



**Magisterial Services  
District Courts**

**JUVENILE COURT**

**The Juvenile Court**

The Juvenile Court was established by the Juvenile Courts Act 1991. However, the act came into force only in the year 2003 when it was gazetted.

**Definition of a Juvenile**

A juvenile is a person aged not less than seven years and less than eighteen years.

**What does a Juvenile Court do?**

1. A Juvenile Court hears and determines summarily all offences otherwise triable in a District Court.
2. A Juvenile Court has jurisdiction to hear and determine all indictable offences, other than homicide, rape or an offence punishable by death or imprisonment for life.
3. A Juvenile Court deals with all committal proceedings where a juvenile is charged with homicide, rape or an offence punishable by death or imprisonment for life. The trial shall be heard and determined by the National Court.

**Courts of Summary Jurisdiction sitting as Juvenile Court.**

A Court of Summary Jurisdiction can sit as Juvenile Court where no Juvenile Court has been established in an area or it is impracticable for a juvenile to be brought before a Juvenile Court.

**Courts of Summary Jurisdiction sitting as Juvenile Court:**

1. May only impose orders of probation
2. Cannot impose custodial sentence

**Where the Court considers the nature or circumstances of the offence are of sufficient gravity:**

1. It may order that the case be heard by a properly constituted Juvenile Court
2. Hear and determine the case in accordance with the *Juvenile Courts Act, 1991* and order that the case be sent to a Juvenile Court for an order of sentence.

## **Procedures for arrest and detention of juveniles**

The following takes place when a juvenile comes in contact with the law:

1. The juvenile is arrested
2. Parents, guardians and a Juvenile Court Officer are informed by the Officer in Charge of the police station.
3. The juvenile is placed in a remand center or in such other place as is approved by the Director, Juvenile Courts Services, and
4. The Officer In Charge shall notify a Juvenile Court Officer of the arrest, the reasons for the arrest and the place of detention

## **Juvenile Court Sitings**

At a juvenile court sitting, the Court shall conduct proceedings in camera. The Juvenile Court is a closed Court. This means that it is not open to the public and only authorised persons attend.

Only the following persons shall attend the proceedings:

1. The Director,
2. Juvenile Court Officers,
3. Probation officer,
4. Members of the Court,
5. Persons immediately concerned with the proceedings,
6. Any legal representative of any party to the proceedings,
7. Parents or responsible persons,
8. Members of the police force,
9. Any person who has supplied a pre-sentencing report,
10. Witnesses,
11. And any other person the Court allows.

## **Procedures in taking plea**

Where a juvenile appears before a Court charged with an offence the magistrate shall read the charge to the juvenile.

### **Where the juvenile denies the charge, the Court may;**

1. Proceed to hear the charge; or
2. Adjourn to a date for trial

### **Where the juvenile admits the charge;**

1. The prosecutor shall give a statement of the facts to the magistrate; and
2. The magistrate shall put the individual allegations as questions to the juvenile; and
3. The juvenile shall answer whether any or all of the allegations are true or not true; and
4. The magistrate shall record the answer to each allegation put to the juvenile.

### **Penalties**

When a juvenile is initially arrested The Police Juvenile Officer on duty attempts to determine whether diversion is an option, rather than a formal arrest and charge.

The Juvenile Court as much as possible would seek to impose a non custodial sentence. However, should the gravity of the crime warrant the Juvenile Court may impose a custodial sentence to be served in a Juvenile Remand Center.

### **Conclusion**

Papua New Guinea is a signatory to the United Nations Convention on the Rights of the Children (CRC). The Juvenile Court is a mechanism in the Juvenile Restorative Justice Program created by the government of Papua New Guinea through the Juvenile Courts Act to fulfill its obligation under the CRC

For more information on the District Courts please do not hesitate to contact us on the following address and phone number:

Magisterial Services,  
P O Box 1616,  
PORT MORESBY,  
National Capital District,  
Papua New Guinea.  
Phone: 675 321 7661

***[or visit us online at magisterialservices.gov.pg](http://magisterialservices.gov.pg)***