

Fact Sheet: Child Safety attendance at Youth Justice court proceedings

Background

The *Youth Justice and Other Legislation Amendment Bill 2021* (the Bill) brings a number of changes aimed at improved community safety.

These changes include a focus on recidivist offenders, a 12 month trial of GPS monitoring for 16 and 17 year olds, the granting of bail and clarification that a young person **cannot be remanded** in custody solely because they do not have adequate accommodation or support.

These changes will see increased expectations of parents, guardians and other responsible people in youth justice court processes. These amendments will be in place from 29 April 2021.

Child Safety has a responsibility to ensure young people also subject to the *Youth Justice Act 1992* (the Act) are well supported and have access to services that mitigate against reoffending. The level of responsibility varies according to the type of Child Safety involvement with young people.

Willingness to support

Amendments to the Act introduce a requirement for the Court to consider the role of the parent or another person in supporting the young person to comply with bail conditions. The Court will be interested in whether a parent or another person has indicated a willingness to do one or more of the following:

- support a young person to comply with conditions of bail
- notify Youth Justice or police of a change in the young person's circumstances

which may affect their ability to comply with bail

- notify Youth Justice or police of a breach of a bail condition.

Parents and other persons should only indicate a willingness to do something if they are willing and able to do it, for example, reporting breaches of bail conditions to police.

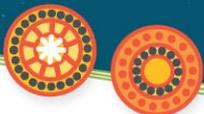
When the chief executive has guardianship of a young person, Child Safety will be required to inform the Court of what we are able to do to assist the young person in meeting further bail conditions, how we intend to actively monitor their compliance and of our willingness to update Police or Youth Justice as required. This is referred to as 'parental assurance'.

Show cause matters

Young people in Child Safety's custody or guardianship who are caught in a cycle of reoffending need support to address their responses to trauma and their offending behaviours.

This includes Child Safety staff being present for them and advocating in their interest in places like courts and police stations is important.

Amendments to the Act introduce a 'limited presumption against bail' requiring some young people charged with 'prescribed indictable offences' who are already on bail for an indictable offence to 'show cause' why bail should be granted. This means that the young person needs to **prove why they should get bail**, rather than the prosecution arguing why they should not get bail.



Child Safety will, in partnership with Youth Justice, play a pivotal role in coordinating information sharing and providing a coordinated response for the young person while they are subject to youth justice court processes, and will support them to mitigate risk of re-offending. This is particularly true when the chief executive has guardianship responsibilities to a young person.

What does this mean in my role as a Child Safety Officer?

Under the legislative amendments, both Youth Justice and Child Safety have responsibility to support young people through the 'show cause' process and help mitigate their risk of re-offending, including a critical collaborative focus on care arrangements for young people in care.

Child Safety involved – no custody

When Child Safety is working with a young person who is appearing on a youth justice matter, but the young person is not in the custody or guardianship of the chief executive, Child Safety will work collaboratively with Youth Justice to ensure all relevant information about the young person is available to the Court to support the decision making of the Court. This may include during investigation and assessments, support service cases or intervention with parental agreement.

Child Safety has custody or guardianship

When Child Safety is working with a young person who is appearing on a youth justice matter, and the young person is in the custody or guardianship of the chief executive:

- Child Safety will work collaboratively with Youth Justice to ensure all relevant information is available to the Court to support the Court's decision making
- the young person's CSO will attend youth justice court proceedings and liaise closely

with Police, legal representatives, and Youth Justice staff

- Child Safety will provide parental assurances about how we can assist the young person meet further bail conditions
- Child Safety will work closely with Youth Justice to support young people in 'show cause' processes for indictable offences, to reduce the likelihood of re-offending.

Note: When a young person is in the custody of the chief executive, Child Safety will also work collaboratively with the parents when preparing to provide relevant information to the Court.

Electronic monitoring

The Act also includes time-limited (two years) amendments to allow courts to impose electronic monitoring as a condition of bail for young people aged 16 or 17 in certain circumstances. This amendment is specific only to 5 prescribed trial sites and will only apply to a small group of young people satisfying a set of suitability requirements before the Court.

If you receive advice that a young person is being considered for electronic monitoring, please contact Court Services for further advice and guidance by emailing. (courtservices@csyw.qld.gov.au)

Additional Resources

Court Services staff are available to provide advice and assistance as required.

Youth Justice fact sheets:

- [Fact sheet: Youth Justice and Other Legislation Amendment Bill 2021](#)
- [Fact sheet: New services to support 2021 Youth Justice Act amendments](#)
- [Fact sheet: Electronic monitoring trial](#)