



Department of  
**Justice**

An Roinn Dlí agus Cirt  
Máinnystrie O tha Laa

# **Compensation agreements for children who have been injured in an accident**

**A young person's consultation**

**July 2021**

## **Introduction**

You might be very unlucky and get injured in an accident which is not your fault. Most times this is a car accident. When this happens, the person who caused the accident might have to give you some money. This money is called “compensation”.

If you are injured in an accident, your parent or guardian usually goes to court with the person who caused the accident and a judge decides how much money you should get. The court then looks after your money and gives it to you when you are 18 years old.

However, instead of going to court, your parent or guardian and the person who injured you may decide between themselves how much money you should get. When adults agree the amount of compensation without going to court, the money is given to the parent or guardian.

## **What is the problem?**

### **Is it OK for parents or guardians to make an agreement about compensation for their child without going to court?**

Some people think that it is OK for parents or guardians to agree with the person who caused the accident, how much money the child should get for their injuries, without going to court. This might be because it is easier and quicker than going to court.

They might also think that it is OK for the money to be given to the parent or guardian, as they can be trusted to look after their child's money for them. For example, they could save their children's money or buy things for them.

### **Should a judge always make the decision?**

However, other people think that parents or guardians and the person who caused the accident should always have to go to court so that a judge can decide how much money the child should get. This is because the judge will know better than their parent or guardian exactly how much money the child should get.

They also think it is better that a court looks after the money for the child until they are 18 years old. This is in case parents or guardians spend the money themselves instead of keeping it for the child, or spend the money unwisely. When a court looks after money for a child, they will be given the money when they are 18 years old and can then decide what to do with it.

**Should the child and their parent or guardian always have to go to court to help the judge make his/her decision?**

We think there are two choices.

One is that the child and his/her parents or guardian should always have to go to court so the judge is able to ask them questions. This can help the judge to decide how much money the child should get.

The other is for the judge to decide the right amount of money by reading a report from a doctor and looking at photographs of the injuries. This would mean that the child and his/her parents or guardian would only go to court if the judge wants more information from them to help him/her decide.



**What you think is important to us as this will help us make decisions which are in the best interests of children!**

**So please help us by answering the questions below.**

## **Questions**

### **Question 1**

When a child is injured in an accident, is it OK for their parent or guardian and the person who caused the accident to agree between themselves how much money the child should get, without having to go to court? (This means that the money is paid to the parent or guardian, who can decide how to spend or save it.)

**Or** should a judge always decide how much money the child should get? (This means that the court will keep the money for the child until he or she is 18.)

Put an 'X' in one of the boxes below:

It's OK to let the parents or guardians make an agreement without going to court

A judge should always make the decision

Can you tell us the reason for your answer?

Type in the box below:

## Question 2

If a judge has to decide how much money the child should get, should the child and their parent or guardian always have to go to court to speak to the judge?

**Or** should the child and their parent or guardian only have to go to court if the judge says that he or she wants to speak to them?

Put an 'X' in one of the boxes below:

Always have to go to court

Only go to court if the judge wants to speak to them

Can you tell us the reason for your answer?

Type in the box below:

**Finally...**

...is there anything else that you would like to tell us about children getting compensation when they have been injured in an accident?

Type in the box below:

Thank you for reading this and taking part!

You can email your answers to us at:

[AToJ.Consultation@justice-ni.gov.uk](mailto:AToJ.Consultation@justice-ni.gov.uk).

Please send us your answers before **Friday 24 September 2021**.

Once we have read everyone's answers, we will write a report about what we are going to do next. But we do not tell the readers what your name is.