone in your hand or your pocket when you are being a witness.



WHAT IF THE QUESTIONS MAKE ME FEEL UPSET OR EMBARRASSED?

You may feel upset or embarrassed talking about things that make you feel uncomfortable. The people in court know that answering these types of questions can be very tough, but you must answer any question you are asked.



Your answers help the magistrate, judge or judge and jury decide if the accused broke the law. The people in court will not think badly of you when you answer these questions. They will think that you are very **brave** to come to court and give evidence.

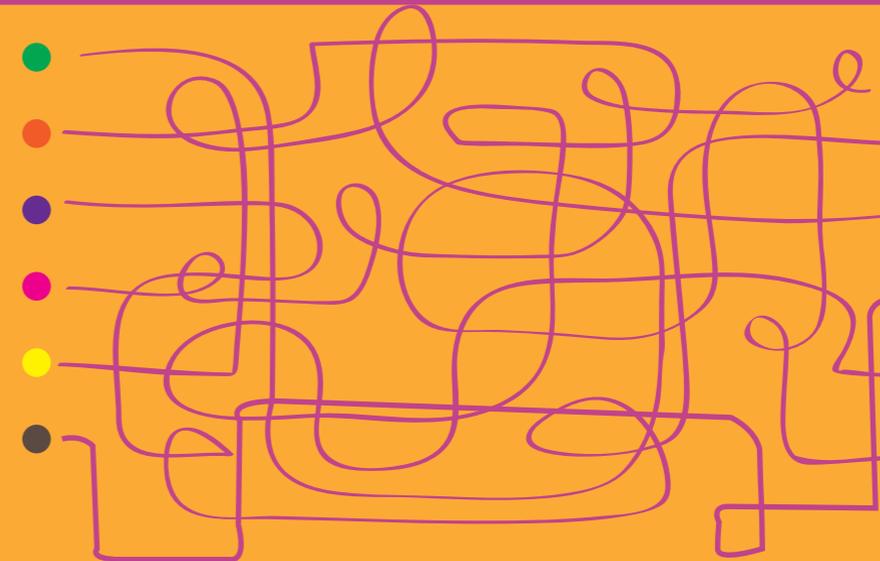
It is important that you tell everyone in the court what happened, even if it is embarrassing or means telling a secret.



What if

Trace the lines between the question and the correct answer).

- You're asked a question and you don't understand it?
- You're asked a question and you can't remember the answer?
- You need to go to the toilet?
- You cry in court?
- You're asked more than one question at a time?
- You don't know the answer?



- Just tell the judge you need a break.
- Just tell the judge you need a break.
- You can ask for one question at a time.
- Just tell the lawyer you don't know the answer.
- Just tell the lawyer you can't remember the answer.
- You can ask that the question be asked again.





WHAT IF
I NEED
SPECIAL
HELP?



Witnesses are all different.
Some witnesses speak different
languages. Some need special
help because of a disability.
It is ok if you need help.



If you need any help you should
talk to the investigating police
officer, prosecutor or your
witness assistance officer.

ayuda



ਚੈਲੋ
yardim et



voitheia

Πομοσць

Segítség

aloh

नमसते

hulp

你好

nnumben

Βοήθειο



HOW LONG WILL IT TAKE?



Once a trial starts it can take days or weeks to complete. The time it takes to tell the court what you know is different for each witness. You may need to attend court more than once.

Hidden Message

Can you break the code to discover the hidden message?

Fill in the letters using the numbers to break the code.

Hidden Message

- 1. = E 8. = S 15. = I
- 2. = H 9. = T 16. = G
- 3. = R 10. = A 17. = M
- 4. = Y 11. = N
- 5. = U 12. = L
- 6. = D 13. = B
- 7. = O 14. = V

4. 7. 5. 10. 3. 1. 13. 3. 10. 14. 1. 3.

9. 2. 10. 11. 4. 7. 5.

13. 1. 12. 15. 1. 14. 1. 10. 11. 6.

8. 9. 3. 7. 11. 16. 1. 3. 9. 2. 10. 11.

4. 7. 5. 8. 1. 1. 17.





Well done,
you have done
an important
job and it took
courage.

HOW WILL I KNOW WHEN I HAVE FINISHED GIVING EVIDENCE?

