

Your child's Big Brave Journey

A Guide to Supporting Your

Child When Giving Evidence



PACT



PACT acknowledges Aboriginal and Torres Strait Islander peoples as the First peoples, Traditional Owners and Custodians of lands across Queensland. We pay respect to Elders past and present and thank all Aboriginal and Torres Strait Islander peoples who help us develop these resources. Your important contributions to promoting a safe and fair criminal justice system for Queensland are valued and appreciated.

PACT wishes to thank the Queensland Government for funding this initiative under the Victim Services Building Capacity Funding Program 2022-23. We are also thankful to the Queensland Police Service for their donation towards PACT resources. PACT is an independent not-for-profit organisation that supports, educates, and empowers children and vulnerable victims and witnesses of any age, helping them understand the legal system and being by their side as they give their best evidence.

SUPPORT: We support children and adults throughout their journey. Helping them to give evidence, tell their story and to heal. PACT is by their side at every step.

EDUCATE: We educate children and adults about the complex court process. We help to reduce their anxiety by explaining the process in a way they can understand.

EMPOWER We build confidence and self-belief so our clients discover their strength and resilience. We empower them to find their voice and support their right to be heard without fear.

Designed by Cause/Affect studio.

The PACT Story

In 1985, a seminar on child abuse sparked a crucial initiative. Two detectives, David Jefferies and Dugald MacMillan, were inspired by the speaker's call to protect children and joined forces with news personality Kay McGrath, forming "Protect All Children Today" (PACT).

PACT's mission was clear: safeguard children's welfare. Advocates for child safety and legal reform, like Annette Purcell and Michael Caffery, soon joined.

PACT played a pivotal role in reshaping investigative methods, introducing video-recorded police interviews with child victims. In 1986, PACT initiated the first Child Protection Week campaign, shedding light on child abuse and neglect nationally. This campaign, now an annual event every September, remains dedicated to enhancing Australian children's lives.

More recently, PACT refocused its efforts on supporting adult victims and witnesses in Court, addressing a critical gap in child protection.



