

Youth Court 101

Creating & Maintaining a Successful Teen Court Program



WEST VIRGINIA
Teen Court
ASSOCIATION
Working Together for Youth in West Virginia
April 2021

NATIONAL ASSOCIATION OF
YOUTH
COURTS
www.youthcourt.net

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We Will Cover

- What are youth courts?**
Why they work so well
- History of youth courts**
- Getting started**
Mobilizing the community
Selecting stakeholders – courts, schools, law enforcement, etc.
- Funding Options**
The referral
Types of cases
Sources
- The process**
The hearing
The types
The jury
The verdict
Post-disposition



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What are Youth Courts?

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What is a Youth Court? Also referred to as:
Teen Court
Peer Court
Student Court

A juvenile prevention, intervention, diversion program in which cases are resolved by their peers in collaboration with adults.

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Common Elements

- Juvenile diversion programs
- Primarily first-time offenders
- Most require youth to admit charge
- Most are voluntary participation
- Parental consent/participation generally mandatory
- Waiver confidentiality

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What Makes Youth Courts Appealing?

- Prevention and early intervention program
- Holds offenders accountable by peers
- Educates youth on laws and judicial system
- Allows youth to build competencies and practice and enhance skills
- Youths provide service and ties to their communities
- Youth empowerment
- Cost effective



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- 2005 – Working group on national assoc
- 2006 – W. Virginia State Association formed
- 2006 – 77 persons from 22 states form task force in New Orleans
- 2007 – NAYC incorporated and task force disbanded

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Location of Youth Courts Nationally

1994: 78 Programs
2009: 1,200+ Programs
CT: none

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West Virginia – Statutory Framework

- Code of West Virginia, § 49-5-13d
- County choice to have teen court
- Applies to misdemeanors
- Option of teen court comes from circuit court judge – if suitable
- Consent of parent required
- If fail to complete, offender returned to circuit court

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West Virginia – Statutory Framework

- **Judge:** active or retired circuit court judge or attorney
- **Defense and prosecuting attorney, clerk, bailiff and jurors:** 7 – 12 grade students
- **Disposition:**
 - 2 times on jury duty
 - 16-40 hours community service
 - Education program – if judge requires

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West Virginia – Statutory Framework

- **Monitoring:** by probation department
- **Procedure:** set by chief circuit court judge
 - Can't require admission to crime
- **Fee:** mandatory fee of up to \$5
 - Payable for each violation
 - Funds go to teen court
- **Confidentiality:** W. Virginia Code, § 49-5-103

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Getting Started

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Collaboration

The willingness of a person to put their money on the table and then put their hands behind their back

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Community Mobilization

Potential Key Stakeholders

| | |
|-----------------------|------------------------------|
| Juvenile Court | Bar Associations |
| Probation | Faith-based Programs |
| District Attorney | Boys & Girls Clubs |
| Public Defender | 4H |
| Schools | YMCA/YWCA |
| Local Government | Boy Scouts/Girl Scouts |
| Local Law Enforcement | Restorative Justice Programs |

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Need an MOU?

- Defines Relationships
- Reflects Commitment
- KISS

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Staffing

- Full/part-time/volunteer coordinator?
- Staff?
 - Paid
 - Volunteer
 - Local universities/law schools
 - High school students
 - "Experience Works"
 - 55 and over
 - Pay all wages and workers' comp
- Americorps/Vista

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Basic Structure

- Tied to existing organization?
 - Courts
 - Probation
 - School
 - Charity
- Establish own charity?
- Independent contractor?

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Funding Options

- Goal: identifying and securing **sustainable** funding
- Sources
 - Federal, state or private grants
 - May not be sustainable – limited in time
 - Requirements may govern program
 - Reporting requirements can be difficult/ time consuming



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The Referral



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Referral Sources

- Written policy on types of offenses?
- Consider legislation and regulations or policies that set parameters
- Reflect goals and objectives of the program
- Have appropriate sentencing options available
- Have program services available

