

Legal Services

Below are the contact details of services that will help you find a lawyer to represent you in Court.

Victoria Legal Aid

Victoria Legal Aid provide advice over the phone and has 10 offices where you can get free legal advice. They arrange lawyers at almost all Children's Courts in Victoria. Call (03) 9269 0120 or 1800 677 402 (country callers).

The Registry at the Children's Court

The Registry staff at the Court provide a list of lawyers who have been approved by Legal Aid and the Law Institute to do work at the Children's Court.

Community Legal Centres

Telephone the Federation on (03) 9652 1500 for your closest Centre.

A Private Lawyer

Telephone the Law Institute of Victoria on (03) 9607 9550 to find a lawyer close to you who knows about the Children's Court.

Victorian Aboriginal Legal Service

Aboriginal people can contact the Victorian Aboriginal Legal Service on (03) 9419 3888 or 1800 064 865 (toll free).



**Children's Court
Victoria**

477 Little Lonsdale Street
Melbourne 3000
Ph: 8638 3300
Fax: 8601 6720
www.childrencourt.vic.gov.au

THE CRIMINAL DIVISION



**Children's Court
Victoria**



The Criminal Division

The Children's Court has a Family Division and a Criminal Division. This pamphlet deals with the Criminal Division. If you have any questions that are not answered here Registry staff at the Court will be happy to help you.

The Criminal Division deals with people who have been charged with a criminal offence committed after their 10th birthday but before their 18th birthday.

If you have been charged with an offence the Police will give you a summons or a charge sheet with the details of the charge and when and where to go to Court. If you are on bail or charged with a serious crime and do not come to Court, the Court may issue a warrant so the Police can arrest you and bring you to Court.

Lawyers

If you have been charged with an offence you should see a lawyer as soon as possible.

At the back of this pamphlet there is a list of services that will help you find a suitable lawyer to represent you.

If you have not been able to see a lawyer before you get to Court you can ask Court staff at the Registry counter to assist you. They will help you make contact with the duty lawyer from Victoria Legal Aid.

A lawyer can explain to you what you have been charged with, explain what the Police have to prove in Court and give you advice about whether to plead 'guilty' or 'not guilty'. A lawyer can also represent you in Court and speak to the Magistrate on your behalf.

Family

The Court sees your family's role as very important. Family members should go to Court with you when your case is going ahead. The Magistrate may want to know how your family can support you and be involved in your future.

What Happens At Court?

You should get to Court at least half an hour before the time on the Summons or Bail Notice and tell the Court Co-ordinator that you have arrived.

Your lawyer will meet you at the Court and go over the details of the case before the hearing. When your name is called everyone will go into the courtroom.

If you are pleading 'not guilty' the Magistrate will adjourn the case, that is, put it off to another day. You will be given a new date for the case to be heard.

If you are pleading 'guilty' the Prosecutor will read out a summary of the offences you have been charged with. Your lawyer will then tell the Magistrate about you and explain what has happened.

Whether you are pleading 'guilty' or 'not guilty' the Magistrate may not make a decision on the same day you have come to Court. The Magistrate may ask for a report on you from the Department of Human Services or the Children's Court Clinic. You may have to come back to Court once the report is complete.

Once the Magistrate has read the reports and heard everything you have to say, he or she will decide what should happen to you.

For certain very serious offences, including murder and culpable driving, the Children's Court may conduct committal proceedings. A committal proceeding is a hearing where the Court must decide if the Police have enough evidence against you to justify the case going before a Judge and jury in either the County Court or the Supreme Court.

What Will The Court Do To Me?

There are a number of things that the Children's Court may do. These include:

The Court may **defer sentencing**, that is, adjourn the case for a maximum of 4 months and release you unconditionally or on bail. On the date you are required to come back to Court, the Court may receive a report about your behaviour and then decide the most appropriate outcome for you.

The Court may dismiss the charge without a conviction recorded against you.

The Court may dismiss the charge and order you to give a **Non-Accountable Undertaking** or an **Accountable Undertaking** for a period not exceeding 6 months (or 12 months in exceptional circumstances). This means that the Court may order you to do something, or not to do something. For example, you may be ordered to attend school or to stop associating with co-offenders. In the case of an Accountable Undertaking, if you do not obey the Court order you may have to come back to Court and face more serious consequences.

The Court can also order you to pay a **Fine** or put you on a **Good Behaviour Bond**. A Good Behaviour Bond means that the final decision on the charges is put off for the period of the bond. If you keep your promise to be of good behaviour during the period of the bond, the charge(s) will be dismissed at the end of it.

The Court may put you on a **Probation** order. This is usually given if you have offended once or twice before or the charges are serious. A probation order may last for up to 18 months with very serious offences. It requires regular meetings with a Probation Officer. A Probation order will give you an opportunity to work through the reasons that have caused you to get into trouble.

A **Youth Supervision Order** is a more intensive supervisory order which may last up to 18 months with very serious offences. A Youth Supervision Order is usually given if you have appeared in Court before for criminal offending or you have been found guilty of a very serious offence or numerous offences. It requires you to visit a supervising officer from Youth Justice to undergo any programs that the officer believes are necessary and to comply with any special conditions that the Court imposes, for example attending counselling sessions.

When an offence is so serious that it would be punishable by imprisonment, if you are aged 15 to 18 you may be given a **Youth Attendance Order** for up to 12 months. A Youth Attendance Order involves very intensive supervision and attendance at correctional programs, with a minimum of 3 attendances per week being required.

If a Magistrate decides that your offence(s) are extremely serious and none of the other penalties are suitable, a period of detention is the only possible alternative. The Magistrate will send you to a **Youth Residential Centre** (if you are aged under 15) for a maximum of 1 year for a single offence or 2 years for multiple offences, or a **Youth Detention Centre** (if you are aged 15 or over) for a maximum of 2 years for a single offence or 3 years for multiple offences).

More Information?

More information on the Children's Court is available at **www.childrenscourt.vic.gov.au** or by telephoning the Children's Court Liaison Officer on 8638 3399.

