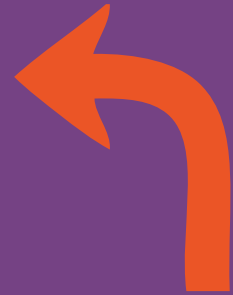


GOING TO COURT AN IMPORTANT JOB



Government of South Australia
Victims of Crime SA

GOING TO COURT:
AN IMPORTANT
JOB



If you are going to court as a witness, you might want to know what it will be like.

You might have lots of questions. You might be feeling nervous, frightened or confused. It is normal for you to have questions and to feel this way.

A witness has a very important job to do.

This book will answer some of your questions. You should ask if you do not understand something or if you have other questions.



AN

IMPORTANT

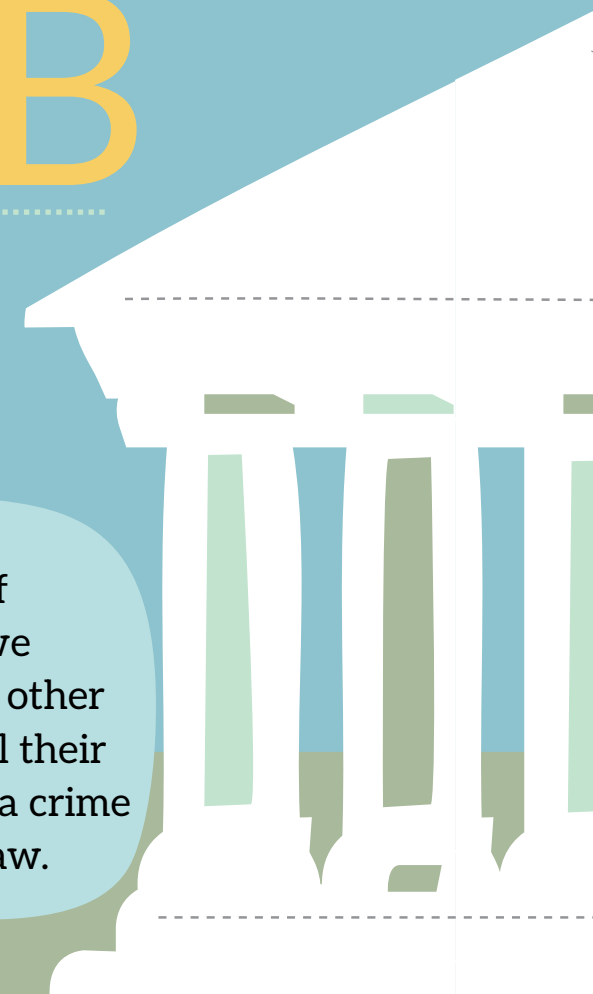
JOB


Laws are important rules that everyone should obey. They keep everyone safe and happy. If someone does not obey these rules they are breaking the law.



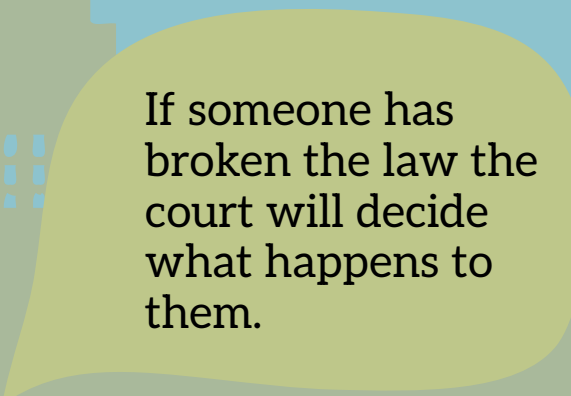
An example of a law is that we should not hit other people or steal their property. It is a crime to break the law.

LAW

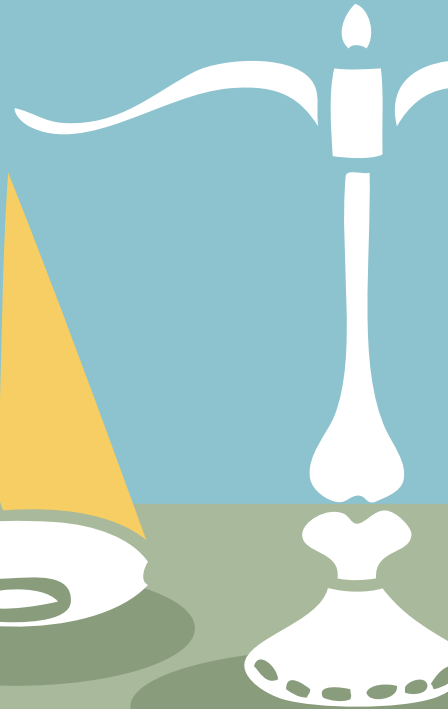
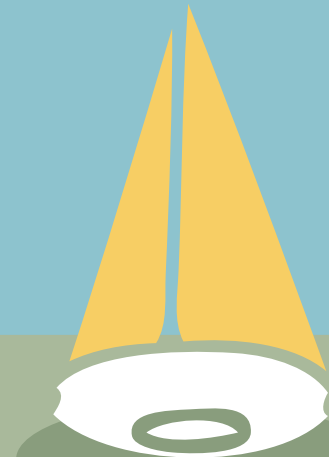
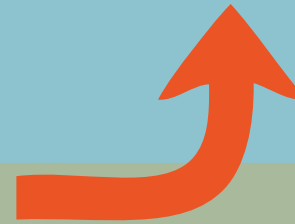


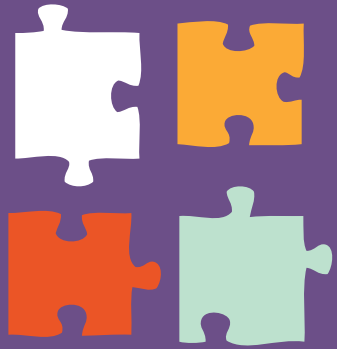


Court is where people go to work out if someone has broken the law. The court holds a trial. A trial is like putting together a big puzzle. Each person who talks in the trial gives a piece of the puzzle. When all the pieces are together, the court can see the full picture and decide if a law has been broken.



If someone has broken the law the court will decide what happens to them.

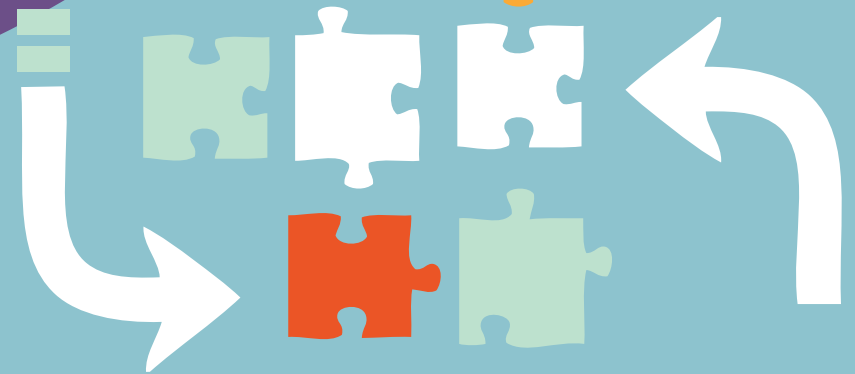


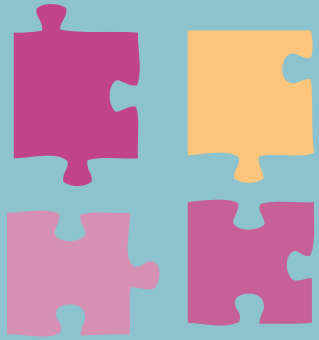


WHY

AM I GOING TO

COURT?

