

- their Youth Justice history including:
  - compliance with past and/or current supervised orders
  - any non-compliance including anything done by Youth Justice to help the young person to comply with their court order
- any time spent on remand in custody
- the need for an adjournment of proceedings, e.g. breach proceedings
- their participation in a conditional bail program and any warnings and/or letters of non-compliance sent to police and prosecutions
- the availability and appropriateness of any programs for the young person
- supervision or support that may be provided to the young person while subject to bail
- supervision of conditions the court may impose on a supervised order which are relevant to the offence and may prevent a repetition of the offending behaviour
- how a Youth Justice application for a contravention or variation of an order should be finalised
- Youth Justice policy or practice.

Further and more detailed advice may be provided to the court in writing via a pre-sentence report or verbal submissions upon request.

## Need more information?

If you need more information about Youth Justice and the role of the Youth Justice officer, contact:

- the Youth Justice officer who attends court
- your local Youth Justice service centre.



**Web**

[www.qld.gov.au/youthjustice](http://www.qld.gov.au/youthjustice)

[www.cyjma.qld.gov.au](http://www.cyjma.qld.gov.au)

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# The role of Youth Justice in Childrens Court proceedings

## Information for legal representatives

Youth Justice has a general right of audience before courts dealing with young people under section 74 of the *Youth Justice Act 1992* (the Act).

A Youth Justice officer will also attend court whenever they are aware a young person's criminal matter will be heard, including by audio/visual link, to assist the court.

Youth Justice has responsibilities and functions under the Act, including to:

- provide information to the court
- prepare pre-sentence reports
- prepare and monitor conditional bail programs and bail requirements involving Youth Justice
- supervise and provide services for young people subject to supervised and custodial orders
- monitor young people's progress and compliance with the requirements and conditions of supervised orders
- appear as an applicant in relation to a contravention or variation of an order
- provide recommendations to the court on how a departmental application for a contravention or a variation of an order is to be finalised.

Youth Justice officers are entitled to be heard in court regarding:

- an adjournment of a proceeding
- the custody, or release from custody, of a young person pending completion of a proceeding
- sentence orders that may be made against a young person

- matters on which the court considers Youth Justice should be heard
- matters where Youth Justice is a party to proceedings, e.g. departmental applications made under the *Youth Justice Act 1992*.

## Court proceedings

The Youth Justice officer attending court is responsible for gathering information in preparation for court, including information about the young person's current situation, background, factors contributing to their offending behaviour and any previous Youth Justice involvement.

The Youth Justice officer will:

- try to speak with the young person and their family before court (even if they have no previous Youth Justice involvement)
- not discuss the details of any offences:
  - before the young person meets with their legal representative
  - if the young person says they are pleading not guilty to an offence
- discuss the suitability of a range of sentence outcomes for a young person with the legal representative before the matter is heard in court
- provide information to the legal representative about the young person's compliance with previous or current supervised orders and any other information that may impact on the young person's ability to participate in a bail program or a supervised order

- provide a copy of any affidavit material to the legal representative if a departmental application is before the court for a contravention or variation of a supervised order (the Youth Justice officer can advise the legal representative how Youth Justice considers the application should be finalised).

The Youth Justice officer conducts a pre-court interview with a young person and their family to:

- identify and assess factors contributing to offending behaviour, to assist the court in making a decision about appropriate sentence outcomes
- provide support and information to young people and parents/carers about the court process
- answer questions about the role of Youth Justice in court and supervision of orders
- refer young people to appropriate services including counselling, mental health, education or mediation.

## Providing information to the court

A court may ask an attending Youth Justice officer for information and advice relating to young people including information about:

- their family background relevant to the offending
- an assessment of factors contributing to offending