

COVID-19: Good practice guide for community workers: Young people with criminal law matters

FACTSHEET

This factsheet will help you understand how COVID-19 has affected young people with criminal law matters.

What has changed because of COVID-19?

There are restrictions that limit where people are allowed to go during the COVID-19 pandemic. However, attending court is a reasonable excuse to leave home. However, just like other public places, you must not go to court if you:

- Have travelled and returned from overseas in the past 14 days
- Had contact with a diagnosed, suspected or confirmed case of COVID-19 in the last 14 days
- Feel unwell

The situation is changing all the time and some things will continue to change as our community responds to the pandemic. It is unlikely that things will go back to normal quickly.

Some of the changes are:

- Young people in custody do not appear in person at court
- Police might deal differently with young people who are suspected of an offence
- Youth Justice NSW handle young people in custody differently. This includes communication with young people in custody
- The courts will deal with a young person's court matter differently

How do young people go to court?

The Children's Court is still operating throughout the COVID-19 pandemic. The courts have changed their processes, and this may affect the way a young person's court matter happens. The changes will be different for each court across NSW.

All courts are trying to reduce the number of people attending court. Each court might take a different approach:

- There might be restrictions on the number of people who may enter a court room
- Some courts will allow young people to appear via telephone or an Audio-Visual Link
- Some courts want young people to be in court in person
- Some courts may want young people to attend at a specific time of the day to limit the number of people attending at one time
- Some cases will be delayed until restrictions are removed. This might happen where people need to travel to attend court as witnesses

These changes will cause delays to a lot of matters.

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Can young people get legal advice?

Young people are able to get legal advice and representation during COVID-19.

- If a young person already has a lawyer, they should get in contact and ask about what will happen with their case and if they need to go to court.
- If a young person does not have a lawyer, contact Legal Aid NSW or Aboriginal Legal Service or call the Legal Aid Youth Hotline on 1800 10 18 10.

How are police dealing with young people?

There are many restrictions which apply to people due to the COVID-19 pandemic. But this does not mean that police have more power over young people. The protections for young people are still in place:

- Police are required to allow a young person to speak with a lawyer
- Police should not ask a young person questions about any crime before the young person has spoken to a lawyer
- Young people are required to have someone over 18 present to act as their support person before police can interview them about any offence

If police attend the home of a young person to speak with them about a criminal matter, they must follow these steps.

Can young people get bail?

Bail is the conditions set by police or the court that a person must follow so they can stay in the community while criminal charges are going through court. If a person does not get bail, they will be in custody.

Bail conditions aim to reduce the risk of an alleged offender:

- Committing further serious offences
- Endangering the safety of the community
- Interfering with evidence or witnesses
- Failing to appear at court

During the COVID-19 pandemic, the courts will consider bail in a way that deals with these risks and COVID-19 risks. This means that some bail conditions might be changed or removed to reduce the risk of infection. For example, if a young person is reporting to police daily, the court might change this condition to reduce the time the young person is traveling and lessen the risk of the virus spreading in the community.

The courts are also aware of the risk to young people in custody. These risks could be infection, isolation when they are not allowed visitors and hearing date delays. These issues should be considered by the court when deciding if a young person will get bail.

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Young people should contact their lawyer if they have bail conditions that might put them at risk of exposure. For example, if the conditions say that the young person has to go to a place that is closed because of COVID-19 or report daily. These conditions might be changed because of COVID-19.

Can I visit young people in custody?

Youth Justice NSW have suspended all in-person visits to young people in custody. This will be reviewed, and visits should start again once it is safe. This restriction applies to everybody, including lawyers, community workers, Youth Justice NSW staff and family members.

Youth Justice NSW are making sure any young person who comes into custody with flu-like symptoms is isolated, monitored and tested. Newly detained young people will be quarantined for two-weeks when they enter Youth Justice custody. This process will help protect all staff and detainees from infection.

Some contact will be possible with young people in custody. Most centres are supporting young people to have contact with their loved ones and workers. This will happen by telephone calls and Audio-Visual Link.

If you do have difficulty contacting a young person in custody, you can contact their solicitor directly. If you do not know who their solicitor is, you can contact Legal Aid NSW or the Aboriginal Legal Service to find out.

Where can I find more information?

The Children's Court have a website which includes a lot of helpful information. The website is: <http://www.childrenscourt.justice.nsw.gov.au/Pages/coronavirus.aspx>.

If young people need more information, contact the Legal Aid Youth Hotline on 1800 10 18 10. This service is operating as normal during the COVID-19 pandemic. Contact us Monday – Friday 9am to midnight, and 24 hours a day on weekends and Public Holidays.

How can I get help?

For free legal help call 1300 888 529 or [call your local Legal Aid NSW office](#).

There is also a series of [factsheets about COVID-19 and the law](#) available [on the Legal Aid NSW website](#) to assist you to manage all the changes that are happening in our community.

If you need an interpreter, call the Translating and Interpreting Service on 131 450 and ask for LawAccess NSW. If you find it hard to hear or speak, call the National Relay Service on 133 677 and ask for LawAccess NSW or visit www.relayservice.gov.au.

This factsheet is intended as a general guide to the law. Do not rely on this information as legal advice. We recommend you talk to a lawyer about your situation. This information is correct at the time of writing, however, it may change.

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