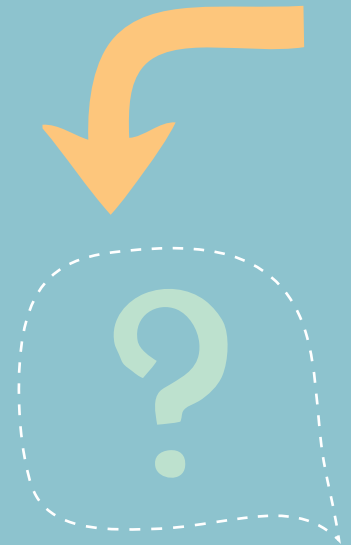




- » You may be going to court because something has happened to you.
- » You may have seen something or know something about it.
- » You might not think what you know is very important but even small pieces of information can be very important.
- » What you know is a piece of the puzzle.

Your job as a witness is to tell the court about what you saw, what you heard or what you know. **This is called**

giving evidence.



★ It's a very important job. Without you, the court might not get to learn your important information about what happened.



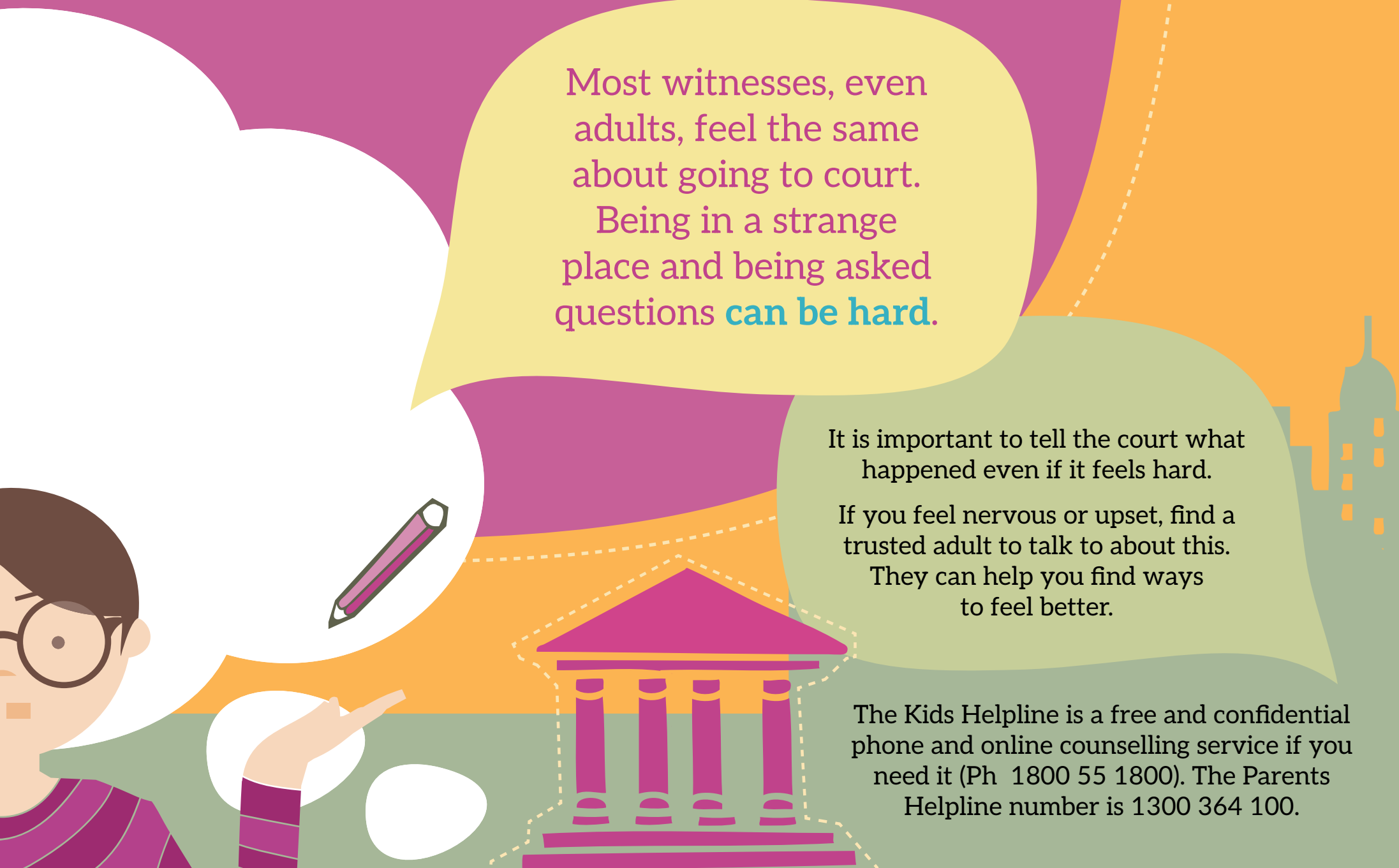


HOW MIGHT I FEEL?

Going to court is not easy.
It may make you feel
nervous, upset, tired
or confused.

You can write or
draw how you
might be feeling
here.





Most witnesses, even adults, feel the same about going to court. Being in a strange place and being asked questions **can be hard**.

It is important to tell the court what happened even if it feels hard.

If you feel nervous or upset, find a trusted adult to talk to about this.

They can help you find ways to feel better.

The Kids Helpline is a free and confidential phone and online counselling service if you need it (Ph 1800 55 1800). The Parents Helpline number is 1300 364 100.

KEY PEOPLE IN THE COURT



Judge

The judge is in charge of the court. They sit at the front. The judge will wear robes in court and sometimes a wig.

A judge helps people follow the rules of the law. This could be when two people or groups disagree about something important—like who owns something, or if someone broke a rule.

The judge listens carefully to both sides, looks at the evidence (like clues), and then makes a fair decision based on the rules. Judges don't take sides—they just want to make sure everyone is treated fairly.

You can call the judge 'Your Honour' or 'Judge'.

Accused

This is the person that may have broken the law. The accused sits in a part of the court called 'the dock'. The accused is not allowed to speak to you or come near you.

Associate

The associate helps the judge in the court. The associate sits in front of the judge and will wear robes in court and sometimes a wig.

Jury (District and Supreme Court)

The jury is made up of 12 people who do not know you or the accused. They want to listen to your evidence. They listen to everyone's evidence. After, it is their job to decide if the accused broke the law.