When the prosecutor and defence lawyer have finished asking you questions, the magistrate or the judge will tell you that you can leave the court and you can go home.

Your job as a witness is finished.



WHAT HAPPENS AT THE END OF THE TRIAL?



When the court has finished listening to all the witnesses, a decision is made as to whether the accused is **guilty** or **not guilty**.

This is called the verdict.

If a person is found guilty, the magistrate or judge will decide what should happen to the person.



HOW WILL I FEEL ABOUT THE JURY'S DECISION?



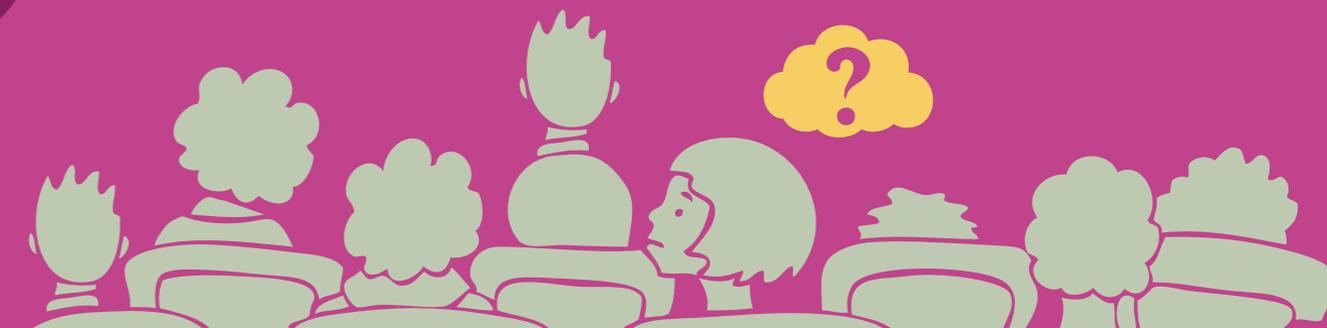
You may find it helps to talk to someone after the trial. You can talk to your support person or witness assistance officer about how you feel. They may also be able to help you understand what happened.

There is no right or wrong way to feel about the verdict. If the accused is found guilty you may feel happy and relieved.

If the accused is someone you know, you may feel upset if they are found guilty.

Remember you are not to blame. The accused broke the law and they are responsible for what has happened.

You may feel let down if the accused is found not guilty. **Try to remember that it does not mean you were not believed. It means the court could not be completely sure about what happened.**



WHAT
NOW?



It can be good to celebrate your courage after being a witness. Think about something special you could do afterwards, like having a treat or going out for tea.

If you have any questions or need someone to speak to this is your contact person:



The person I can speak to is

.....
.....

Contact number

.....
.....

Hidden word

A D J U D G E D J
 B C D D Q R S T U
 J U D G E W D Z D
 U C T W T S K L G
 D E C J U D G E E
 G J U D G E O D C
 E G T W W T L M V

We have hidden the word **JUDGE** in the puzzle 6 times. Can you find them all!

Draw a circle around **JUDGE** each time you find it in the puzzle.

*Here's a hint to help you... you need to look up and down and sideways to find them all.

Word scramble

Unscramble the words by changing the letters around.

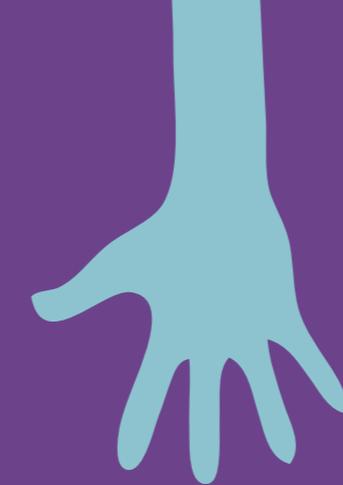
The first one is done for you.

1	C O U R T	COURT
2		WSSEITN
3		YJUR
4		EGJDU
5		TUHRT
6		MATERAIGTS
7		SUEMEPR
8		PROORCUSET
9		WLA
10		PICLOE
11		LAERYW
12		CORAGUE

1 COURT 2 WITNESS 3 JURY 4 JUDGE 5 TRUTH 6 MAGISTRATE 7 SUPREME 8 PROSECUTOR 9 LAW 10 POLICE 11 LAWYER 12 COURAGE

K_w





**SUPPORTING
CHILDREN
WHO ARE GOING
TO COURT**



SUPPORTING CHILDREN WHO ARE GOING TO COURT

Information and ideas for parents or carers who are supporting a child witness.

