



How different are children courts from normal courts?

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The establishment of separate children courts is meant to ensure that cases involving children are heard with the welfare of the child being the paramount consideration and that matters involving children are not mixed with other types of cases. Even though the purpose of the courts is to do justice to the parties, the child, who is the subject of the case is always the most important party. Consequently, proceedings in the children courts are set up to accommodate children.

Firstly, the court has power to clear the court during proceedings. It is a generally accepted fact that courts are supposed to be public spaces where anyone can walk in and hear proceedings. However, when it comes to cases involving children, the court has the power to order that the case be heard behind closed doors. This is usually to protect the identity of the child and its family and in some cases to ensure that the child can freely testify and assist the court in making a decision.

Secondly, the court has the power to request expert opinions on its own motion. Often in commercial, civil or criminal proceedings, experts are often called by either party seeking to persuade the court to decide in their favour. Given that the interest of the child is

the sole purpose of proceedings of the court, a children court can order the testimony of an expert on its own motion. This is usually meant to get an independent expert perspective and to assist the court in determining the best interest of the child.

Thirdly, the court is obligated to protect the identity of the child. Ever wondered why the parties to a case before a children court are often initialized? In addition to conducting proceedings behind closed doors, the court and the parties involved are often careful to prevent the publication of the child's name, identity, home or last place of residence or school. Other information not to be published include particulars of the child's parents or relatives as well as any photographs or depictions of the child. This includes publication in the Kenya Law Reports, newspapers and the court's cause list.

Lastly, it is a requirement by law that the environment in children courts be child friendly. This means that the court may do away with the strict formal requirements such as legal practitioners not being allowed to wear robes and wigs and uniformed police officers not being present. This is to ensure that children are comfortable within the court premises.