

# Preparing for court

## Common questions about going to court

### **Q When do I have to go to court?**

**A** The date and time that you need to go to court will be on the court papers that police gave you or the court posted to you. If the magistrate reschedules to another date, she or he will tell you when to come back. If in doubt, contact the Local Court registry.

Arrive at the court at least 30 minutes before the mention or hearing to talk to the domestic violence support workers or the police prosecutor about your case.

It is important that you attend court at the first mention, and all other mentions or hearings, unless the magistrate or police tell you that you do not have to attend.

### **Q How long will I have to be at court?**

**A** The amount of time you have to be at court depends on whether you are there for a mention or for a hearing. Mentions are usually fairly short sessions. There may be many cases listed on the same day, so it is likely that there will be some waiting. Hearings can last a day or more.

It is best to prepare to spend most of a day at court and bring food to eat in the waiting room.

Usual court sitting hours are 9.30am to 4pm Monday to Friday. The court usually breaks for morning tea at about 11.30am and for lunch between 1pm and 2pm.

### **Q How long will the court case take from start to finish?**

**A** The time each case takes to finish varies depending on whether the defendant agrees to the Apprehended Domestic Violence Order (ADVO) or pleads guilty if there is a criminal charge or whether the case goes to hearing. If they agree or plead guilty it can be over in a week or two.

If there is a hearing the case may take 3 to 4 months to be finalised, but you should only have to attend court a couple of times during this period. Occasionally things can take longer if the case is complicated or the court is very busy.

### **Q Do I have to give evidence?**

**A** In ADVO applications, some magistrates require the person in need of protection to enter the witness box, to swear that the information in their application is truthful and correct.

If there is an application for an ADVO and a hearing is held, or if the person who harmed you is charged with an offence, it is likely that you will be called as a prosecution witness when the case goes to court.

### **Q Can I give evidence via Audio Visual Link (AVL) at the hearing?**

**A** Children under 16 or people with a cognitive impairment have an automatic right to give their evidence via AVL when going to court for domestic violence. Other victims of violence can also ask the court if they can give evidence in the same way. If you would like to give evidence via AVL discuss this with the Police prosecutor, DVLO or the court staff.

**Q Can I have an interpreter?**

**A** Yes. If you find it hard to understand or speak English an interpreter can be provided. Tell the police officer involved in your case as soon as possible before going to court. They will arrange an interpreter for you.

**Q Can the court assist with access or other needs?**

**A** Yes. If you have a disability or special needs for giving your evidence tell the court staff, your domestic violence support worker, or the Domestic Violence Liaison Officer (DVLO), prosecutor, or police officer in charge of your case.

**Q Who is who in the court?**

**A** If you have never been in a courtroom before you may feel a bit worried about what to expect on the day. There is helpful information for you on the Department of Justice and Attorney General's Victims Services website at [www.lawlink.nsw.gov.au/vs>Justice Journey>Be Courtwise>Courtroom who's who](http://www.lawlink.nsw.gov.au/vs>Justice Journey>Be Courtwise>Courtroom who's who)

**Q How do I behave in court?**

**A** The courtroom is a formal place and there are basic rules you need to follow:

- switch off mobile phones before entering the courtroom

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- have a quiet and respectful manner in court

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- dress appropriately, this means smart casual, comfortable and warm

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- take off your hat, cap or sunglasses

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- do not eat, drink, chew gum or smoke inside the courtroom

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- remember to bow towards the magistrate's bench when you enter or leave the courtroom and to show your respect, stand when the magistrate enters the courtroom

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- remember the magistrate is the person in charge in the court.

Magistrates in the Local Court and judges in the District and Supreme Courts are addressed as 'Your Honour'.

**Q Where do I sit before court?**

**A** The Local Court usually has a safe room or area for women in domestic violence cases. It may be within the court or in a nearby building.

If there is no safe room and you feel worried or unsafe you should tell the court staff. They will arrange help to make sure you are safe and that no one will intimidate you. You are also allowed to bring along a friend to the court for support.

There will be a list displayed of all the cases to be held that day, including the number of the courtroom where your case will be heard. Find the courtroom and sit outside. (You can also wait in the safe room if there is one.) A Police DVLO or court officer will call your name when you need to go into the courtroom to give evidence.

**Q Do I have to take an oath?**

**A** You are likely to need to make an oath or affirmation only if giving evidence in the witness box.

A court officer will ask if you prefer to take an oath or an affirmation. Both are a promise to tell the truth. An oath has religious meaning and an affirmation does not. Your evidence will be seen in the same way whichever you choose.