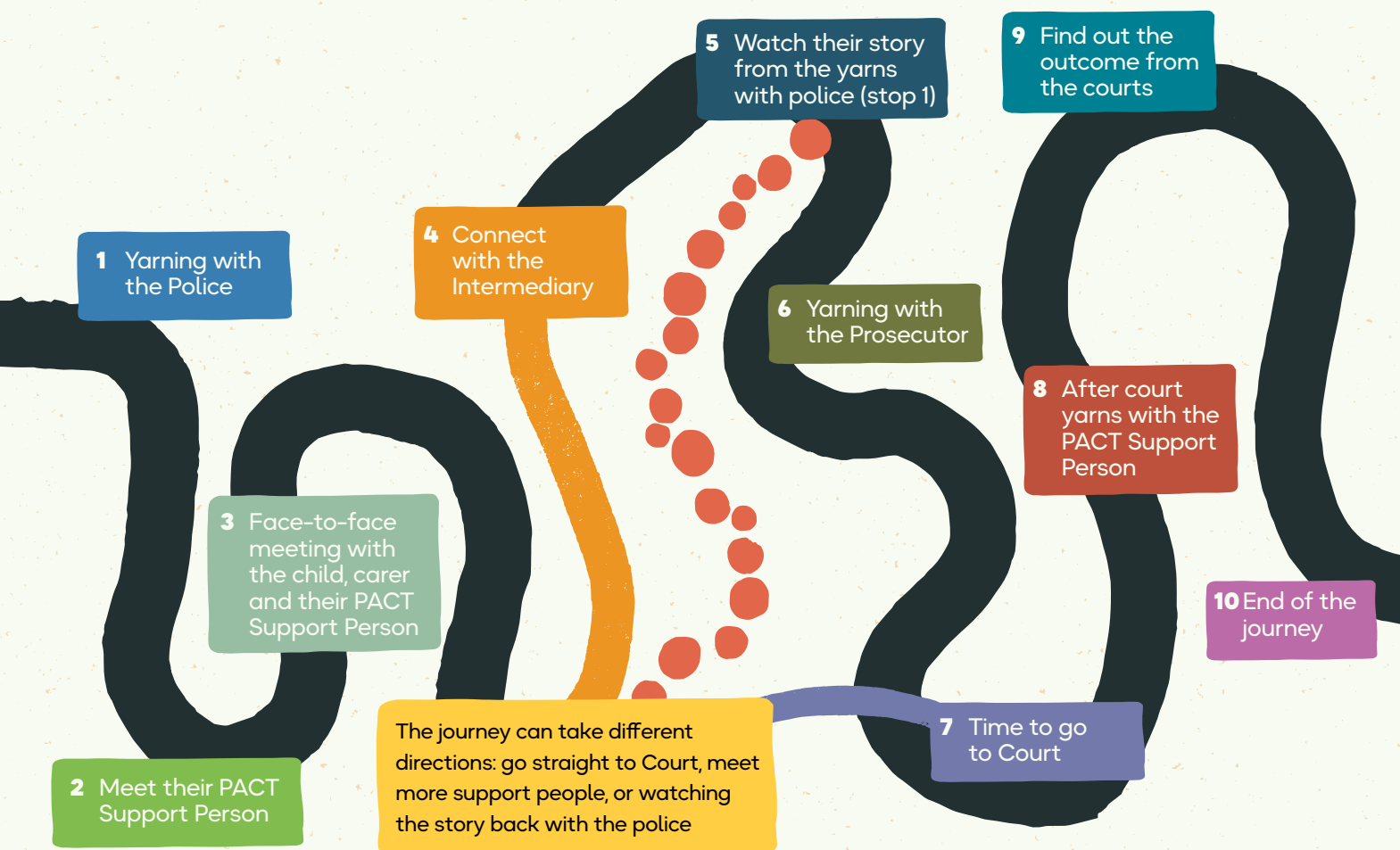
Supporting Victims of Crime since 1986

Your Child's Brave Journey

Welcome to **Your Child's Brave Journey** booklet. As a parent or guardian, you have an important role to play in supporting your child as they give evidence as a witness or victim of crime. As they move through their journey, the more you know about the process, the better placed you will be to provide the best support.

This map outlines the stops where your child may go on the journey. A bit like a road trip, while every journey is different, all children will meet new people, see new things, and go to new places along the way.

Some journeys may be shorter or longer than others, but what's most important is that you understand what your child will experience in order to support them.



Knowledge is Powerful

Understanding your child's brave journey

Before your child or young person starts their journey, let's understand what's happening.

Offences against children can happen to any young person, and they will be processed within the Queensland justice system Court process.

Your child's experience can be stressful and confusing, so there are support services available to help them through. A PACT Support Person will be present to help them navigate their journey. PACT Support Persons help thousands of children every year through their legal journeys.

Knowledge can be a powerful support tool. Use this booklet for information to help you understand your child's experience so you can support them before, during, and after their brave journey through the legal system.

Take your time

There's a lot of new information for you to absorb in this booklet. So take your time, go at your own pace, and keep it close by in case you need to refer to it throughout your child's journey.

This is how your child's brave journey might look

Every child is unique, and so is their journey. These are some of the common steps in the process that many (but not all) children will encounter.

- 1 Referral made for PACT Support
- 2 Initial introduction by phone
- 3 Face-to-face meeting with the child, carer and their PACT Support Person
- 4 Committal Hearing
- 5 Regular PACT Support Person check-ins
- 6 Viewing of Police Statement
- 7 Prosecutor's Conference
- 8 Court tour
- 9 Day of Court
- 10 Pre-recording of evidence
- 11 Trial.



Did you know?

Victims of crime have well-defined rights in Queensland. The Charter of Victims' Rights outlines the way a victim must be treated by Queensland Government agencies and non-government organisations. These rights are strictly adhered to by PACT, and you can view them on the Queensland State Government website (qld.gov.au). Search 'Charter of Victims' Rights' to learn more.

Supporting your child through the legal system

Our Vision

Our goal is to ensure that vulnerable victims and witnesses of crime in Queensland are supported through the process of giving evidence and empowered through their justice journey.



OUR VALUES

Using compassion, honesty and reassurance, we help children realise they have the strength to journey through the legal system and whatever comes after.



OUR PURPOSE

To educate, empower and support vulnerable victims and child witnesses of crime as they prepare to give evidence, and be by their side as they give evidence in Court.



DID YOU KNOW?

Each year, PACT supports over 1800 children on their brave journeys, and is the only organisation in Queensland specifically working to support children and young people through the court process.



BLUE CARD

Obtaining a Blue Card is essential for our volunteers, and all conversations between PACT and the people we support remains confidential.

How to support your child on their brave journey

The Court process in your child's brave journey can be long and unpredictable. It can sometimes take up to two years to complete, with unexpected stops and developments forcing a change of course. Some journeys are shorter than others too, and that's why PACT will be with you to guide you through each of the following steps for whatever path your child takes.

