



Northern Ireland

Courts and
Tribunals Service

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The Youth Court

A guide for parents and guardians



An Agency within

DOJ

Department of
Justice

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This document will be made available in a wide range of alternative formats. Requests should be made to the central management team.

Introduction

A child in your care has been summonsed to the youth court.

The following guidance is to help explain what happens in the youth court and what to expect.

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Before the court hearing

Information

Coming to court can be a stressful experience for anyone, and especially for children. You may wish to talk to them about coming to court before the day of the hearing so that they can let you know about their concerns.

Customer service officers are present at all courthouses. They can provide you with information or general advice e.g. how to get there, parking etc. More information about attending court is available on www.nidirect.gov.uk

You should remember to bring relevant documents to court if you/your child is applying for legal aid. These might include your driving licence or passport and payslips etc. Your solicitor will be able to confirm what is required. If the child has a driving licence this should be brought to court and their payslips if they receive a salary.

Pre-court contact with solicitors and barristers

You should also speak with your solicitor or barrister before the date of your child's hearing so they can answer any questions you or the child may have about what might happen at court.

Pre-court visits

It may also be helpful to visit the courthouse with the child before the hearing so that they are familiar with the layout of the court and the facilities there. Court visits can be arranged by contacting the customer service officer in the court you have to attend.

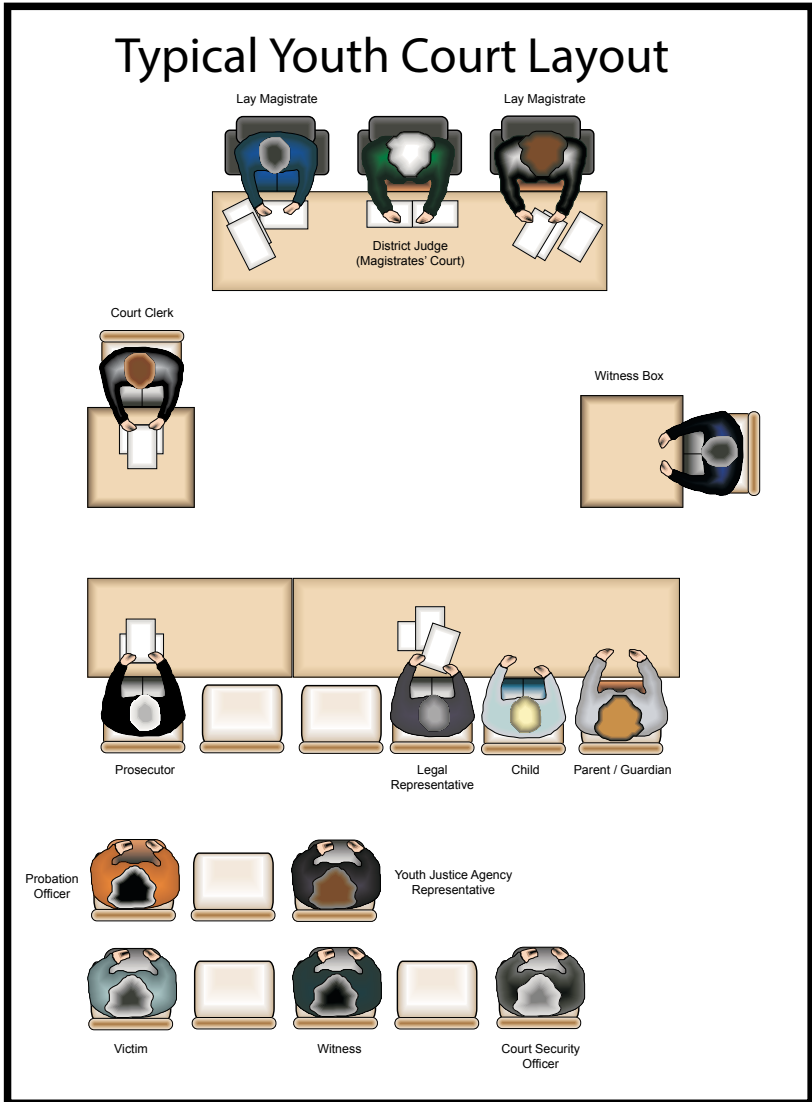
At the youth court

Entrances and Waiting Areas

As far as possible the court will make sure that children attending the youth court do not come into contact with people involved in other courts. Some courts provide a separate waiting area or room for youth courts, and, where possible, a separate waiting room or play area will also be provided for other children who are with the parents of the child attending the youth court. Children who are not involved in the case will not be allowed in the courtroom and will need someone else to look after them in the play area.

