



**ODPP**  
New South Wales



# Supporting children through a criminal prosecution

*Witness Assistance Service*

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# Resources for parents and carers

This information has been prepared by the Witness Assistance Service (WAS) at the Office of the Director of Public Prosecutions (ODPP). It aims to provide some helpful ideas and resources for parents or carers who are supporting a child witness through a criminal prosecution.

While you as a parent or carer may not be a witness in the matter, it does not mean that you will be any less anxious about the process confronting children. Following are some suggestions that may assist you in supporting children while at the same time help you in coping with your own anxieties.

## *Tips to help you support your child*

- Treat children as you normally would, not as someone who is fragile or different.
- Try to maintain normal routines and activities.
- Counselling can be arranged for children and young people and yourself, if required. It can take time and perseverance to find a counsellor that the child may feel comfortable with, and it may also take time before you see any benefits from the counselling. This is only natural. If you have any concerns, discuss them with the counsellor.
- Sometimes children and young people may need a break from counselling however they can always reconnect with their counsellor prior to going to court.
- You are a very important person for the child and to help you maintain this role you may also benefit from counselling and/or support. You may find it helpful having someone to talk to during or after the process has finished.
- Reassure the child of your support by letting them know that you believe them, that it is not their fault and that it has been good that the child has spoken out and told the truth.
- Recognise and praise children for their bravery in speaking out, for their resilience and strengths.
- Listen to children if they want to talk about their feelings. Try not to confuse their feelings with your own.
- Avoid telling people about the offence without asking the children first. Children frequently do not want people to know about what has happened to them and it is important to respect their privacy.
- Someone at the child's school or pre-school may need to be told about what has happened and/or that the child will need to attend court. Find out from the child who they trust and who they may be able to talk to about what is happening.
- Do not assume that children's feelings about the accused are the same as your own. Children may have very mixed feelings about the accused. Counselling and time can help children to sort out their feelings.
- Do not assume that children will be traumatised or suffer long term emotional damage because of the court process. While stressful, the court process can be empowering for children, especially if they are well prepared and feel supported throughout the process.
- Try not to worry children with adult worries, the concerns you may have, or your opinions about the case. Children can pick up on these feelings easily and it may create or add to their anxiety about going to court.

## Getting ready for court

- Children and young people who are victims of crime have rights under the Charter of Victims Rights. For instance, you and the child or young person should be kept informed of the progress of the case. You can let the prosecutor know how much information you and the child or young person would like about the progress of the case and the best way for this to be communicated.
- If the child or young person is a witness in the case, please ensure you let the prosecutor, WAS Officer or Police Officer-in-Charge know of any changes in your contact details.
- Inform the prosecutor of any particular needs the child or young person may have such as a disability, medical condition, or if they require an interpreter. Also let the prosecutor know if there are unavailable dates such as significant school or sporting commitments or medical treatment.
- Discuss any safety concerns the child or young person may have with the prosecutor or Police Officer-in-Charge.
- Where possible get a counsellor or a WAS Officer to help the child prepare for going to court and to arrange a visit to the court before they give evidence.
- Children can review their electronically recorded statement and/ or read their statement/ transcript before going to court. If they need help with reading it, speak to the prosecutor or the Police Officer-in-Charge. Also speak with the prosecutor about the most appropriate time for listening to or viewing their statement on tape, video or DVD before going to court.
- Avoid asking the child for details of the offence. If children wish to add something to their evidence contact the Police Officer-in-Charge and arrange a time to speak with them.
- Do not rehearse children's evidence with them. If you do, the defence lawyer may argue in court that they have been coached or that the evidence has become contaminated. This may affect the outcome of the trial.
- It is important for children not to feel as though they are being pressured by the adults around them. It is important that they have space and a chance to give their views about what is taking place, how they would like to give evidence at court and who they would like to be their support person at court. Speak to the prosecutor about the options available to child witnesses.
- If you are the support person for the child when they give evidence, please make sure you understand the role of support person. There is a brochure Information for Court Support Persons available through WAS and a WAS Officer can assist you prepare for this role.
- Avoid making promises about the legal process or outcomes, such as the accused being found guilty and being sent to gaol. No one can predict the outcome of a criminal prosecution. It is better to talk about the range of options or possibilities.
- WAS Officers at the ODPP have experience in working with children and young people.





## ***Witness Assistance Service of the ODPP***

This information has been provided by the Witness Assistance Service (WAS) at the Office of the Director of Public Prosecutions (ODPP) and is general information for parents and carers about supporting children and young people through a prosecution process. The information is not meant to be exhaustive or to cover all circumstances.

For further information, please contact the WAS on the contact details below.



## ***Other helpful resources***

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### ***Helping Make it Better***

*Helping Your Child: Important information for parents and carers about the sexual assault of children.* This is a resource for parents and carers who are supporting children and young people who are victims of child sexual assault produced by the Education Centre Against Violence for NSW Health.

### ***Helping Children Cope with Trauma***

An information sheet produced by Victims Services Attorney General's department of NSW.

### ***JusticeJourney***

A website for victims and witnesses of crime and their families and includes "Be Courtwise" which has information and activities for children and young people and their parents and carers about going to court.

[lawlink.nsw.gov.au/vs](http://lawlink.nsw.gov.au/vs)

### ***Charter of Victims Rights***

Victims Rights Act (1996)

### ***Supporting Victims and Witnesses at Court: Information for Court Support Persons***

An information package available from WAS if you are going to be the child's support person.

### ***Witness Assistance Service***

WAS has a range of resources and services available for children and young people.



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