Prosecutor

The prosecutor's job is to help you tell the court how the accused person may have broken the law. The prosecutor will ask you questions and will help you tell the court what happened to you or what you saw or heard. The prosecutor will wear robes in court and sometimes a wig.

Defence lawyer

The defence lawyer is the accused person's lawyer. The defence lawyer will help the accused to tell the court what he or she says happened. This lawyer will ask you questions after the prosecutor.

Court reporter

The court reporter uses a special machine to write down everything that is said in court. Usually a new court reporter will come into the court every 20 minutes.

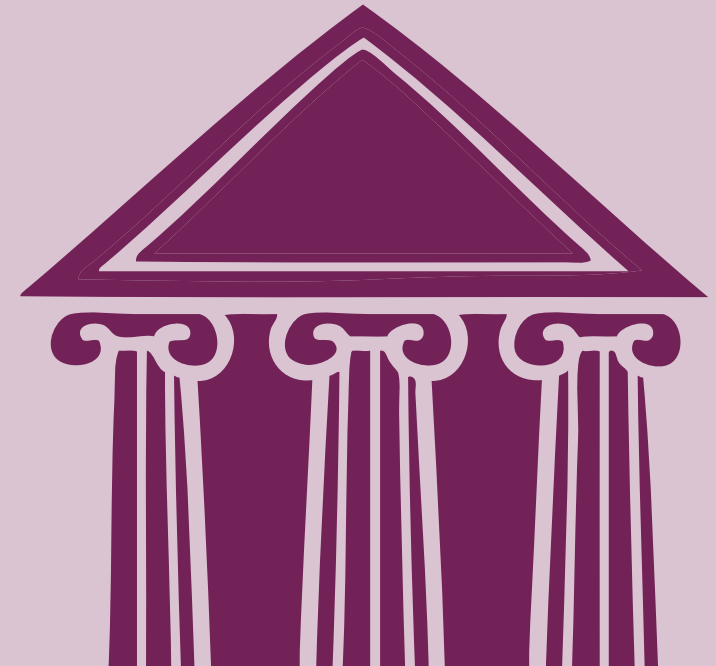
Support person

A support person is someone who is there for you while you are at court. These support people are sometimes called court companions. They cannot speak to you in the courtroom but will be able to sit near you. The judge needs to approve your choice of support person.

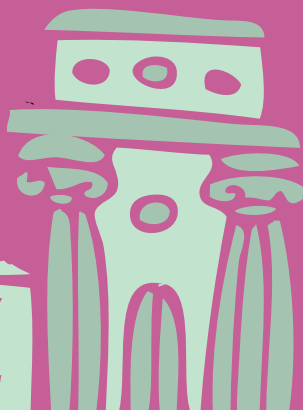
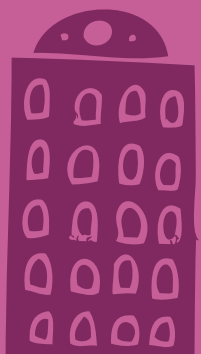


Sheriff's officer

A sheriff's officer wears a uniform and helps make sure that everybody follows the rules of the court. A sheriff's officer will tell you when it is your turn to be a witness and will show you where to sit. A different sheriff's officer will also sit in the dock with the accused and will make sure the accused does not come near you in court.



WHAT HAPPENS IN COURT?



A person who may have broken a law is called the accused (sometimes they are called 'the defendant').

Before a trial, the judge will ask them if they broke the law. If the accused pleads **guilty** they are saying "Yes, I did break the law".

When the accused says they are not guilty, there will be a trial and you will need to be a **witness**.

The trial

The trial will be held in a court. There are four types of court in our state: the Magistrates Court, Youth Court, District Court and Supreme Court. Each of these are a bit different, but your job is the same.



HOW DO I GET READY

FOR COURT?

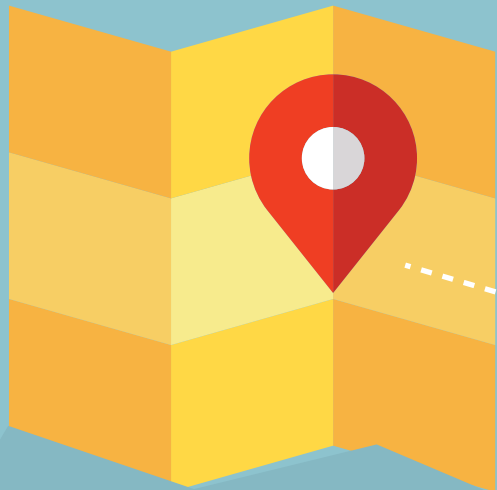
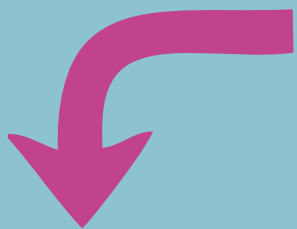


It can be helpful to visit the court beforehand. This way, you can see what the court room looks like, find out where you will sit, and get used to the space so it is not so new or scary on the day.





Remember to eat
breakfast.



**There are people who will help
you get ready for court.**

**These people include the police,
the prosecutor and a
witness assistance officer.**

A prosecutor is a lawyer. They work to help the judge understand what happened.

Before you talk in court (this is called 'giving evidence') the police or prosecutor will talk with you first.

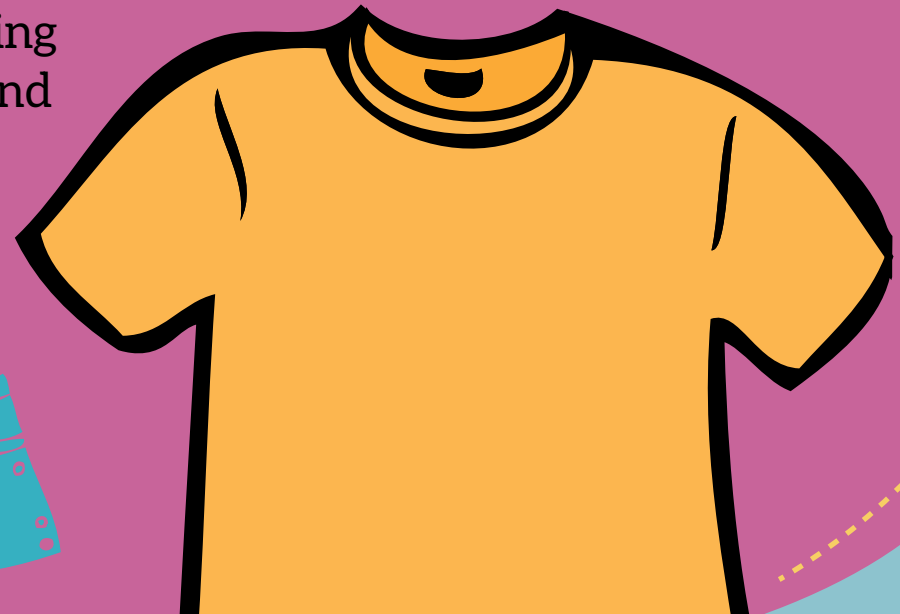
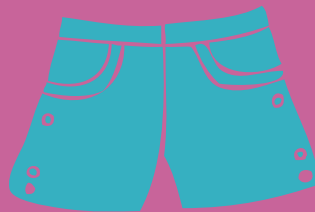
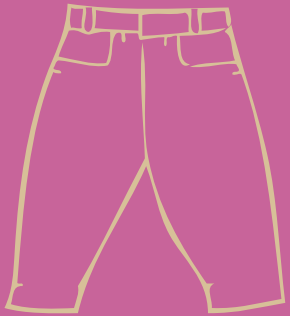
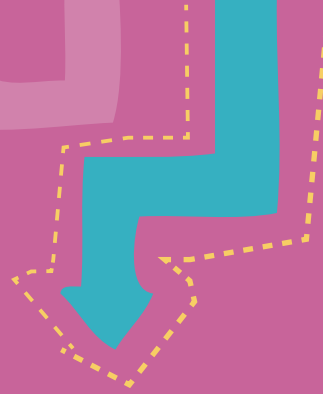
They might ask you some questions, and help you feel confident and ready. Practising your answers can help you feel more comfortable when it's time to speak in court.