You should wait with the child in the area provided outside the courtroom until their case is called.

Who's who in the courtroom?



The diagram above shows is a typical youth court layout. At some courts participants sit around an oval table.

District Judge (Magistrates' Court)

The District Judge (Magistrates' Court) is the chairperson in the youth court and together with the lay magistrates hears the evidence and makes a judgment. The judge is called 'your worship' when he or she is spoken to in the court.

Lay Magistrate

The lay magistrates have been trained to work in the youth and family courts. Two lay magistrates are present at all youth courts and one of these must be a woman. Together with the judge they listen to the evidence and make a judgment.

The defendant

This is the person who has been charged with committing a crime. He/she is in court to hear everything that happens with their case.

Parent/guardian

Parents are normally allowed to sit beside their children in the youth court; this is a way of including parents in the court process and encouraging them to take part.

Witness

Witnesses are called in turn to the witness box.

Before giving evidence a witness must take an oath while holding a religious text, or affirm that they will tell the truth (see page 9). The holy books of most faiths/religions in Northern Ireland are available. You may wish to check with the court before the hearing date that a particular text is available (telephone numbers for the courts are at the back of this guide). Witnesses will be examined and cross examined by a solicitor or barrister for both parties.

The prosecution

The Public Prosecution Service (PPS) puts the case against the defendant and the PPS solicitor will question and cross-examine the witnesses.

The defence

The role of the defence solicitor is to challenge the prosecution evidence and present the evidence on the defendant's behalf to the court. They have an opportunity, together with the prosecution, to examine and cross-examine witnesses.

If the defendant pleads guilty or has been found guilty, their defence lawyer will enter a plea of mitigation to the court (to try to reduce the sentence by explaining to the court the circumstances surrounding the offence).

The court clerk

The court clerk sits in front of the District Judge (Magistrates' Court) and lay magistrates. The court clerk calls the list of cases before the court and records the results. The court clerk administers the oath or affirmation to the witnesses giving evidence in court and is also responsible for keeping a record of the court proceedings, including any sentence (i.e. penalty) imposed by the court.

Probation Officer

A probation officer is a qualified social worker with the Probation Board of Northern Ireland who works with children and young people who have offended and their families in courts, the community and in prisons. The probation officer may be expected to carry out an assessment and compile a pre-sentence report (PSR) on anyone appearing before the youth court.

Youth Justice Agency

Children and young people who have been found guilty of an offence may be referred by the court to the Youth Justice Agency for a youth conference to take place. The Youth Justice Agency attends the court and will arrange an appointment for you and your child before you leave court, if the child has been found guilty. Youth conferencing encourages young people to recognise the effects of their crime on others, to take responsibility for their actions, and to look at ways in which they can repair any harm caused.

Security

There will be no uniformed police officer in the courtroom, unless there is a reason, such as a risk to security. If the child or young person is in custody the people responsible for their security should not wear a uniform. There will be a court security officer at each court.

Who is allowed in court?

Not everyone is allowed into a youth court and it is not open to the public.

Those who can attend a case are:

- a) members and officers of the court e.g. District Judge (Magistrates' Court), lay magistrates, court clerk, probation officer, a Youth Justice Agency representative and court security officer
- b) prosecutor
- c) people involved in the case, their solicitors and counsel
- d) witnesses, and other people directly concerned in the case being heard
- e) parents or guardians
- f) representatives of newspapers or news agencies. They are subject to restrictions on reporting cases (see overleaf); and
- g) any other people the court may authorise to be present.

Only those persons detailed above will be allowed into the courtroom. Victims in the case may also be allowed into the court if they have received approval from the court.

A notice will be attached to the entrance door of the youth court to say who is allowed into court and the court should take any necessary steps to minimise disruption to individual hearings.

Restrictions on Reporting

Article 22 (2) of The Criminal Justice (Children) (NI) Order 1998 restricts press and media reporting of proceedings in youth courts and states:

“Where a child is concerned in any criminal proceedings in a youth court or on appeal from a youth court (including proceedings by way of case stated):

- no report shall be published which reveals the name, address or school of the child or includes any particulars likely to lead to the identification of the child; and
- no picture shall be published as being or including a picture of any child so concerned, except where the court or the Secretary of State, if satisfied that it is in the interests of justice to do so, makes an order dispensing with these prohibitions to such extent as may be specified in the order.”

Robes and Wigs

District Judges (Magistrates' Court) will not wear robes and legal representatives will not wear robes and wigs, unless the child wishes them to or the court (for good reason) orders that they should.

Seating Arrangements for the Child

It is important that children are comfortable in court and do not feel intimidated or threatened.

