

WITNESS ASSISTANCE SERVICE



What happens if a child is a victim or a witness in a Court matter?

Children can be the victim of a crime or can see or hear something relating to a crime that will make them a witness in a Court case.

If you have any further questions or would like more information, please contact the Witness Assistance Service on Freecall 1800 659 449 or email us on AGDDPPWitness.AssistanceService@nt.gov.au

What assistance is available if a child is a victim and/or a witness?

Children can be the victim of a crime or can see or hear something relating to a crime that will make them a witness in a Court case. Because children can be particularly susceptible to being led or influenced when giving evidence there are certain rules and arrangements put in place to safeguard them through this and to ensure that the process does not traumatise them.

When the police investigate a matter relating to a young child, they will normally conduct a Criminal Forensic Interview (CFI) where they video tape the child's statement so this can later be played at Court as their evidence. In doing this the police will first ask a series of questions to ascertain the child has the capacity to understand and answer questions reliably. Older children, such as teenagers, may complete a normal written statement with Police.

The video or the statement is then provided to the Prosecutor handling the case. He/she will review the material and will usually ask to meet with the child to introduce themselves to the child and go through their evidence with them. A Witness

Assistance Service (WAS) Officer will normally be involved and both they and Prosecutor will try to establish a rapport with the child to make them feel as secure and comfortable as possible. During these meetings the child will be assessed to determine if he/she:

- Is able to recall the events relating to the crime and reliably answer questions about what happened;
- Able to properly comprehend what they are being asked;
- Are likely to agree to anything that is put to them rather than what they remember happening;
- May become re-traumatised by having to talk about what happened;

If the child is assessed as not being able to give evidence, the Prosecutor will discuss the case options with their parent/guardian; this may include withdrawing the matter until the child is older.

If the child is considered capable of giving evidence in the matter then the Prosecutor will make arrangements to prepare them for Court. Special arrangements apply to children, particularly young children or children who are victims of sexual or serious violence offences.



WITNESS ASSISTANCE SERVICE

What special arrangements apply to child witnesses in court?

Children are deemed to be Vulnerable Witnesses under Part IIA 21A(1) of the *Evidence Act* which entitles them to have:

- A support person with them when giving their evidence;
- A screen or partition used in the Court room so they do not have to see the accused;
- The Court may be closed so that no one that is not involved in the Court case can be in Court at the time they give their evidence;
- They are allowed to give their evidence over Closed Circuit Television rather than having to sit in the Court room;

Additionally children who are victims of sexual or serious violence offences are also considered Protected Witnesses under the *Justices Act*. This means they:

- Only have to give their evidence once and are not required to appear at committal hearings prior to the trial;

- The Court may take their recorded statement (CFI) as their evidence in chief so they do not have to repeat it;
- Their evidence can be pre-recorded before the trial so that they do not have to give evidence in front of a jury and their part in the Court process is completed as quickly as possible.

Can I be in court with my child when they give their evidence?

Parents are encouraged to support the child as much as possible, however if you are also a witness in the case you can not be present when they discuss or give their evidence. In some cases, parents or a counsellor can provide support.

Anyone providing support in Court may not talk to or respond to questions from the child during their evidence. This can be difficult for parents to do and sometimes children may struggle to talk in front of parents about what happened. A WAS Officer will normally provide support to the child while they give their evidence.

