



CERTIFICATE IN JUVENILE JUSTICE, LITIGATION & ADVOCACY

Start date: Saturday 5 October 2019

Delivery method: Three on-site Saturday sessions, with occasional online release of supplemental lectures

Assessment: 2,500-word written assignment

Fee: €1,550

Programme objectives

On successful completion of this training programme participants will be able to:

- Appraise the children justice system in the Children Court, Circuit Court, and the Central Criminal Court,
- Critique children-specific criminal law, including out of court disposals, bail and remand jurisdiction issues, and adaptations to the trial process,
- Apply key children justice principles,
- Apply practice direction DC04 – Children Court, together with the requisite adaptations to the normal trial procedures as required,
- Identify the specific protections for children in care and critique the role of Tusla (the Child and Family Agency),
- Demonstrate the ethical awareness required of practitioners when representing young persons.

Programme structure and approach to learning

Participants will have an opportunity to apply key advocacy skills and competencies that are required when representing young persons who have become involved with the juvenile justice system. This will include practising the speech and language skills required to effectively take instructions from young persons. Lectures will focus on the steps to be employed in proceedings under the *Children Act 2001*, as amended, so as to ensure that such proceedings fully comply with a young defendant's Constitutional rights, as well as international standards for juvenile justice. In workshops, participants will then apply Practice Direction DC04 – Children Court to given scenarios, designed as it is to ensure due regard for the protection of the rights of the child and to safeguard the young person from avoidable intimidation, humiliation, or distress. In order to deepen the learning experience, students will have an opportunity to observe and participate in various role-play scenarios involving Children Court proceedings and to practice and hone communication and advocacy skills that are particularly pertinent when representing young persons.

The programme is based on the following module scheme and covers key themes as listed below:

Module 1: Introduction and the international context

- History, jurisdiction, and venues,
- International standards and the *UN Convention on the Rights of the Child*,
- The *European Convention on Human Rights* and the *ECHR Act 2003*,

- Interface between criminal law and 'best interests'.

Module 2: Initial responses to offending behaviour

- The Garda Diversion Programme,
- Role of the Child and Family Agency,
- Family welfare conferences,
- Formal and informal cautions,
- Children in care/children in special care,
- Supervision,
- Participating in restorative justice and community policing.

Module 3: The Children Court – the defence role

- Taking instruction (in office, court, detention centre),
- Advice to a young defendant in garda station,
- File preparation,
- Practice and procedure – DC04 – defence lawyer's obligations,
- A young person's right to participate,
- Bail applications from the defence perspective,
- Factors to be taken into account when giving evidence,
- Awareness of childhood issues,
- Requesting an intermediary/advocate/psychologist/psychiatrist/support person,
- Advising parents and guardians – conflict with children wishes,
- Effective billing.

Module 4: The Children Court – the prosecution role

- File preparation for court,
- Practice and procedure – DC04 – defence lawyer's obligations,
- Prosecutorial delay and recent case law,
- Bail applications from the defence perspective,
- Cross-examination and reduction of trauma for the child,
- Using child-appropriate language.

Module 5: The judge's role – the court process

- Managing the court,
- Age of child,
- Section 75, *Children Act* – jurisdiction,
- Appointing an intermediary,
- Bail,
- Sentencing options (including ten community sanctions and restorative justice programmes),
- Interplay with mental health,
- Conflict with rights vs welfare – the judge's role,
- Victims' rights.

Module 6: Ancillary services – probation and welfare services

- The role of the Probation Service and the process involved,
- Interview with children,
- Preparation of reports for court,
- Role of probation supervision,
- Child and Family Agency,
- The role of the CFA and the *Children Act*,
- Children in care, including residential care,

- Children in secure residential care,
- Family welfare conference,
- Preparation for court ,
- Reports for court.

Workshops

Workshops are a key feature of this course. These are designed to be interactive and involve working in groups on selected case-study problems and analysis, with an emphasis on the application of the law to common scenarios encountered in practice. Workshop dates for this course are available on our website, www.lawsociety.ie/diplomacentre.

Who should attend?

This course is suitable for solicitors, trainees, and barristers. We will also consider applications in limited circumstances from other professionals who have demonstrable experience in the area, including, for example, social workers and probation officers.

We welcome applications from others who are suitably qualified. Please explain your interest and set out any relevant experience in a cover letter and a brief CV. Such applications are subject to a supplemental fee of €100.

How to apply

An application form can be downloaded from our website. For any queries, contact diplomateam@lawsociety.ie.

Faculty

The teaching faculty for this certificate comprises experts in the juvenile justice system. Prospective lecturers include:

- Judge John O'Connor,
- Pat Bergin, Oberstown Campus,
- Ciara Lyons, Probation Service,
- Tom O'Malley, NUI Galway,
- Colette Quinn, Garda Diversion Programme,
- Shane Reynolds, Mason Hayes & Curran,
- Mairead White, Office of the Director of Public Prosecutions,
- Professor Ursula Kilkelly, UCC,
- Gareth Noble, KOD Lyons.