Step 1 - Referral

After an arrest has been made, the police will refer cases involving vulnerable victims and witnesses of crime to PACT. A trained PACT Support Person is then assigned to the child so they can support them throughout their brave journey and help them understand what's happening.

Step 2 - Phone meeting

You can then expect a phone call from your PACT Support Person to introduce themselves and talk about the upcoming steps in your child's journey. The process can be overwhelming, so we're ready to answer any questions you may have about PACT, the legal system, and the Court process.

Step 3 - Meeting in person

Your PACT Support Person will want to meet with you and your child at least once before giving evidence. Our trained volunteers are there to establish a rapport with your child so they can build trust and answer questions to help reduce anxiety or address their fears.

Step 4 - Committal hearing

Giving evidence before the Magistrate isn't a common occurrence, but if your child has to attend a Committal Hearing, your PACT Support Person will inform you of this. They will also be there with your child as they give evidence to help them feel more comfortable.

Step 5 - Regular check-ins

It's important for PACT to keep in contact with you so you're up to date with developments. Court processes can be unpredictable, taking anywhere from 6 months to two years to complete. PACT will maintain regular contact via phone, email and text throughout this entire period.

Step 6 - Viewing of police statement

Later in the Court process, your child will watch a recording of themselves giving their statement from when they first told the Police what happened to them or what they witnessed. Your PACT Support Person will be by your child's side during the viewing.

Step 7 - Prosecutor's conference

A Prosecutor's conference generally takes place to prepare a child when they are about to give evidence. It is normally held after the viewing of the Police statement, and the Prosecutor will give your child an idea of what questions might be asked of them by the Prosecutor when giving evidence. Again, their PACT Support Person will be there by their side.

Step 8 - Court tour

Most children have never been to a Court, so seeing where they will be going before they give evidence can reduce fear of the unknown and ease any anxiety. Their PACT Support Person will give them a tour of the building including the suites where they will be giving evidence.

Step 9 - Day of Court

When a date has been set for your child's pre-recording at Court, you can set a time to meet your PACT Support Person beforehand to ask them any final questions. You may spend the whole day in the Vulnerable Witness Room, so be prepared with anything you will need (snacks, phone charger, warm clothes, medication, etc.).

Step 10 - Pre-recording of evidence

The pre-recording is where your child will give evidence via a videolink away from the main Court. It's called 'pre-recording' because the evidence given by your child will be recorded and then played at a later date during the trial for the Jury to hear. For most children, the pre-recording is often the final step in the Court process.

A good reminder

Giving evidence in Court can be a bit scary and intimidating for children. That's normal and completely okay, but it's also important to remind your child that there are things they're allowed to say and do.

1 It's okay to not remember:

Giving evidence isn't a test, it's about telling the truth. So if they don't remember, that's the truth. If they are asked a question, it's okay for them to say "I don't remember".

2 It's okay to not understand:

Lawyers can sometimes ask questions which are hard for children to understand. It's perfectly okay for them to say they don't understand and to ask the Lawyer to ask it in another way.

3 It's okay to not know:

If your child doesn't know the answer to a question, they can say exactly that.

4 They don't have to agree:

If the Lawyer says something your child doesn't agree with, they can say "I don't agree."

5 The truth matters:

Remind your child that it might not feel good to say what happened, but if they are a witness they still have to tell the truth. You won't get in trouble for being truthful.

6 It's okay to take a break

If your child needs water or to go to the bathroom while in the pre-recording room, they can let the Judge or their PACT Support Person know.

7 Words are important

When your child is questioned during the pre-recording, they must use their voice to respond. Remind them to speak in a loud and clear voice and not to nod or shake their head to answer questions.

What happens next?

If your child gives evidence on their brave journey, the Court process will continue with several more steps.

THE TRIAL

If your child gave evidence at the pre-recording, their evidence will then be played to the Jury at the Trial which takes place on a later date. Your child is not required to be present at the Trial. The purpose of the Trial is to establish beyond reasonable doubt whether the Defendant is guilty or not guilty of an offence.

THE VERDICT

By law, the Jury must find the Defendant guilty beyond reasonable doubt. This means if they are unsure, they may find them not guilty on the basis that there is not enough evidence to prove the Defendant broke the law. If the Defendant is found guilty, they will then be given a sentence. You can ask the Prosecutor to explain the Court's decision if you would like more information.