WHAT
SHOULD

I WEAR?

You should wear something
you feel comfortable in and
that looks neat and tidy.



WHAT SHOULD I TAKE TO COURT?

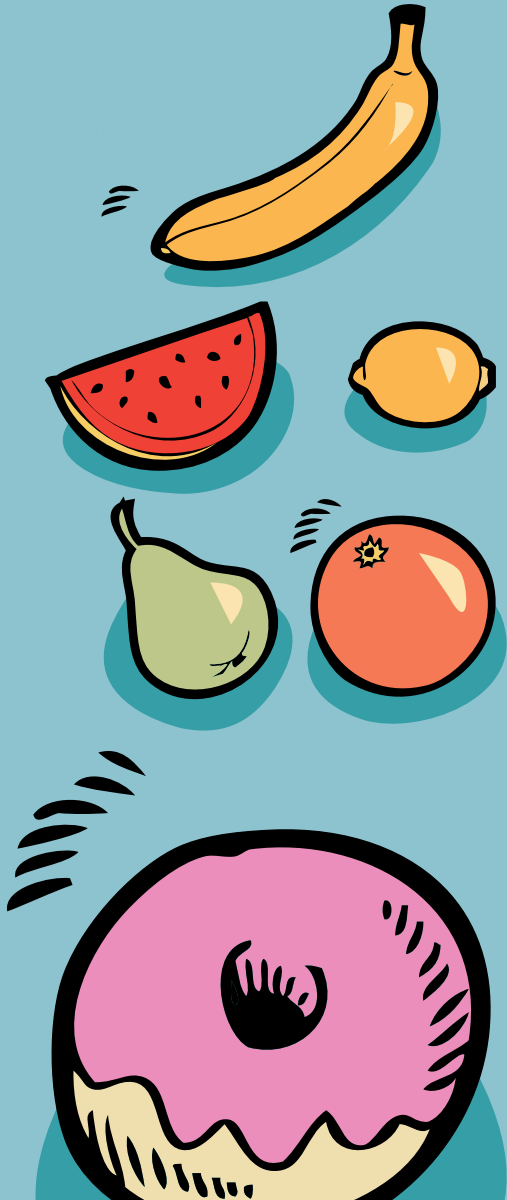
A jumper or a coat in case you get cold.



Something to do while you are waiting:
a book to read or a game to play.




A snack and a drink as you might be at
court for a long time.





WHERE
DO
I WAIT?





In some court buildings, you can wait in a room where you will be away from the accused person and where you will be safe. Someone will wait with you.

If there is no special waiting room, the police or witness assistance officer will find a safe place for you to wait.

You are not allowed to sit in the courtroom before you have given your evidence.






WHERE WILL I SIT?

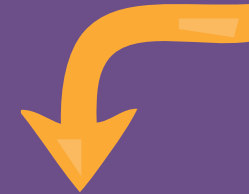
There are
two
different ways
you can give
evidence.



You can sit in the courtroom or in a special witness room that has a TV and camera.



You can say where you would like to sit to give your evidence. The judge will decide.



1

In the courtroom

If you give evidence in the courtroom you will sit in the witness box. You should tell someone if you are worried about seeing the accused. You may be able to have a screen between you and the accused so you do not see them when you are answering the questions.



The judge will decide if you can have a screen.





2

Special witness room

You may be able to give evidence from a special witness room with a TV and a camera. The camera makes sure the people in the court can see you and hear what you are saying.

You will be able to see the judge and the lawyers and they will be able to see you. If you need help or a break, you can ask them. You will not be able to see the accused or other people in the courtroom.





The judge will decide if you can give evidence from the special witness room.

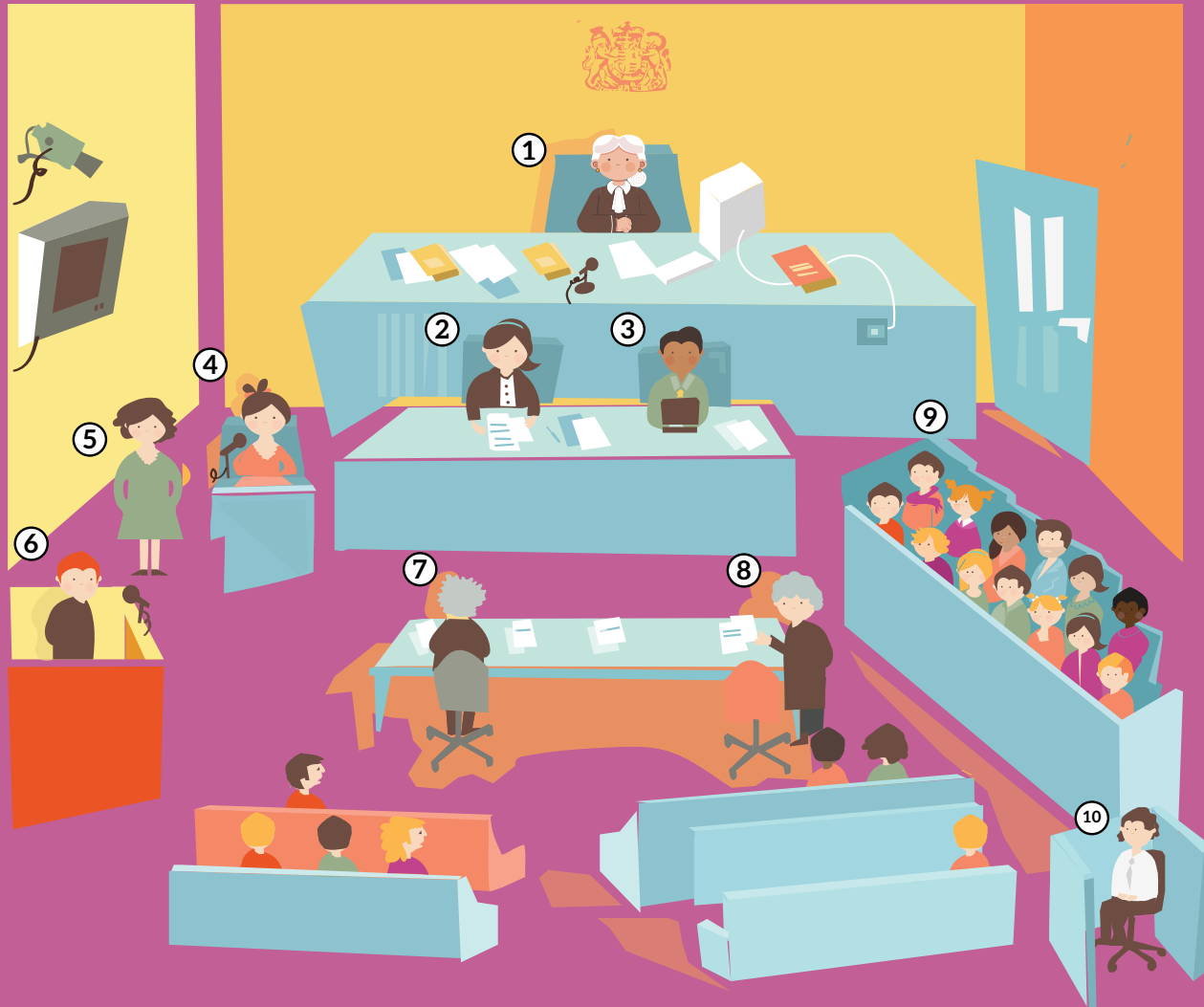
A stylized graphic of a building in shades of orange and purple, located on the left side of the page. It features a triangular roof, a rectangular window, and two conical pillars.