If you are the parent or carer of a child witness you too may be feeling anxious. You may be concerned for your child. Here are some suggestions that might help you in supporting your child as well as some suggestions to help you cope.

Emotional support

Treat your child as you normally would. Avoid treating them as someone who is fragile or different.

Maintain normal routines and activities as much as possible.

Listen to your child if they want to talk about their feelings. Children may have mixed feelings about the accused and about the court process.

Let your child know that you believe them.

Let your child know that you support them.



Let your child choose who they talk to about what happened. Ask adult friends/family not to question your child or discuss the case in front of your child unless your child chooses to talk about it.

Remember that even though it can be stressful the court process can be empowering for your child, especially if they are well prepared and feel supported. Do not assume that your child will be traumatised or suffer long term emotional harm because of the court process.

Remember your child's feelings may be different to your own.

Respect your child's privacy. Your child may not want other people to know about what has happened to them, so try to avoid telling people about the offence without asking your child first.

Acknowledge your child's bravery. It takes courage to speak out.

Try to avoid letting your child know about any concerns or opinions you have about the case. Your child may pick up on these feelings and it may create or add to their anxiety about going to court.

Remember you are an important person for your child. You may also find it helpful having someone to talk to during or after the process has finished.

Your child may benefit from having counselling. It can take time and perseverance to find a counsellor that your child feels comfortable with and it may take time before you see any benefits from counselling.

Listen to your child - sometimes they may need a break from counselling. Remember they can always reconnect with their counsellor at a later date.

Getting ready for court



You should let the prosecutor or witness assistance officer know if your contact details change.

Tell the police, prosecutor or witness assistance officer if your child has any safety concerns.

Do not rehearse your child's evidence with them. If you do the defence lawyer may argue in court that your child has been coached and that their evidence is contaminated. This may affect the outcome of the trial.

Avoid making promises about the legal process or outcome, for example, that the accused will be found guilty and sent to jail. It is better to talk about the range of possibilities.

There are rules that govern the way children and others who become victims of crime are treated. For instance, you and your child should be kept informed about the progress of the case. You can let the prosecutor or witness assistance officer know how much information you and your child would like and the best way for this to be communicated.

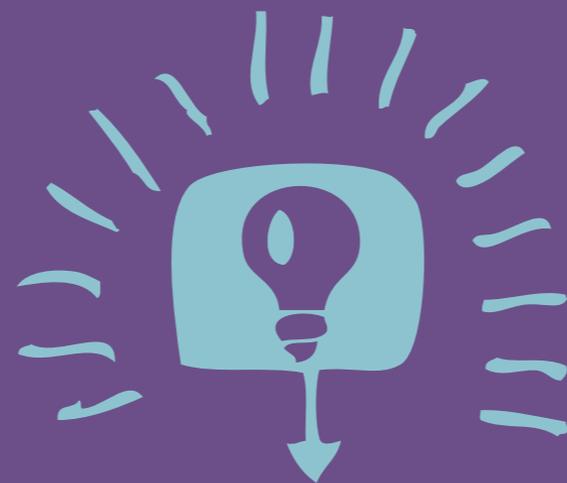
Tell the prosecutor or witness assistance officer if your child has any particular needs relating to a disability or medical condition or if they require an interpreter.

Do not discuss details of the offence with your child. If your child wishes to add something to their evidence you should tell the prosecutor or witness assistance officer.



HOW DO I DEAL WITH THE MEDIA?

There may be media interest in the court case. Sometimes reporters may be waiting outside the court house. Remember the media have a job to do.



Q Can the media take photos or footage of my child or me?

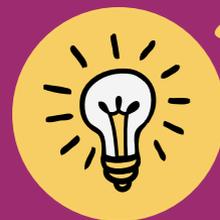
A Children and victims of sexual assault cannot be identified by the media. However, this does not mean that the media cannot photograph or film your child or you.