Generally the court officer reads the oath or affirmation and the witness responds with, 'I do'.

When people give evidence in court they must tell the truth. It is an offence to give false evidence in court after taking this oath or affirmation.

**Q What do I need to know about giving evidence?**

- A** When giving evidence your role is to tell the court about what happened to you. Helpful things to remember about giving evidence:
- listen carefully and think about each question before you answer

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  - if you do not understand a question, say so

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  - take your time and do not guess. If you are not sure about an answer, just say so

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  - do not say what someone else has told you, unless you are asked

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  - speak loudly, clearly and slowly so that your evidence can be heard and understood

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  - use short sentences

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  - if you have swear words in your statement it is okay to say these when you are telling the court what happened

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  - try not to get angry with the defence lawyer even if they seem aggressive or rude towards you

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  - do not talk to anyone about your evidence, until the prosecutor or police officer says you can.

If you have given a statement it is a good idea to read it again before you go to court so that you are familiar with it. Think about the events and try to remember details such as dates, times, descriptions, actions and exact words used. You will not be allowed to read from your statement when giving evidence.

**Q What if I get upset while giving evidence?**

- A** You may get upset or embarrassed when you are giving evidence. Courts understand that this happens, especially if you are talking about personal things.

If you do get upset, you may be asked if you need a break or you can ask for one. It is a good idea to ask friends or family to go into court with you for support, provided they are not a witness.

**Q Will I get information about the accused being released from prison?**

- A** The following agencies have victims' registers. If you wish you can ask to be on the appropriate register once an offender is convicted and sentenced. You can contact the registers on the following numbers or visit their websites to find out about their role and the information they give to victims.

**Corrective Services NSW** is responsible for people convicted of an offence and in custody or being supervised in the community.  
Phone: 02 8346 1374  
Website: [www.correctiveservices.nsw.gov.au/offender\\_management/restorative\\_justice/victims\\_register](http://www.correctiveservices.nsw.gov.au/offender_management/restorative_justice/victims_register)

The **Forensic Division of the Mental Health Review Tribunal** keeps a register for victims of forensic (mental health) patients.  
Phone: 02 9816 5955  
Website: [www.mhrt.nsw.gov.au](http://www.mhrt.nsw.gov.au)

**NSW Juvenile Justice** is responsible for young people convicted of an offence and in custody.  
Phone: 02 9219 9400  
Website: [www.djj.nsw.gov.au](http://www.djj.nsw.gov.au)

## Support to help you prepare for court

### Can I get support at court?

There are services and people that can help you prepare for court if you are a victim of domestic violence. They can give you information, advice and even support you in the courtroom.

### Women's Domestic Violence Court Advocacy

**Service:** In most Local Courts in NSW, the WDVCAS can help you apply for an ADVO. This service can also assist you with information about what will happen in court, support you at court, help you with other issues such as safety and housing, and organise for you to get advice about family law.

The WDVCAS can give you and your children support, advocacy, referrals and information. If you are making a private application for an ADVO, the service can also arrange someone to represent you in court to make it easier for you to get protection orders.

To find out if there is a WDVCAS in your area call LawAccess on 1300 888 529, or visit the Legal Aid NSW website at [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au) and go to >get legal help>specialist services.

**Domestic Violence Liaison Officer:** This is a specialist police officer, whose role is to support you through the court process for ADVOs and refer you to support agencies. DVLOs work at major police stations across NSW. You can phone your local police station and ask to speak to the DVLO.

### Support for victims and witnesses in the District Court

**Court:** Assistance is available for victims of crime and witnesses in the District Court through the Witness Assistance Service (WAS). The WAS is part of the Office of the Director of Public Prosecutions. This service can help you and your children with information, court preparation, coordinating court support and follow-up after court, if you are a prosecution witness or victim of crime.

If the matter is heard in the District Court, WAS officers can help you get ready for court by:

- preparing you and your children for giving evidence in court
- talking with the prosecution lawyers
- arranging a visit to a court so you can get to know what it is like
- finding ways for you to cope with coming to court and being a witness
- arranging support for you if you are giving evidence in court
- preparing you for court outcomes
- referring you to other services if needed.

For more information about WAS, you can visit the Office of the Director of Public Prosecutions (ODPP) website at [www.odpp.nsw.gov.au](http://www.odpp.nsw.gov.au) or contact the service on: Phone: 02 9285 2502 or 1800 814 534 TTY: 02 9285 8646

Information about where to get help and support is available in *Your Court, Your Safety* online at [www.lawlink.nsw.gov.au/cpd](http://www.lawlink.nsw.gov.au/cpd)