



# After Conviction What's next?

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Court and Tribunal Services Division



## Options for the courts

After a young person has been to the Children's Court and pleaded guilty, or been found guilty by the court, the magistrate or judge has a choice of penalties.

The most serious offenders and repeat offenders face the most serious penalties.

Possible penalties include:

- **Referral to youth justice team.**
- **No punishment and no conditions.**
- **No punishment but with conditions.** The court may decide not to punish if it is satisfied the offender or his or her parents will make sure the undertakings (promises) they make to the court will be carried out.
- **Fines and costs, restitution** (putting back, or repairing something) and **compensation** (paying money for the damage or hurt done).

*Against the responsible adult:* The court may order that the offender's parents, or another responsible adult, pays some or all of the fine and costs, compensation and restitution. If they don't pay, action may be taken against the adult as though they had been found guilty of the crime carried out by the young person.

*Against the young person:* the court may fine the young person up to \$2,000 and order them to pay the court costs. The prosecutor may also ask the court to order compensation or restitution.

- **Responsible adult bond.** An adult promises to make sure the offender will stay out of trouble for a set time. If they don't, the adult has to pay money to the court.
- **Good behaviour bond.** The young person undertakes (promises) that he or she will stay out of trouble for a set time, usually several months or up to a year.

If the offender breaks the bond, he or she must go back to court and may have to pay the amount of money decided by the court, or convert the amount of money to unpaid community work.

- **Youth community-based order.** This order is supervised by a juvenile justice officer and may include going to a rehabilitation centre or a course.

The order can also include doing unpaid community work for between 10 and 100 hours and the work is supervised and must be done within three months.

If the order includes supervision conditions, the offender must report to his or her Juvenile Justice Officer and follow instructions.

If they don't pay, action may be taken against the adult to recover the monies outstanding.

- **Intensive youth supervision order.** This order can be made with or without detention.

If the order is made without detention, it is supervised by a juvenile justice officer and the young offender may be ordered to a rehabilitation centre or a course.

The order can also include doing unpaid community work for between 10 and 100 hours. The work must be done within three months and must be supervised.

If the order includes supervision conditions, the offender must report to his or her juvenile justice officer up to three times a week and follow instructions.

When the order is made with detention, it is also known as a **conditional release order**.

Under this order, there's no limit to the number of times the offender may be ordered to report to their juvenile justice officer.

If the offender doesn't follow the rules set down in the order, it can be cancelled by the court and the young person sent to detention.

- **Adult community-based order or adult intensive supervision order.** These penalties may be used if the offender is aged 17 or over and are supervised by Community Justice Services staff.
- **Custodial sentences** (imprisonment/detention). Young offenders can be sent to a juvenile detention centre. Once over 18 they go to an adult prison.

## Rights and responsibilities of parents

Parents have an important job when their child goes to court. They can support their child and give information to the court. They should talk to a lawyer as soon as possible.

If the court wants a report on the child from the youth justice officer, the parents should also go to the interview so they know what is happening.

Our staff want to help parents with their child's ongoing development and will seek parents' help in carrying out court orders.