WHO WILL BE IN THE COURT ROOM?

When you are giving evidence there will be other people in the courtroom. Some of these people wear special clothes or uniforms. There might be different people in the court.

District and Supreme Court

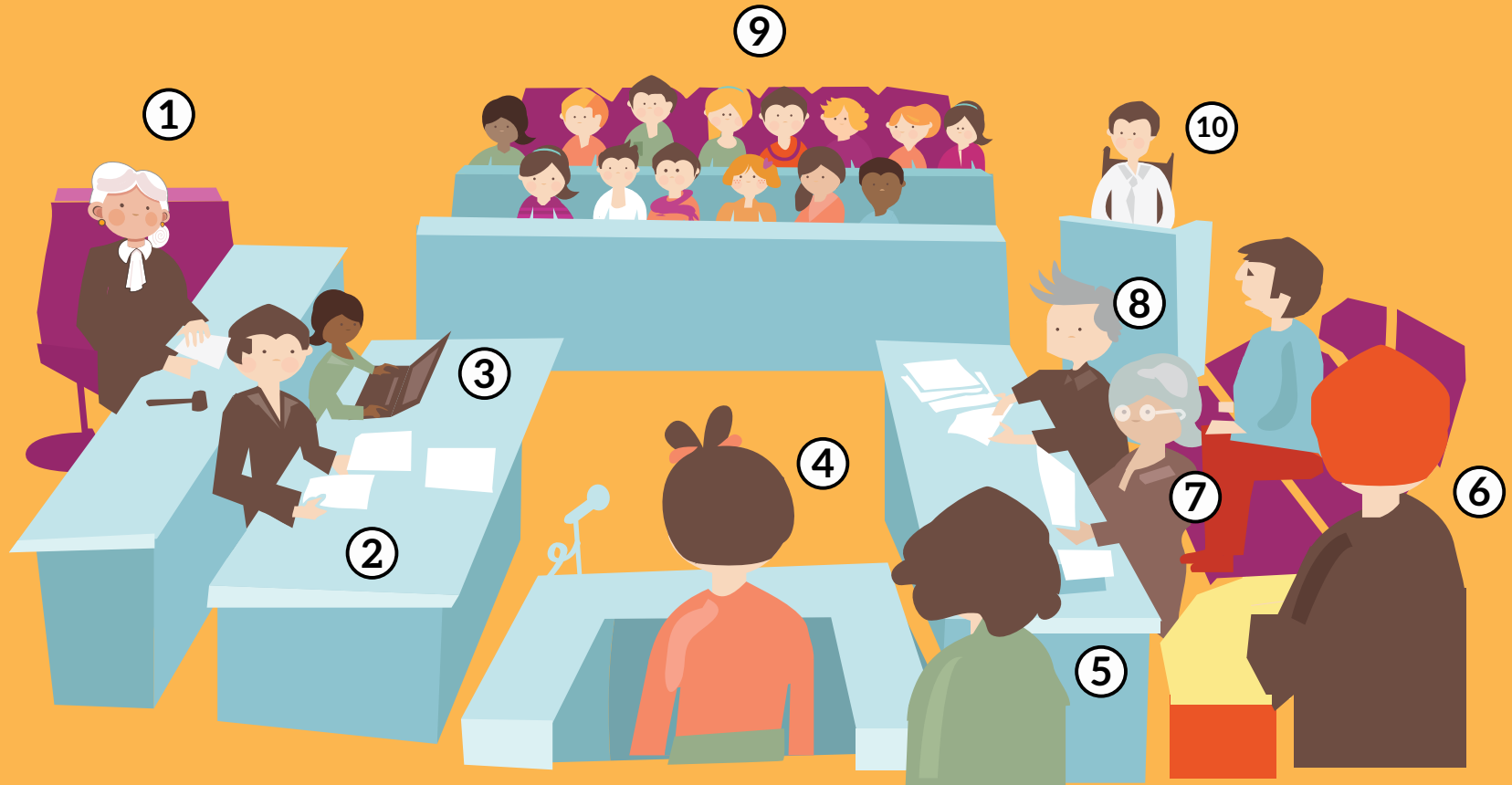
The courtroom will look something like this when you walk in.



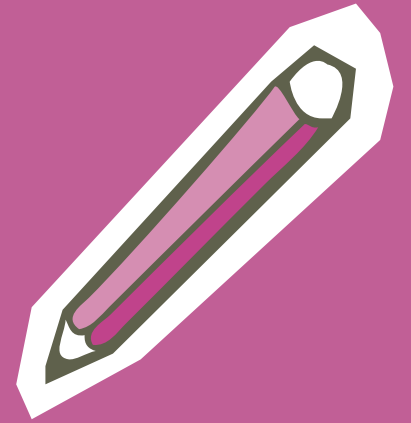
1. Judge
2. Associate
3. Court Reporter
4. You, the Witness
5. Court Companion
6. Accused
7. Defence Counsel
8. Prosecutor
9. Jury
10. Sheriff's Officer

District or Supreme Court

The courtroom will look something like this from the witness box.



