

## GETTING A FINE WHEN YOU ARE UNDER 18

This information sheet details laws in Victoria as at **December 2012**.

### GETTING A FINE

If you get a fine and you were under 18 at the time, you can either:

1. Pay the fine, ask for a payment plan or ask for more time to pay
2. Request a review of the fine
3. Elect to have your fine heard in court

#### 1. Paying the fine

You can pay the fine in full or you can contact the agency who gave you the fine (listed on the infringement notice) and ask for more time to pay.

Some agencies may agree to a payment plan but if you miss a payment, the agency may file a criminal charge in the Children's Court or refer your fine to CAYPINS (please keep reading for more information about CAYPINS).

#### 2. Asking for a review

If you disagree that you have broken the law or if you are unable to pay the fine, you can write to the agency that gave you the fine and ask them to review their decision.

You should contact Youthlaw for more information and advice before you make a request for review.

#### 3. Electing to go to court

You can elect to have your fine heard in the Children's Court as a charge and summons.

**CAUTION:** You may end up with a criminal record if you take this option so you should contact Youthlaw for advice first.

#### What if I do nothing?

If you do not pay an infringement notice by the due date, you will get a penalty reminder notice and additional costs may be added to the fine.

If the fine goes unpaid for another 28 days after the penalty reminder notice, the agency can refer your fine to the Children's Court CAYPINS system.

### WHAT IS CAYPINS?

CAYPINS stands for the Children and Young Persons Infringement Notice System at the Children's Court.

If an agency lodges your unpaid fine with CAYPINS, you will be sent a 'Notice of Court Case (CAYPINS)' in the mail. The notice will give you a time, place and date when a CAYPINS registrar will decide what to do about your fine at court.

You then have the following options:

1. Pay the fine
2. Ask for more time to pay or request a payment plan
3. Ask to adjourn the court date
4. Ask for your fines to be reduced or an order that you do not have to pay
5. Ask to refer your fines to a Magistrate
6. Take no action

#### 1. Pay the fine before the CAYPINS court date

You can pay the fine by mail or in person at the Children's Court or your local Magistrates' Court. If you pay the fine in full, you do not need to go to court on the date in the CAYPINS notice.

#### 2. Ask for more time to pay or a payment plan

You can ask the CAYPINS registrar for more time to pay or a payment plan by phone, in writing or in person at court on the date in the CAYPINS notice.

#### 3. Ask to attend court on a later date

You can telephone the court to ask for your CAYPINS case to be adjourned to a later date.

#### 4. Ask for the fine to be reduced

If you want to ask the CAYPINS registrar to reduce your fine or make an order that you do not have

**Disclaimer:** The material in this fact sheet is intended as a general guide only. You should not act on the basis of this information in this fact sheet without first getting legal advice about your own particular situation.

to pay the fine, you should attend court on the date in the notice.

If you cannot make it to court on the day, you can contact the CAYPINS registrar to organise filling out forms. These forms are to help the registrar make a decision about your fines by giving them more information about you and your financial situation.

#### ***☞ What if I disagree with the CAYPINS decision?***

If you disagree with the registrar's decision, you can ask for a review by a Magistrate. You must file for a review within **28 days** of the decision.

#### ***☞ What can a Magistrate do on review?***

On review, a Magistrate may:

1. Confirm you must pay the fine in full
2. Change the amount you have to pay
3. Order that you do not have to pay

### **5. Ask to refer your fines to a Magistrate**

You can refuse to have your fines dealt with by CAYPINS and referred to a Magistrate instead, who has the same options as above.

### **6. Take no action**

If you take no action, the CAYPINS registrar usually orders you to pay the fine in full.

If the fine goes unpaid for more than one month after the CAYPINS registrar's decision, there will be a further enforcement hearing (see below).

#### ***☞ Do enforcement orders or warrants expire?***

**Yes.** CAYPINS enforcement orders and any related warrants expire after 3 years.

#### ***☞ Will I get a criminal record for CAYPINS?***

**No.** An enforcement order for a CAYPINS fine is NOT a conviction or a finding of guilt.

## **CHILDREN'S COURT FINES**

Another situation where you might get a fine when you are under 18 is if you are charged and found guilty of a criminal offence in the Children's Court.

If you have a court fine, your options are:

1. Pay the fine by the due date
2. Apply for more time to pay
3. Apply for an instalment order (payment plan)
4. Apply to change an instalment order

## **ENFORCEMENT HEARINGS**

If a CAYPINS registrar or a Magistrate in the Children's Court orders you to pay a fine and payment is more than a month overdue, the court may list an enforcement hearing.

You can attend the enforcement hearing or the Magistrate can make a decision in your absence.

At the enforcement hearing, the Magistrate can decide to either:

1. Order that you do not have to pay
2. Adjourn your case for up to 6 months
3. Reduce the fine
4. Make or change a payment plan
5. Release you on a probation or youth supervision order for up to 3 months (unless you will be 21 or over)
6. Issue a warrant to seize your property

#### ***☞ Will the Sheriff come and take away my stuff?***

The Sheriff does not generally take action on warrants to seize property for unpaid CAYPINS or Children's Court fines.

## **GETTING LEGAL HELP**

### **Youthlaw**

If you are under 25, you can get free and confidential legal advice

☎: (03) 9611 2412 (9am-5pm, Mon-Fri)

🌐: [www.youthlaw.asn.au](http://www.youthlaw.asn.au)

### **Children's Court of Victoria and CAYPINS**

To speak with court staff or a CAYPINS registrar

☎: (03) 8638 3800

🌐: [www.childrenscourt.vic.gov.au](http://www.childrenscourt.vic.gov.au)

### **Victoria Legal Aid - Legal Help**

For legal information, referrals or appointments

☎: (03) 9269 0120 or 1800 677 402 (country callers)

🌐: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

