



COURT

This sheet is intended to provide **general legal information** about the law in Queensland. **This information is not legal advice.** If you have a particular legal problem you should contact a solicitor for legal advice. At the end is a list of agencies that might be able to assist you, including legal agencies.

Which Court?

If the police believe you have broken the law and decide to take you to court and you are under 18, you will always go to a Childrens Court first where there is a Magistrate. The police will let you know where the court is.

Later you may have your case sent to a Childrens Court Judge. If you are said to have committed the most serious offences like murder, or drug matters like trafficking then your case will have to be sent on to the Supreme Court with a Judge and Jury.

What happens if I don't turn up to court?

The court can issue a warrant for your arrest (this is an Order that the police find you and bring you to the court). If your case cannot be dealt with on the day that the police find you, you will probably be kept in custody (locked up) until the court can deal with your case. You may also be charged with 'failing to appear' (not going to court when told to). The court will then have a record that you did not turn up and this may make it harder for you to get bail (be able to live in the community while your case is being dealt with) in the future.

If you have been summonsed, the court can deal with your case without you being there BUT the court will probably find you guilty and decide a punishment without you having your say or giving reasons for doing what you did. *(For info on 'arrest and charge', 'notice to appear', 'summons', and more info on 'bail', see fact sheet 'If I am Charged')*

What are my choices when I get to court?

There should be a duty lawyer at court to help you with your case and you should ask to see them before going into court. The duty lawyer is free. You can:

- plead guilty (agree you did what the police say)
- plead not guilty (you do not agree with the police or you want them to prove you did it)
- have your case brought back to court on another day so you can first get some legal advice about what you should do.

You should get legal advice to be sure whether or not you have broken the law and get information about the consequences of your choice.

If there is no duty lawyer you can ask the court to adjourn your case (set another date or time

to deal with your case) so that a lawyer can be at court with you.

What if my case isn't wrapped up on the day?

If you plead 'guilty' the duty lawyer can often have your case finished with that day. If you plead 'not guilty' or you are not sure what to do, the duty lawyer will ask for another date for the court to consider your case. This may also happen if the police have not got their case ready.

If you were kept in custody until coming to court you will need the help of the duty lawyer to try to get bail. The duty lawyer should tell you about legal aid (free legal help from a solicitor who can also go to court with you) and give you a form to apply for legal aid. Ask for a form if the duty lawyer doesn't give you one.

Am I allowed to have an interpreter/friend with me in court?

Yes, if English is not the language you best understand, the court may allow an interpreter, or another person you choose who is able to speak the language you prefer, to be in court. If there is no interpreter available at court you can ask the court to arrange this for you.

Do my parents have to be in court?

If your parents are not there the court can decide to adjourn your case (set another date or time to deal with your case) so that the court can be sure a parent knows about your case and that they can be there if they want to. It can also order your parents to be there and if they don't go, they can be fined. If your parent, guardian or foster parent was not at court when your case was heard they can ask the court that your case be heard again with them there.

Who else will be in court?

Childrens (Magistrates) Courts where young people under 18 appear on criminal matters are closed to members of the public although the court may allow media to sit in provided that is not contrary to the best interests of the child appearing in court.

Certain people will always be allowed to be in court. They are:

- the police prosecutor
- the young person's lawyer
- a person giving evidence in court (a witness)
- a parent or member of the young person's family

- a person from an organisation supporting the child if they are Aboriginal or Torres Strait Islander (for example a Community Justice Group from the child's community)
- someone who can help the Magistrate in dealing with the specific matter or who the Magistrate thinks has a proper reason to be there such as someone in court doing approved research
- the victim of the crime or their representative
- victim of a sexual offence and their support person
- a representative of the Department of justice and Attorney-General (Youth Justice).

Generally the media will not be able to report details about a young person appearing on any criminal matter but the court can allow publication if the young person has committed a violent offence and it is particularly terrible and the penalty for the offence is up to or life imprisonment eg: Murder or Attempted Murder; Arson; Robbery with Violence in Company. It is an offence for someone to publish identifying

information about a young person who has been convicted of an offence without an Order of the Court.

Can I be charged as an adult with a crime I committed when I was a child?

It is important to remember that, in Queensland, as soon as you are 18 you generally have to go to an adult court. If you are 19 or over, and the police say you broke the law when you were under 18, it is most likely that you will be dealt with as an adult.

If you are not yet 19 and the police say you broke the law when you were under 18, then your case will generally go to a Childrens Court. If you agree you broke the law, or the court decides that you did, then you will be sentenced as if you were under 18.

Do I have to give my fingerprints?

If you are found guilty of breaking the law, but you were not fingerprinted, palm-printed or the police did not record any other identifying feature about you during their investigations, the court may be able to order that your identifying particulars be taken at the end of the case.

Who can help?

Duty Lawyer at Court

<i>Youth Advocacy Centre (YAC) www.yac.net.au</i>	3356 1002
<i>Hub Community Legal www.communitylegal.org.au</i>	3372 7677
<i>YFS Legal www.yfs.org.au</i>	3826 1500
<i>Legal Aid Queensland www.legalaid.qld.gov.au</i>	1300 651 188
<i>Aboriginal & Torres Strait Islander Legal Service www.atsils.org.au</i>	3025 3888 or (free call) 1800 012 255 (24hrs 7 days a week)
<i>Translating & Interpreting Services (24hrs)</i>	131 450
<i>Youth Legal Advice Hotline</i>	1800 527 527
<i>Community Legal Centres (CLCs) see www.naclc.org.au for your nearest CLC</i>	

This sheet was last reviewed and updated in January 2020. The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.