1. Judge 2. Associate 3. Court Reporter 4. You, the Witness 5. Court Companion 6. Accused
7. Defence Counsel 8. Prosecutor 9. Jury 10. Sheriff's Officer



HOW DOES COURT WORK?

Court sessions are normally between 10am-1pm and 2.15pm -4.30pm each day. There may be some waiting around.

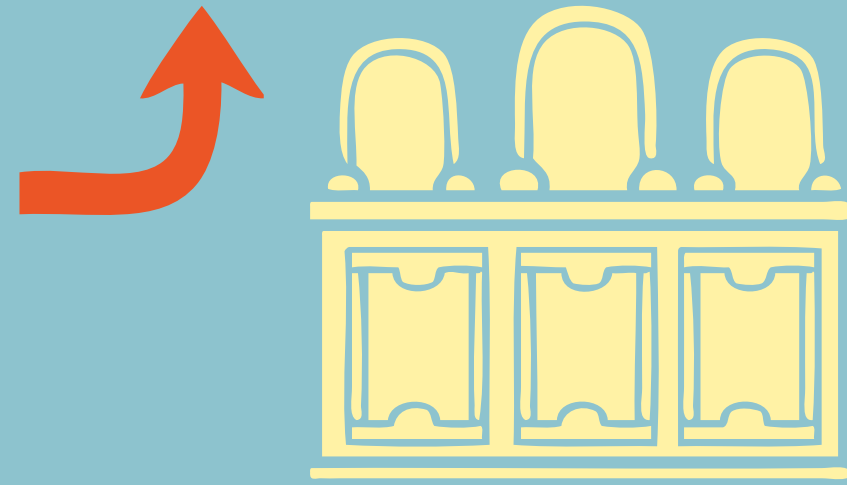


When it's your turn to speak, a sheriff's officer will come and take you to the courtroom.

The judge, who is a bit like a school principal, will already be there. Their job is to make sure everyone follows the rules and behaves properly. The judge has a helper (called the judge's associate) who will ask you to promise to tell the truth. They may ask if you'd like to swear on the bible or make a promise. This is a normal part of what happens in court.

First, the prosecutor will ask you questions about what happened. After that, a defence lawyer – the person speaking for the accused, will also ask you questions. This part is called cross-examination.

It's just a way for both sides to understand what happened to you clearly. If anything feels confusing or hard, it's okay to say you don't understand or ask for the questions to be repeated. You can also ask for a break at any time. After you have finished giving evidence, you are free to leave the court room.



WHAT WILL
I HAVE TO
DO IN COURT?



Sometimes the judge may start by asking you some questions to make sure you know the difference between telling the truth and telling a lie. This is to help the judge know what you can understand.

When it is time to start your evidence the prosecutor will ask you questions first. Then the defence lawyer will ask you questions. Sometimes the judge will ask questions.



LAW





WHAT
SHOULD I
REMEMBER
WHEN GIVING
EVIDENCE?



Listen carefully to the questions before you answer...

- » Speak clearly and in a loud voice.
- » Take your time before answering questions and really think before you give your answer.
- » If you don't hear a question it is ok to say **"Can you please repeat the question."**
- » If you need some time to think about your answer then say **"I need more time."**
- » If you do not understand the question it is ok to say **"I don't understand."**
- » If you are asked the question again but still don't understand, it is ok to say **"I still don't understand."**


Sometimes lawyers use special language in court and it can be hard to understand. If you do not understand it is important to say **"I don't understand"**.



You won't get in trouble if you forget something or you don't know the answer.

- » If you don't know the answer to a question it is ok to say **"I don't know"**.
- » If you agree with something it is ok to say **"I agree"**.
- » If you don't agree with something it is ok to say **"I don't agree."**
- » If you can't remember something. It is ok to say **"I don't remember"**.
- » If you are answering a question and someone interrupts you, it is ok to say **"I'm not finished."**
- » You may also be asked about the first person you told about what happened. You may be asked why you told this person and what you told them. Again, if you don't remember, just say so.



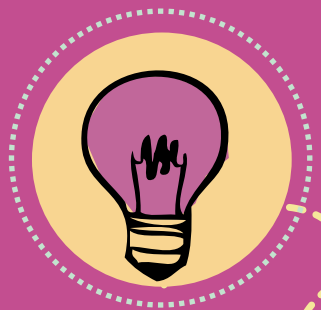


Sometimes you may be asked two questions at once. You might agree with one part of the question but think the other part is wrong. It is ok to say which part you agree with and which part you don't.

You may be asked the same question more than once. This does not mean that your first answer was wrong, **just keep telling the truth.**



Remember,
you do not
have to look at
the accused or
talk to them.



If you are upset,
stop for a minute.
You might find it
helpful to have
a drink of water
or to take
some
deep
breaths.



There will be water
for you, where you are
sitting. It is ok to have
a drink before you
answer questions.



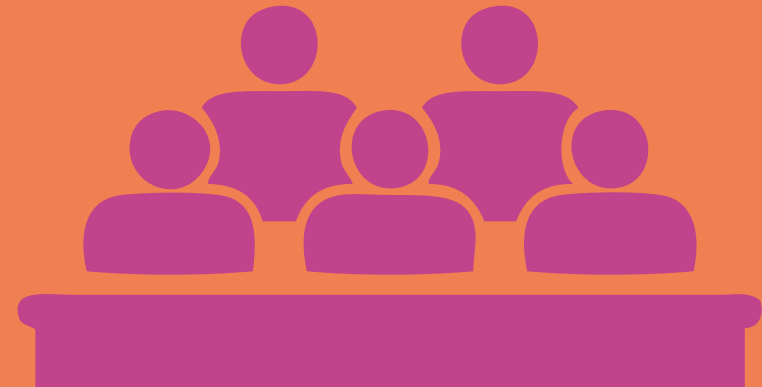
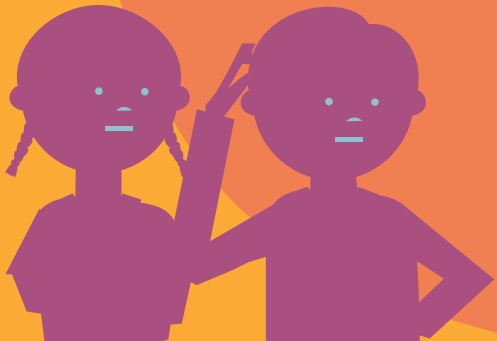
There might be interruptions when you are giving evidence.

This could be lawyers objecting to a question. If you hear someone say 'objection' don't answer. Wait until the judge tells you what to do. They may ask you to leave the room or turn the camera off. This does not mean you have done anything wrong. Objections are usually about the questions that has been asked. There are rules about the types of questions that can be asked and it is normal for lawyers to talk about the rules.

When the camera is turned back on or you are brought back into the courtroom you may be asked the question again or you might be asked a different question.

