

THE CHILD JUSTICE ACT, 2008 (ACT NO 75 OF 2008)

STEP BY STEP GUIDE ON THE CHILD JUSTICE PROCESS

1 A child is **suspected to have committed** an offence. In the event of an offence that is not serious, the child will not be arrested but be warned to appear in court.

2 If the offence is serious, the child is **informed, arrested and charged** by the police. If the offence is less serious, the child and his/her parents or care givers, is warned or summonsed to appear in court by the police.

3 There are two possibilities at this stage:

- A child **under 10** may be referred to a children's court, or
- The child **above 10** years must be assessed by a probation officer (Social Worker).

4 The parents or other care givers or police bring the child **to court**.




5 A **preliminary inquiry** will be set-up to inquire into the matter and how the child may be assisted if he or she accepts responsibility.

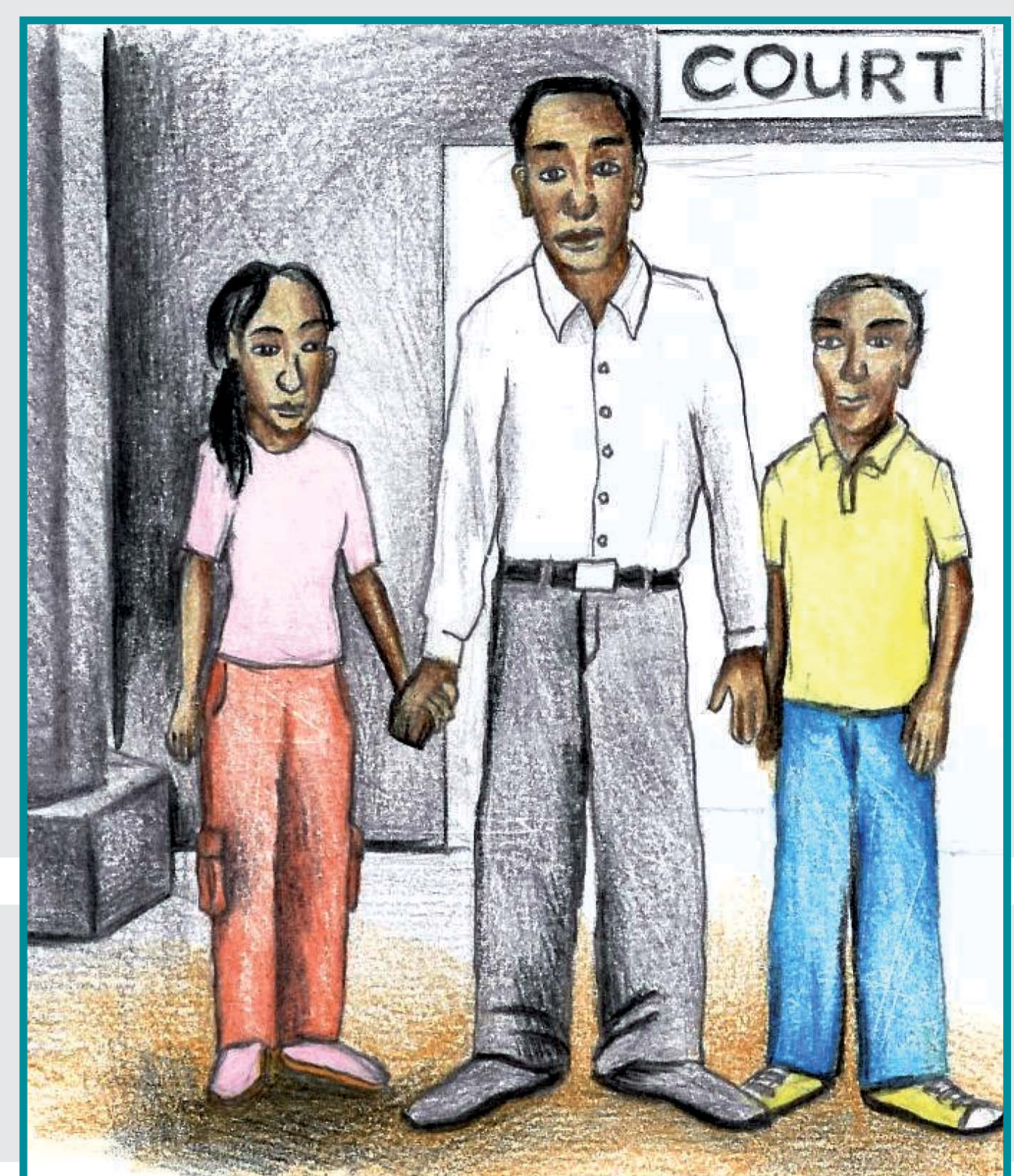
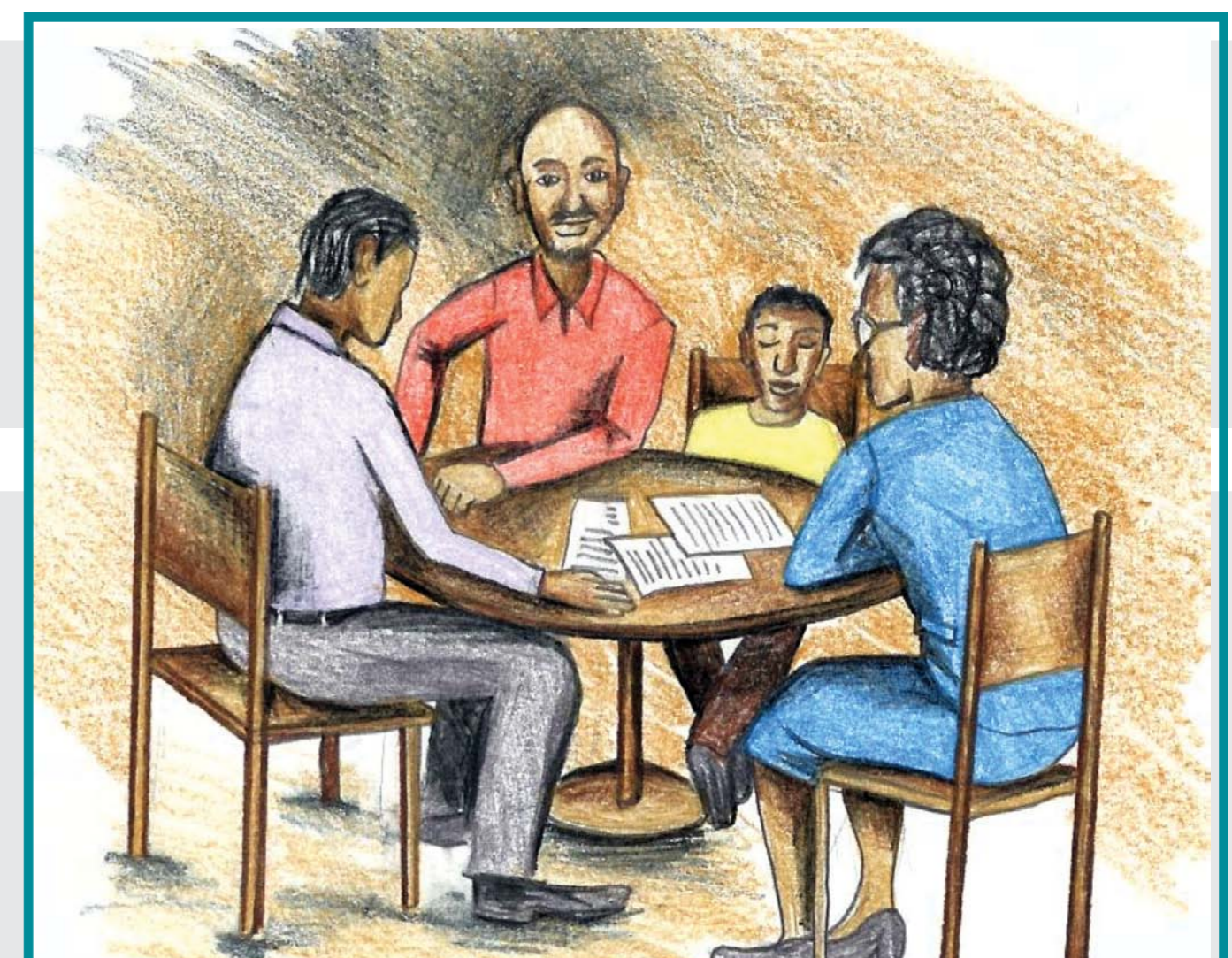
6 At the preliminary inquiry there are four possible steps that may be taken:

- If the **child is in need of care and protection**, the matter will be referred to the children's court which will determine the best possible environment for the child.
- At the preliminary inquiry, the probation officer's assessment report will be considered to determine if the child has **criminal capacity**. The child could then be referred to the Children's Court or be diverted.
- If the child accepts responsibility, it may be recommended at the preliminary inquiry that the **child be diverted**. If the child does not complete or comply with the diversion, he/she will be brought back to court.
- If no diversion order is made by the court or the child does not comply with the diversion, the case is referred to the **Child Justice Court** for trial.

7 At the trial the child could be **convicted and sentenced or acquitted**.



		
- 10 yrs	+ 10 yrs -14 yrs	+14 yrs
Cannot be arrested	May be arrested - state to prove criminal capacity	May be arrested and prosecuted and at the discretion of the prosecutor diverted



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Justice and Constitutional Development
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