Other victims/witnesses may be filmed arriving or leaving court. Television reporters can take photos or footage of people if they are in public places.

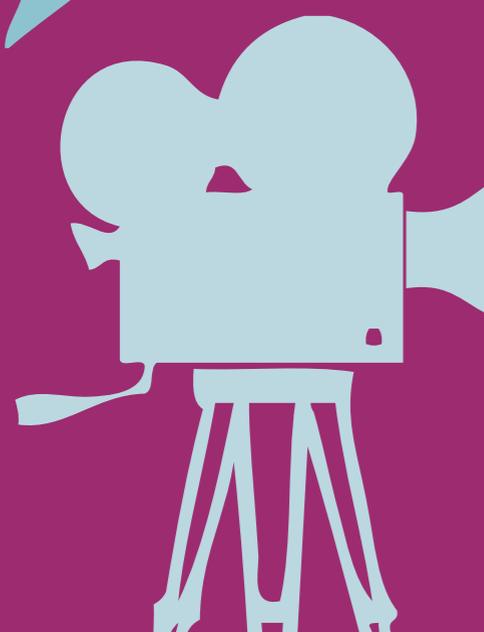
If you are worried about dealing with the media it might help to have a support person with you. You can also talk to police investigators, the prosecutor or the witness assistance officer about the media.

What if the media want to talk to me?

The media may want to talk to you or your child. They may be interested in what happened in court. They may want to ask you some questions about the crime and your feelings about the court.



Remember the media cannot show anything that identifies a child (who under 18 years of age).



The media cannot publish anything that identifies a victim of sexual assault no matter how old they are, but an adult victim may give permission for this to happen.

Some victims/witnesses are happy to answer questions. They feel it is a good opportunity to tell their story. Others don't want to talk to the media.

You can choose to talk to the media or not.

Here are some things you might want to think about before you decide:

Talking to the media might affect the case. You should not talk to the media about the case if the police are still investigating or even if someone has been arrested. You should not talk to the media if there are any legal proceedings still happening. If you are uncertain check before you give any information to the media. You can ask police investigators, the prosecutor or the witness assistance officer.

The media report may be different from what you expect. The media gets information from lots of different sources. The media might present information in a way you do not agree with. This can be upsetting.



Once information is made public by the media you might get unwanted attention. It might mean that people you know talk about you. This can be hurtful.

It is not a good idea to talk to the media when you are feeling confused or overwhelmed which can be common after going to court.

Be careful of casual or 'off the record' chats with journalists or television reporters. Anything you say to the media can be used.

Remember you do not have to speak to the media even if they keep asking you.

You can:

- ▶ **Say** "no" to an interview.
- ▶ **Ask** anyone who visits your home uninvited to leave. Call the police if they refuse to leave.
- ▶ **Say** "no" to an interview with a specific reporter even if you have spoken to other reporters.
- ▶ **Say** "no" to an interview even if you have said yes to an interview before.
- ▶ **Choose** the time and place for interviews.
- ▶ **Not answer** any question you do not want to answer.
- ▶ **Speak** to one reporter at a time.
- ▶ **Ask** for something to be corrected if the media get it wrong.
- ▶ **Ask** the media to stop using photographs or images that upset you.
- ▶ **Ask** for things to protect your privacy and safety. For example, you could ask for your face to be blurred, your name not to be used or your voice to be altered.

You can also give information to the media in different ways. You could give an interview, read out a statement or give the media a written statement. You should think about what is best for you.

If you do decide on an interview, before you start think about what you want to say and what you do not want to say. You might make some notes to remind you of things you feel are important.

You might ask someone else to talk to the media for you. You might ask someone with experience in dealing with the media.

Be careful about what is filmed or recorded. Once an interview is recorded, a photograph taken or something filmed you have little say over how it may be used.

You may use this space to make some notes.

.....