The physical layout of the youth court has been set out to encourage participation in the process. The District Judge (Magistrates' Court) and lay magistrates will be on the same level or slightly raised from the child. This means that they can more easily maintain eye contact when speaking to them and provides the child with a better view. This should help to involve the child in proceedings.

Normally everyone remains seated during the hearing (including during sentencing) unless the District Judge (Magistrates' Court) states otherwise.

All possible steps will be taken to help your child understand and take part in the proceedings. Your child should normally, if they prefer, be able to sit with you in a place which allows them to talk to their legal representatives or anyone else they need to talk to. By sitting next to your child in court you may feel more included in the proceedings and this should make it easier for you to participate.

Hearing & Understanding Proceedings

It is important that everyone attending the youth court can hear clearly and fully understand the proceedings.

In the early stages of a case, the District Judge (Magistrates' Court) and lay magistrates should introduce themselves and the other people present and make sure throughout the hearing that everyone involved understands what is happening.

The court should:

- a) explain the court process to the child in terms he or she can understand;
- b) remind legal representatives that they should explain each step of the case and court proceedings to the child;
- c) make sure that, as far as possible, the hearing is carried out in language the child can understand;
- d) with the consent of his or her legal representatives, provide the child or you as their parent or guardian with an opportunity to speak directly to the court if they/you wish to; and
- e) ensure that the child understands the outcome of the hearing.

The court should ask the child to identify him/herself and use plain language, avoiding legal and technical words and phrases taking into account the child's education, maturity and understanding.

The court is aware that regular breaks may be needed. If the child needs a break you should speak to your solicitor, whoever asked the child to come to court, or the judge if a break is needed while giving evidence.

Attendance

The child should attend court on each occasion their case is being heard unless the District Judge (Magistrates' Court) orders otherwise. The District Judge (Magistrates' Court) and lay magistrates should ensure, if the child attends a hearing, that he or she is present in court when their case is being heard. If the child is in custody the court should wait until he or she is in the courtroom before dealing with his or her case.

Support for Young Witnesses

The NSPCC Young Witness Service offers a support service in all criminal courts to witnesses who are under 18 years old, their families, friends and supporters. Children attending youth courts as victims and witnesses are encouraged to use this service to support them throughout the court process. To find out more you should speak to the Police Officer in charge of your case or alternatively contact the NSPCC Young Witness Service on one of the following numbers:

Craigavon: (028) 3835 1849 Belfast: (028) 9024 0847
Antrim: (028) 9448 7533 Londonderry: (028) 7127 9555

Special Measures

If you have concerns about the child being a witness in court speak to the person who has asked the child to be a witness. In certain cases, an application may be made to the court for a range of 'Special Measures' to protect a child witness while he or she is giving evidence.

This can include evidence given by remote tv link, video recorded evidence or screens which block the views of individuals or court participants.

Giving Evidence

Anyone aged 14 or over who has to give evidence in the youth court will be required to take a religious 'promissory' oath or to affirm to tell the truth. The court clerk will ask which method the witness wishes to use and invite them to repeat the appropriate words.

In the youth court the oath is a 'promise' to tell the truth and is made on a holy book. A number of holy books are available on which an oath may be taken. Unless otherwise indicated the child will be asked to take the oath on the New Testament. Please contact the local court office (details at the end of this guide) in advance if a different holy book is required.

An affirmation is a 'declaration' to tell the truth but is not sworn on a holy book.

The forms of wording are:

Promissory Oath:

‘I promise before ... (according to your religious belief) that the evidence I shall give shall be the truth the whole truth and nothing but the truth’.

Affirmation:

‘I do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.’

Children under the age of 14 years give unsworn evidence in criminal proceedings (Article 20 of The Criminal Justice (Children) (NI) Order 1998), and will not be asked to take an oath or affirmation. Instead the court will ask the child if they understand what it means to tell the truth.

Additional information

In addition to this guide, Northern Ireland Courts and Tribunals Service (NICTS) has also produced the following booklets:

- The Youth Court: guidelines for operation and layout
- The Youth Court: a guide for children and young people.

They are available on our website: www.courtsni.gov.uk

NICTS provides information on a number of areas to assist people when they are required to attend court. These include:

- standards for key users including those attending the youth court;
- making a complaint about NICTS;
- making a complaint about NICTS - a guide for children and young people; and
- attending as a witness in a criminal court.

This information is available at any of the courthouses or on our website. NICTS welcomes your comments or suggestions on any aspect of our services.

Should you require any further information about the NI Courts and Tribunals Service please visit our website at www.courtsni.gov.uk or alternatively contact Central Management Team.

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