

Pathway for Communication Assistance for Vulnerable Witnesses in New Zealand

End user: Police or Crown Prosecution

PHASE	PATHWAY	
Identification	<ul style="list-style-type: none"> ▪ <u>Police identified Communication Disability on engagement and initiated CA referral in discussion with Crown Counsel</u> ▪ <u>Recent Psychology Report indicates Communication Disability</u> <p style="text-align: center;"><u>OR</u></p> <ul style="list-style-type: none"> ▪ <u>Child under the age of 12 years</u> 	<p>Adult witnesses or children between the age of 12 and 18 with any history of concerns regarding their ability to communicate evidence with: communication delay / disorders, developmental delay/ disorders, learning difficulties / disorder, ID, ASD, Mental Health Diagnosis, History of anxiety or stress effecting communication. ie: for some of the older children they may have age appropriate skills on assessment but there has been reported incidents of the child not being able to communicate when under stress or anxious. From here assessment evaluates how they would "function" in evidential questioning context, in order to make recommendations for CA involvement.</p>
Engagement for Assessment	<p>Seek CA engagement for assessment via the court (MOJ funded) based on Psychology report.</p>	<p><u>Seek CA engagement direct from Provider (Crown Funded)</u></p>
Assessment	<p>Assist CA to arrange assessment session</p> <ul style="list-style-type: none"> ▪ Relevant reports released ▪ Information on concerns reported verbally or via email ▪ Assist in coordination of assessment session 	
	<p>CA assesses witness and submits report to the Court (who distributes to all)</p>	
Engagement for pre-trial preparation and Assistance at Trial	<p>Seek CA engagement for pre-trial preparation and attendance at trial</p>	
	<p>Court appoints CA for pre-trial preparation and attendance at Court / Trial.</p>	
Pre-Trial preparation	<p>CA to attend Ground Rules hearing (at a Call over). CA Oath administered.</p> <ul style="list-style-type: none"> ▪ ensure CA is kept up to date with court attendances as required 	

	<ul style="list-style-type: none">▪ engage with CA to plan questioning of witness▪ CA to prepare visual aides as needed
Attendance at Trial	<p>Further brief ground rules hearing if needed (i.e. different Judge),</p> <ul style="list-style-type: none">▪ CA to sit alongside vulnerable witness in line of site of the Judge.

Pathway for Communication Assistance for Vulnerable Defence Witnesses in

NZ

End User: Defence Counsel or Youth Advocate

PHASE	PATHWAY	
Identification	<ul style="list-style-type: none"> - <u>Recent Psychology Report indicates Communication Disability</u> OR - <u>Child under the age of 12 years</u> 	<p><u>Adult witnesses or children between the age of 12 and 18 with any history of concerns regarding their ability to communicate evidence with:</u></p> <p><u>communication delay / disorders, developmental delay/ disorders, learning difficulties / disorder, ID, ASD, Mental Health Diagnosis, History of anxiety or stress effecting communication. ie: for some of the older children they may have age appropriate skills on assessment but there has been reported incidents of the child not being able to communicate when under stress or anxious. From here assessment evaluates how they would "function" in the court context in order to make recommendations for CA involvement.</u></p>
Engagement for Assessment	Seek CA engagement for assessment via the court (MOJ funded) based on Psychology report.	<u>Seek CA engagement direct from Provider (Legal Aide Funded)</u>
Assessment	Assist CA to arrange assessment session <ul style="list-style-type: none"> ▪ Relevant reports released ▪ Information on concerns reported verbally or via email ▪ Assist in coordination of assessment session 	
	CA assesses witness and submits report to the Court (who distributes to all)	
Engagement for pre-trial preparation and Assistance at Trial	Seek CA engagement for pre-trial preparation and attendance at trial	
	Court appoints CA for pre-trial preparation and attendance at Court / Trial.	
Pre-Trial preparation	CA to attend Ground Rules hearing (at a Call over). CA Oath administered. <ul style="list-style-type: none"> ▪ ensure CA is kept up to date with court attendances as required ▪ engage with CA to plan questioning of witness 	

	<ul style="list-style-type: none">▪ CA to prepare visual aides as needed
Attendance at Trial	<ul style="list-style-type: none">▪ Further brief ground rules hearing if needed (i.e. different Judge),▪ CA to sit alongside vulnerable witness in line of site of the Judge.

Pathway for Court appointed Communication Assistant for Vulnerable Defendant

End User: Defence Counsel or Youth Advocate

PHASE	PATHWAY	
Identification	<u>Recent Psychology Report indicates Communication Disability (Police identified Communication Disability on arrest and initiated CA referral)</u>	<u>Struggling in all interactions with the Defendant. They do not present to understand a lot of what you say. They are not able to express themselves in a way you can understand.</u>
Engagement for Assessment	Seek CA engagement for assessment via the court (MOJ funded) based on Psychology report.	<u>Seek CA engagement direct from Provider (Legal Aide Funded)</u>
Assessment	Assist CA to arrange assessment session <ul style="list-style-type: none"> - Relevant reports released - Information on concerns reported verbally or via email - Arrange access to Correctional Facility (if needed) - Assist in coordination of assessment session 	
	CA assesses defendant and submits report to the Court (who distributes to all)	
Engagement for pre-trial preparation and Assistance at Trial	Seek CA engagement for pre-trial preparation and attendance at trial	
	Court appoints CA for pre-trial preparation and attendance at Court / Trial.	<u>Court appoints for attendance at trial only.</u>
		<u>Seek CA engagement from Provider for pre-trial preparation (Legal Aide Funded)</u>
Pre-Trial preparation	CA to attend Ground Rules hearing (at a Call over). CA Oath administered. <ul style="list-style-type: none"> ▪ ensure CA has copy of statement of facts. (for preparation of easy read version and other visual aides if necessary) ▪ engage CA in pre-trial meetings in order to gain instructions from the defendant ▪ ensure CA is kept up to date with court attendances as required ▪ engage with CA to plan questioning of defendant if he/she chooses to give evidence. CA to attend any pre-trial hearings where defendant is in attendance.	
Attendance at Trial	<ul style="list-style-type: none"> ▪ Further brief ground rules hearing to confirm role of CA while defendant is listening to evidence if needed (ie different Judge), plus agreement of CA role if the defendant is to give evidence 	

	<ul style="list-style-type: none">▪ CA to sit alongside defendant (in the well of the court near you) as allowed.▪ Engage CA to assist you to gain instructions from the defendant throughout the trial, and post trial to explain verdict and sentence as appropriate.▪ Discuss with the court release of CA report to corrections and probation.
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