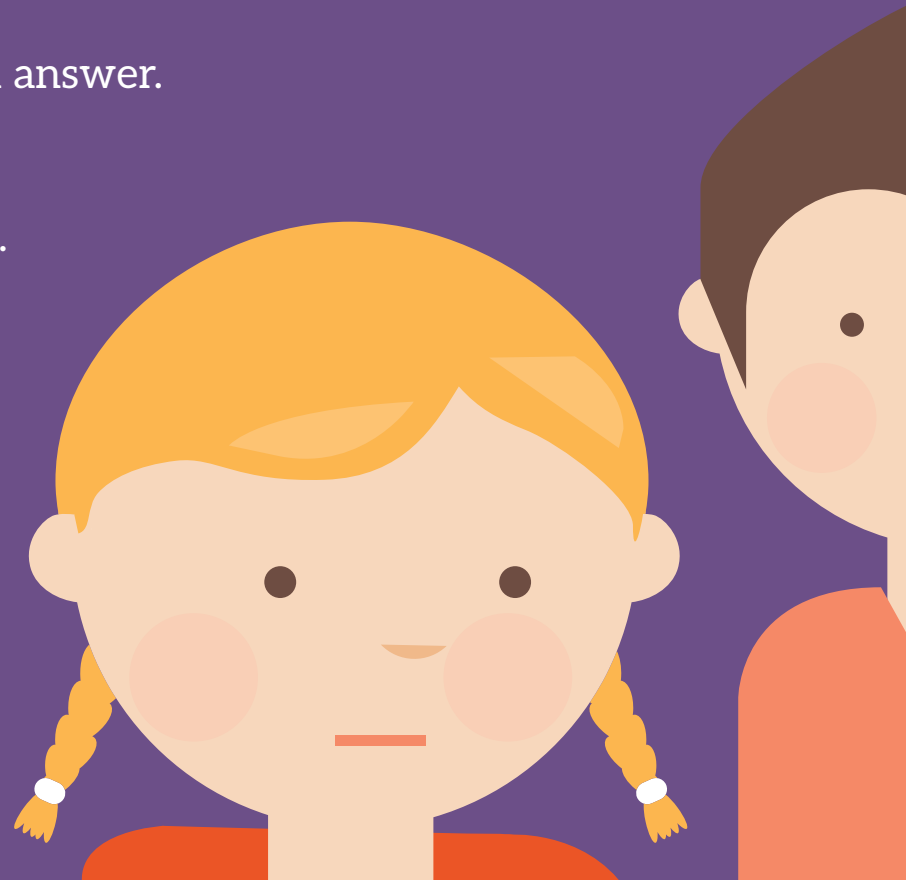
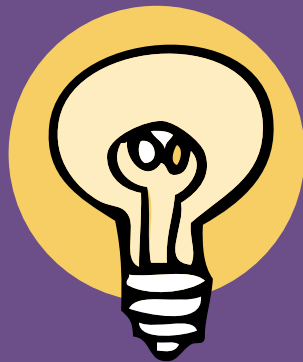
If the questions have taken a long time, you may need a rest, a drink or to go to the toilet. It is ok to ask the judge if you can have a break.

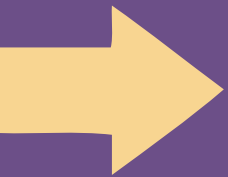
You may find it helpful to hold a tissue, tiny toy or special stone in your hand or your pocket when you are being a witness.



THINGS TO REMEMBER

- ▶ Listen carefully to the questions before you answer.
- ▶ Speak clearly and in a loud voice.
- ▶ Take your time before answering questions.
- ▶ Really think before you give your answer.





If you:

You can say:

Agree with something

▶ I agree

Didn't hear the question

▶ Please repeat the question

Need time to think

▶ I need more time

Don't understand

▶ I don't understand

Can't remember

▶ I can't remember

You don't know the answer

▶ I don't know

You don't agree

▶ I don't agree

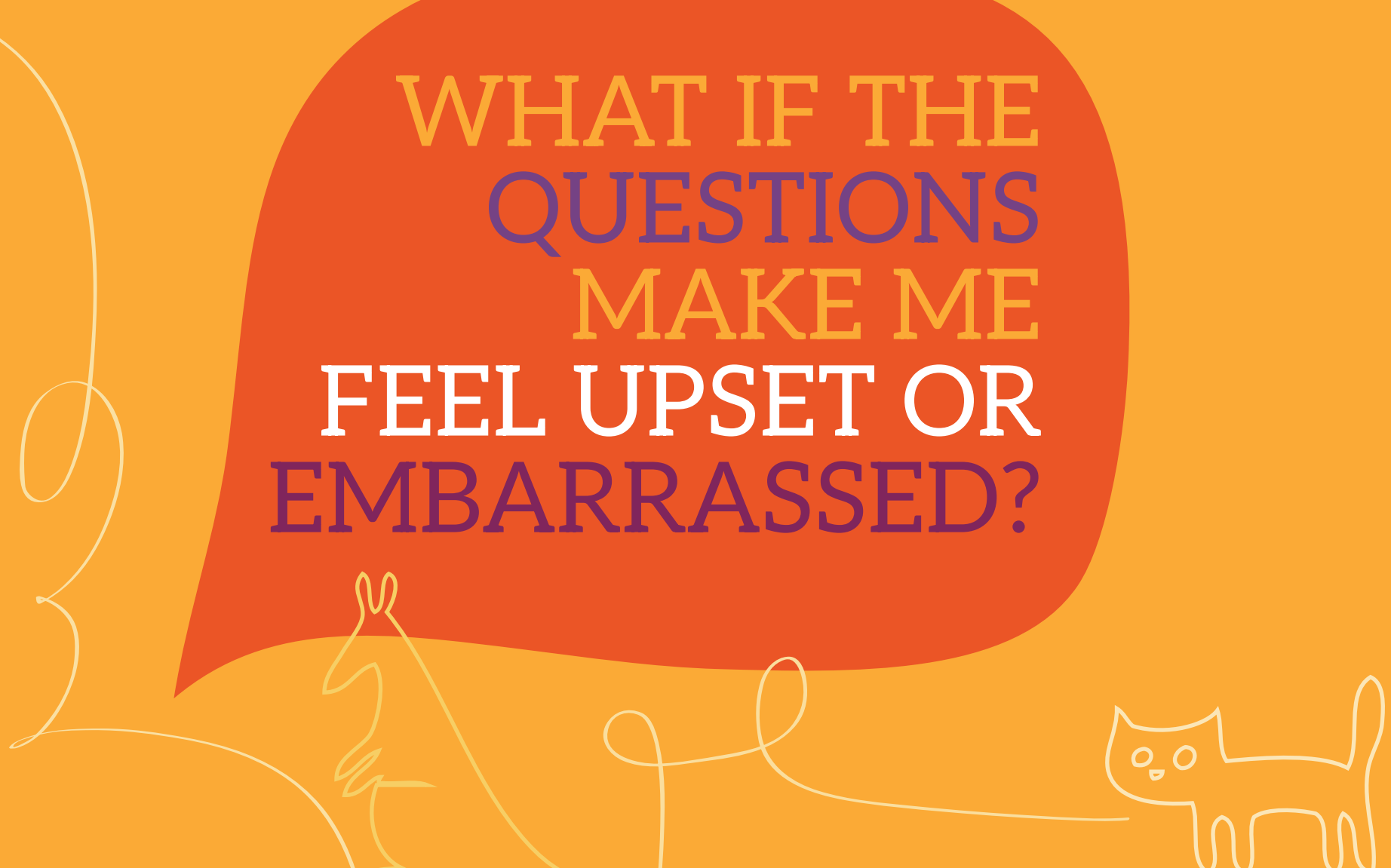
Someone interrupts you

▶ I am not finished

You are tired or need to go to the toilet

▶ Can I please have a break?

