



Child Witness Service

Frequently asked questions

The police have told you about my child. What happens next?

A child

No. However, your CWW can help by referring your child to an appropriate counselling service.

Do children always have to give evidence?

No, not always. While children usually provide evidence, there are some situations in which they may not be required to. Your CWW will advise you of the specific situation for your child.

Which court will deal with my child's matter?

Children give evidence as witnesses in a number of courts. The age of the accused person and the type of the charge(s) they face will determine which court the matter will be heard in.

Children may be involved with four different courts:

Children's Court

A matter is usually heard in the Children's Court if the accused was under the age of 18 years when the alleged offence took place. There are some exceptions to this rule – your CWW will discuss this with you if relevant to your child's case.

Magistrate's Court

The Magistrates Court deals with adults aged 18 or over, required to appear in court after being charged with a criminal offence.

Some criminal offences are known as 'simple offences' and will be dealt with in the Magistrates Court.

District and Supreme Courts

The District Court and the Supreme Court only deal with 'indictable offences'. Indictable offences are

serious crimes for which a person may be tried by a judge and jury. Should the accused be convicted of an indictable offence, the sentencing options available to these courts are harsher than those offences dealt with in the Magistrate's Court.

The Supreme Court also hears any appeals for convictions and sentences.

How long will court take?

Each case is very different, however the court process is generally lengthy. Your CWW will discuss this further with you.

Who else might my child talk to during the court process?

In addition to your CWW, your child may have contact with the judge or magistrate, prosecutor, defence counsel, court appointed officer, usher and police.

How can I be sure my child will be safe?

The Child Witness Service aims to offer a safe and secure environment for your child. Please discuss any concerns you have with regards to your child's safety with your CWW.

When a child gives evidence, who will ask the questions?

Generally your child will be asked questions by the judge or magistrate, prosecutor and defence counsel. Your CWW will be able to provide more specific information with regard to who will question your child.

What is a victim impact statement?

A victim impact statement (VIS) is a document that allows your child to tell the judge or magistrate about any impact that the offence(s) have had on their life. The VIS can only be used if the matter proceeds to sentencing. Your CWW will be able to provide you with further information about a VIS, as well as advising you when it is time to complete one.

How do I find out what is happening in court?

Your child's witness worker will contact you each time the accused person appears in court and will advise you of the next court appearance date.

The CWW will contact you well before the date your child is required to give evidence to arrange court preparation sessions.

Does my child need to go to every court appearance?

No. It is not necessary for you or your child to attend all court appearances, as your CWW can tell you what happened. If you or your child want to go to court, contact your CWW to talk about whether this is appropriate and the court support that is available.