VICTIM'S REGISTER

If the Defendant is found guilty and receives a jail term, you can stay updated about any progress involving them through the victim's register. To register, visit the State Government's website and apply.

VICTIM IMPACT STATEMENT

Your PACT Support Person can advise you about this statement. This is an opportunity for you and your child to be heard about the impact the crime has had. It's important to get this statement right, so ask your PACT Support Person for information on what should and should not be included in this statement.

Magistrates Court

The Magistrates Court is the first level of the Queensland Courts system and hears about 95% of court cases. Most criminal cases are first heard in this court in some form. Magistrate Courts don't have a jury.

District Court

The second level of the court system, the District Court, deals with more serious crimes. While all criminal cases go through

the Magistrates Court first, serious criminal offences are committed to the District Court for trial or sentencing.

Supreme Court

The highest level of Court in Queensland, the Supreme Court comprises the Trial Division and the Court of Appeal. The Trial Division deals with serious criminal offences, and the Court of Appeal hears appeals from the Trial Division and District Court.

Taking care of yourself

Your child’s journey throughout the Court process and revisiting a traumatic event can be traumatising not just for them, but for those close to them. It’s important you receive help if you need it. Here are some services that may be useful during or after your child’s brave journey.

Support Contacts

- Police, Fire and Ambulance **000**
- Kids Help Line **1800 55 1800**
- Lifeline **13 11 14**
- Parentline **1300 30 1300**
- Child Safety **1800 177 135**
- 1800 Respect **1800 737 732**
- Family and Child Connect **13 32 64**

Your contacts:

Application for Financial Assistance from Victim Assist Queensland

The process of applying for financial assistance is a crucial step in the journey towards healing and recovery for victims, witnesses, and their families.

Victims of violent crimes in Queensland who have reported the incident to the Police can seek financial support through this program. There are two key components to this application designed to aid in the rehabilitation of victims:

- 1 Reimbursement of specific costs.
- 2 A recognition payment.

Regarding the recognition payment, if approved, it will be held by the Public Trustee until the victim or witness reaches the age of 18.

For comprehensive information and guidance for victims of crime, including details about available support services, victims’ rights, and instructions on how to apply for financial assistance, please visit:

www.qld.gov.au/law/crime-and-police/victim-assist-queensland

FAQ's

Your child's brave journey can be a long and, sometimes, complicated one. You and your child may have lots of questions along the way. Your PACT Support Person will help you through this journey and you can ask them any questions. Here are the answers to some commonly asked questions.

Who will hear my child's Police statement?

Your child's Police statement, also called a 93A, is the "Evidence in Chief". This means that it is very important that your child tells the Lawyers and the Judge what happened to them. The Police statement will be played to the Court and to the Jury. Your child will not be present when this is played to the Court.

Will my child see the Defendant?

Your child should not be able to see the Defendant. Every effort is taken so they won't see them when your child is at the Court or during your child's pre-recording.

Will the Defendant see my child?

The Defendant will be in the Courtroom and will see your child on a television screen. The reason for this is that the Defendant has a legal right to face their accuser and to respond to the allegations made against them through their Lawyer. They are not allowed to speak while they are in the Courtroom.

Can my child talk about their evidence with family and friends?

Your child should not talk to family or friends about their evidence. This is particularly important if anyone else is also a victim or a witness in the case. It is important that the evidence your child gives is in their own words and is about what happened to them. By not talking to others about their evidence they can be sure they won't be influenced by anyone else's words or experiences.

Can I sit with my child when they give evidence?

You can sit with them while they wait to give their evidence. Even though you can make an application to be in the pre-recording room while your child gives evidence, the Judge will discuss your application with the Prosecutor and Defence Lawyer, and then make a decision. Permission may not be granted, especially if you are a witness. Your PACT Support Person is pre-approved to do this role and has been specifically trained.

What is the difference between Magistrates and District Court?

In the Magistrates Court, cases are heard by the Magistrate only. The Magistrate decides the outcome themselves. In District Court, the matter is heard by a Judge and a Jury. In District Court, the Jury decides the outcome and the Judge decides the sentence.

What is a Committal Hearing?

A Committal Hearing is a preliminary hearing, before a Magistrate, to see whether a more serious charge should go to a higher court (for example, the District or Supreme Courts).

Who will be in the Courtroom when my child gives evidence?

There will only be the necessary people present in the Courtroom while your Child gives their evidence. There will be a Judge, the Prosecutor, the Defence Lawyer, the Bailiff and some official court workers. The Defendant will also be in the Courtroom but your child should not be able to see them.