WHAT IF THE
QUESTIONS
MAKE ME
FEEL UPSET OR
EMBARRASSED?



You may feel upset or embarrassed talking about things that make you feel uncomfortable. The people in court know that answering these types of questions can be very tough, but you must answer any question you are asked.

Your answers help the court decide if the accused broke the law. The people in court will not think badly of you when you answer these questions. They will think that you are very **brave** to come to court and give evidence.



It is important you tell everyone in the court what happened, even if it feels embarrassing or means telling a secret.



WHAT IF
I NEED
SPECIAL
HELP?



Witnesses are all different.
Some witnesses speak different
languages. Some need special help.
It is ok if you need help.



If you need any help you should
talk to the investigating police
officer, prosecutor or your
witness assistance officer.





HOW LONG WILL IT TAKE?

Once a trial starts it can take days or weeks for all witnesses to give their evidence. The time it takes to tell the court what you know is different for each witness. You might have to go to court more than once.

Sometimes court doesn't happen right away or on the exact day you were told at first. This is called a delay, and its actually quite common.



There are different reasons why this might happen.

It doesn't mean anything is wrong.

If there is a delay, someone will let you and your family know what's happening and what the new plan is. Even though waiting can be frustrating and confusing, it's okay - you haven't done anything wrong, and there are people who will help you understand what is going on.





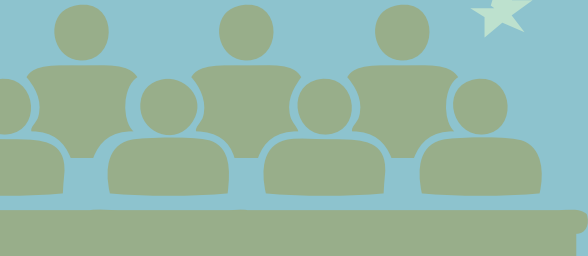


Well done,
you have done
an important job
and it took a lot
of courage.

HOW WILL I KNOW WHEN I HAVE FINISHED GIVING EVIDENCE?

When the prosecutor and defence lawyer have finished asking you questions, the judge will tell you that you can leave the court and you can go home.

Your **job** as a witness is finished.



WHAT HAPPENS AT THE END OF THE TRIAL?



When the judge or jury have finished listening to all the witnesses, they will think carefully about if the law has been broken and will decide if the accused is **guilty** or **not guilty**.

This is called the verdict.

If there is a jury, they will say the verdict at the end of a trial. If the judge is making the decision, they will not say the verdict straight away. It may take some time to hear their decision.

Guilty

If the accused is found guilty, it means they were absolutely sure about what happened, and the judge will decide what punishment they should be given.

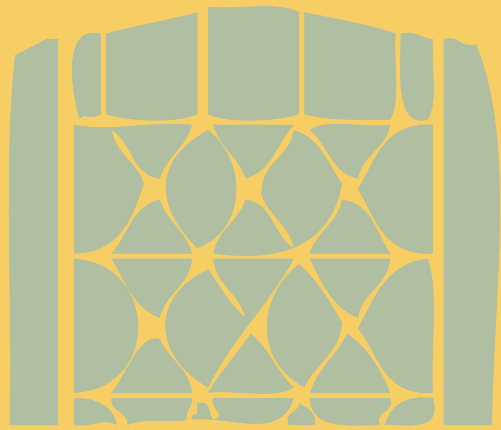
Not Guilty

If the person is found not guilty it means they could not be absolutely sure about what happened. It does not mean that the crime didn't happen or that you were not believed.





CAN I FIND OUT
ABOUT THE
DECISION?



If you want to know the court's decision you can ask any of these people to tell you:

- ▶ Investigating police officer
- ▶ Prosecutor
- ▶ Witness assistance officer
- ▶ A trusted adult.



One of these people will explain the decision to you.

HOW WILL
I FEEL
ABOUT THE
JURY'S
DECISION?





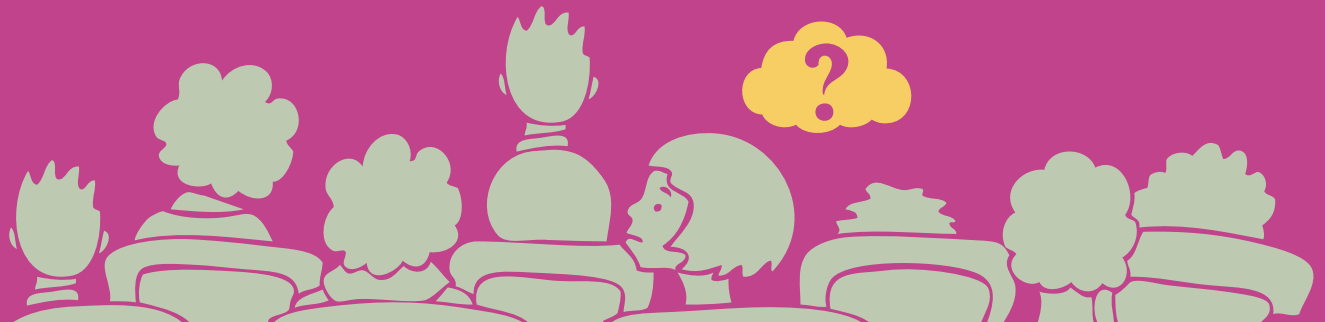
It's a good idea to talk to someone after the trial. You can talk to your support person or witness assistance officer about how you feel. They may also be able to help you understand what happened.

There is no right or wrong way to feel about the verdict. If the accused is found guilty you may feel happy and relieved.

If the accused is someone you know, you might feel upset if they are found guilty.

Remember, you are not to blame. The accused broke the law and they are responsible for what has happened.

You might feel disappointed and upset if the accused is found not guilty. **This doesn't mean the court didn't believe you.** It just means the court could not be completely sure about what happened.



WHAT
NOW?



You might feel tired and need to rest or you might feel like you have lots of energy and need to get it out.

It can be good to celebrate your courage after being a witness. Think about something special you could do afterwards, like having a treat or going out for tea.



Everyone is
different.

It is ok to tell a trusted adult what you need after you have finished your important job.

If you are going to court as a witness, you might be wondering what it will be like.

You might have lots of questions. You may feel nervous, frightened or confused. It is very normal for witnesses to have questions and feel this way.

A witness has a very important job to do.

This book will help explain what it will be like, what you need to do and what you can expect.