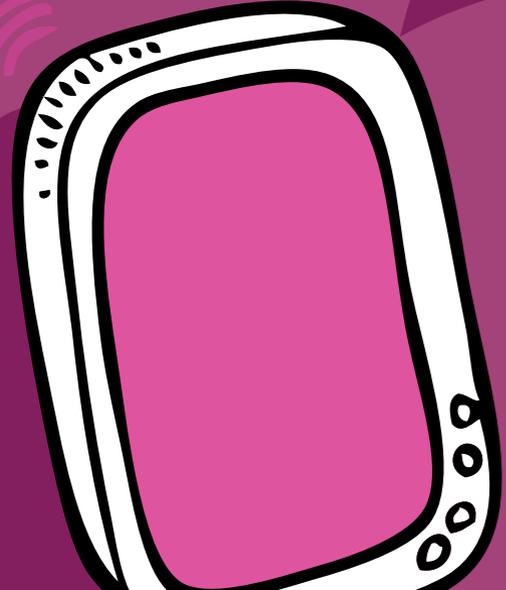
.....

.....

.....



Social media



You should also think carefully about what you say or post on social media such as Facebook, Twitter, YouTube, Snapchat, blogs etc.

What you say and post may be used in ways you have not thought about. For example, journalists often look for personal information on social media and might use this in their stories.



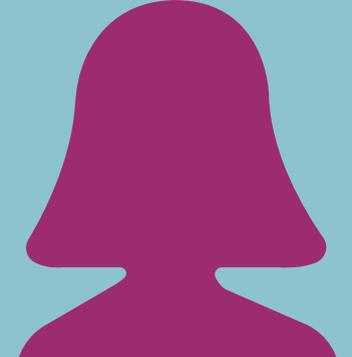
The person who committed the crime might look through your or your child's posts, including photographs. You may be asked questions in court about things you post on social media. For example, if you say the crime caused you to become sad and give up playing sport but posts on Facebook show you happy and playing soccer, the defence lawyer might ask you if you are a liar or ask the court to doubt your evidence.

If you or your child post anything that is threatening or abusive to a person it may be a criminal offence. It may also be bullying.



People may not respond in the way you expect. They may post hurtful comments.

Information you post may remain on the web even if you think you have removed it.



WHO CAN HELP?

If you want more information about going to court or feel like you need some support, you can ask the person who gave you this book.

You could also talk to:



KEY PEOPLE IN THE COURT

Magistrate/Judge

The Magistrate or Judge is in charge of the court. They sit at the front.

The Magistrate or Judge listens carefully to what everyone has to say including you. You can call the Magistrate or Judge 'Your Honour',

'Sir' or 'Madam'. The Magistrate or Judge decides if the person has broken the law and what should happen to the person or how they should be punished.

Sometimes there is a Judge and Jury. The Jury will decide if the person

has broken the law and the Judge will decide what should happen to the person or how they should be punished.

Jury (District and Supreme Court)

The Jury is made up of 12 people who do not know you but they want to listen to your evidence. They listen to everyone's evidence. After it is their job to decide if they agree that the accused broke the law.

Accused

This is the person that may have broken the law. The accused sits in a part of the court called 'the dock'. The accused is not allowed to speak to you or come near you.

Prosecutor

The Prosecutor's job is to help you tell the court how the accused person may have broken the law. The Prosecutor will ask you questions and will help you tell the court what happened to you or what you saw or heard. Sometimes the prosecutor will wear a wig and robes.

Defence Lawyer

The Defence Lawyer is the accused person's lawyer. The Defence Lawyer will help the accused to tell the court what he or she says happened. This lawyer will ask you questions after the Prosecutor.

The Associate

The Associate helps the Judge in the court. The Associate sits in front of the Judge and will also wear a wig and robes.

Court Reporter

The Court Reporter uses a special machine to write down everything that is said in court. A new court reporter comes in to the court every 15 minutes.

Support Person

A support person is someone who is there for you while you are at court. A support person cannot speak to you in the courtroom but will be able to sit near you. The Magistrate or Judge needs to approve your choice of support person.

Sheriff's Officer

A Sheriff's Officer wears a uniform and helps make sure that everybody follows the rules of the court.

A Sheriff's Officer will tell you when it is your turn to be a witness and will show you where to sit. A Sheriff's Officer will also sit in the dock with the accused and will make sure the accused does not come near you in court.



If you are going to court as a witness, you might be wondering what it will be like.

You might have lots of questions . You may feel nervous, frightened or confused. It is very normal for witnesses to have questions and feel this way.

A witness has a very important job to do.

This book will help explain what it will be like, what you need to do and what you can expect.

