

## Strong Bonds Fact Sheet: Parents : Breaking The Law

Some young people break the law in order to take risks; some because they have little self-control; and some because they have no support. Most young people learn from their mistakes and don't continue to commit crimes. Young people who do continue to commit crimes need help and guidance.

### Why do young people break the law?

Young people who break the law usually commit small crimes to test the rules or to take risks. Most young people who have been caught breaking the law once, never do it again.

If your child is breaking the law often, you need to look at why they are doing this:

- Does your child seem very depressed?
- Have they experienced abuse or trauma?
- Are they using drugs or drinking heavily?
- Do they feel they have no skills and that life is hopeless?
- Are they lonely and isolated?
- Is your child in debt and unable to get a job?
- Is your child mixing with other young people who think that breaking the law is ok?

### How to help your child:

In Australia there are many services available to help young people who are experiencing problems.

Your local council, migrant resource centre, or community health centre can give you information about support services for young people in your area including:

- mental health services.
- drug and alcohol treatment centres.
- intellectual disability services.
- sexual assault services.
- training and employment programs.
- youth support services.
- mentoring programs.

### Parent's influence

Remember your own behaviour has a powerful influence on your children.

If you, or your partner, or an older child in your family is breaking the law, then your child is more likely to think it is ok for them to do this too.

Be very careful about the messages that you give your children.

### What happens when a young person breaks the law?

If a young person commits a serious offence and is caught by the police, they will be charged. If they are between 10 and 17 years they will have to attend *Children's Court*. If they are over 17, they will have to attend the *Magistrates Court*.

If a very serious crime has been committed then the young person may have to go to the County or Supreme Court.

Children under 10 years of age cannot be taken to court. According to the law a young person under 10 years of age is still learning right from wrong.

### Migrant young people and the law

Newly arrived refugee and migrant young people are sometimes unaware of their rights and how to make complaints if they feel they have not been fairly dealt with by the police.

It is a good idea for you and your teenage children to learn what your rights are in case you are ever questioned by the police (see **Resources** below).

Teenagers should know that if they are spending a lot of time in groups on the streets they may be at greater risk of being noticed and questioned by police.

If you or your child wants to make a complaint because you believe your rights have not been respected, speak to your lawyer or the Legal Aid Service in your state (see **Resources** below).

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## Getting Legal Advice

If your child has been charged with a crime and has to attend the Children's or the Magistrate's Court they should see a lawyer before the day they are due to go to court.

Each state in Australia has a **Legal Aid Service** that provides free legal advice to people who can't pay for a lawyer and who do not have any other way to get legal help (see: **Resources** below).

Usually Legal Aid will arrange for a lawyer to speak at court on your child's behalf and to work out the fairest outcome for your child.

Legal Aid lawyers are only available to give legal advice on some days. Your young person should make an appointment before they attend their offices.

## Ask for an Interpreter if you need one

Legal words are sometimes hard to understand. If you or your child would like to have an interpreter, tell the Legal Aid office. They will make sure an interpreter is available at the appointment time either by phone or in person.

It is often a good idea for teenagers to take an adult with them when they visit a lawyer, as they may need help making decisions and understanding the legal advice they are being given.

## Children's rights

In Australia, governments aim to ensure that young people have as little involvement in the criminal justice system as possible. They believe that:

- Children should have the same rights before the law as adults including the right to be heard and the right to have a say in decisions that affect them.
- Children who break the law must be held responsible for their actions but, because of their youth require guidance and support.
- Penalties given by the court should not interrupt children's education or employment where possible.
- Wherever possible and appropriate, a child should remain living in their own home.
- The penalty imposed on a child for an offence should be no greater (and in most cases should be less) than that imposed on an adult who commits an offence of the same kind.

(Adapted from *Children's Criminal Proceedings Act, NSW, 2004.*)

## What Can Happen to Young People who go to Court?

If a young person is found guilty of a crime the court can make any of the following orders:

- A **dismissal and/or caution** – the case is dismissed or the young person is warned against further offending.
- A **Good Behaviour Bond** with or without supervision – the young person undertakes not to commit any more crimes for a period of up to two years.
- A **fine** – the young person has to pay a set amount of money to the court as penalty for the crimes committed.
- A referral to a **youth justice conference**. This is a meeting attended by the young person, a youth justice worker, the police and sometimes the victims of the crime. The young person might agree to apologize to the victim, pay for any damage they caused or make a donation. The plan will include ways to support the young person to help them so they don't break the law again.
- **Probation** – the young person may be required to see a probation officer for up to two years and to follow their advice and directions.
- A **Community Service Order** – the young person is required to undertake community work for a set number of hours.
- A period of **detention** – the young person is locked up or placed in custody in a youth detention centre for a period of time.

(The names of these orders vary from state to state within Australia).

### → Tips from this Fact Sheet

- If your teenager is breaking the law encourage them to seek help. There are many support services available for young people.
- Each state in Australia has a legal aid service that provides free legal advice to young unemployed people.
- In Australia governments aim to ensure that young people are kept away from involvement in the criminal justice system as much as possible.

## Strong Bonds Fact Sheet: Parents : Breaking The Law

### → Related Fact Sheets

- Getting the Right Help
- Drugs & Alcohol; What can Parents Do?
- Drug and Alcohol Treatment
- Mental Health

### → Useful resources

#### Legal Aid

Legal Aid helps young people with problems about the law.

They help people who are most in need.  
You must have a Healthcare Card.

Victorian Legal Aid (03) 9269 0234  
Queensland Legal Aid 1300 651 188  
Western Aust Legal Aid 1300 650 579  
N.S.W. Legal Aid 1300 888 529  
Tasmania Legal Aid 1300 366 611  
South Australia Legal Aid 1300 366 424  
N.T. Legal Aid 1800 019 343

Help in 27 different languages

<http://www.legalaid.vic.gov.au/languages.htm>

Youthlaw

<http://www.youthlaw.asn.au/>

Am I Old Enough: Common Legal issues  
for Young People:

[http://www.legalaid.vic.gov.au/Publications/cl.am\\_i\\_old\\_enough.pdf](http://www.legalaid.vic.gov.au/Publications/cl.am_i_old_enough.pdf)

Your Rights – Police Powers in Victoria

[http://www.legalaid.vic.gov.au/upload/cl.police\\_powers.pdf](http://www.legalaid.vic.gov.au/upload/cl.police_powers.pdf)

#### Strong Bonds

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