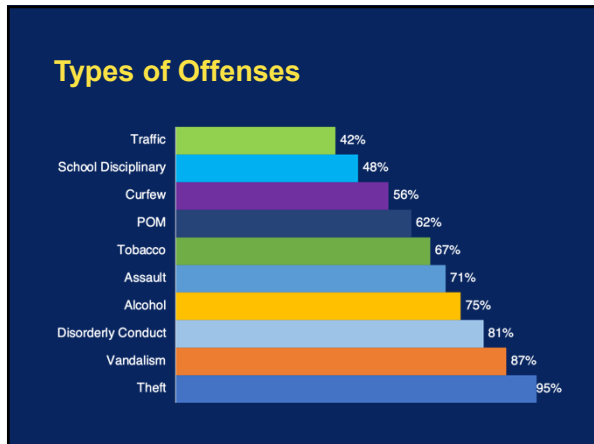


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Developing Referral Sources

- Stakeholders
- Follow the law
- Regular contact with sources
 - COMMUNICATE!
- Build trust over time

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- ### Referral Process
- Written referral procedure?
 - Create a database for defendants
 - Create a file for each defendant
 - Intake materials
 - Program brochure
 - Consent/waiver form
 - Data form

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- ### The Intake
- Who will perform the intake process?
 - Meeting the principles of restorative justice
 - What harm has been done?
 - To whom?
 - What can be done to repair harm?

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The Case File

- Basic components of a case file
 - Police report
 - Referral form
 - Data form
 - Consent/waiver
 - Intake notes
 - Verdict/disposition sheet
 - Contact tracking
 - Case closing materials
- Confidentiality

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The Hearing

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Types of Youth Courts

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Adult Judge Model

- Youth volunteers serve in the roles of:
 - Defense Attorneys
 - Prosecution Attorneys
 - Clerks
 - Bailiffs
 - Jurors
- Adult volunteer serves the role of:
 - Judge
 - Mentor adult attorneys



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Peer Jury Variation

- Youth Volunteers serve as jurors and question the defendant directly
- Some programs use youth and community advocates
- Adult judge



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Sarasota Teen Court

Behind the Scenes



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Pre-hearing Process

- Student Attorneys
 - Police report
 - Meet offender
 - Meet mentor
 - Day of hearing review process with offender
- Prep jury
- Prep audience
 - Process
 - Confidentiality

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Hearing

- Duplicate trial?
 - Jury selection
 - Preemptory challenges
 - Opening statement
- Witnesses
 - Set limits
 - Victim's statement

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- Argument
- Instruction
- Verdict
- Reflection

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Jury Instructions

- Will there be an adult in the jury room?
 - What is the adult's role?
- Jury instruction/training
- Unanimous verdict or not?
- Sentencing Guidelines?
- Who will serve on the jury?
 - Balancing defendants and volunteers

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Post-disposition

- Go over verdict
- Copy to offender and parent
- Establish deadlines
- Review monitoring process
- Establish community service links
 - Hopefully based on student interest

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Policies and Procedures



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Volunteers

- Recruiting youth volunteers
 - School presentations
 - Former defendants
 - Civic organizations - Boys and Girls Club
 - Mock trial competition
 - Extra credit from schools' classes

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- Recruiting adult volunteers
 - Bar associations & law firms
 - Pro-tem judges
 - Mentors
 - Court staff and judges
 - College students
 - Extra credit
 - Work opportunity

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Youth Training

- Multiple techniques
- Experienced students
- Standard curriculum
- Written manual
 - Policies for conduct
 - Dress code
- Role-specific

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Retention of Volunteers

- Respect their time
 - Start on time
 - Regular dates and locations
- Regular system of communication
- Recognition
 - Awards
 - Food
 - Gift certificates
 - T-shirts

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Establishing Sentencing Guidelines

- Do you want them?
- Have the youth discuss and research
- Guidelines, not mandates
- Relate the punishment to the crime

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- Restorative justice principles
 - Accountability
 - Competency development
 - Community safety
 - Reintegrate into community

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Common Sentencing Options

- Community Service
 - Connect with existing agencies and programs
 - Create successful situations
 - Rules for service
 - Get feed back from service sites
- Oral/Written apologies
- Essays

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- Jury Duty [min or max number of times]
- Educational Workshops on laws and consequences
- Activities related to the crime
- Restitution
- Alcohol/Drug Assessment
- Curfew

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- Tutoring
- Victim awareness class or panel
- Drug Testing
- Peer Mediation
- Hold or restrict the driver's license
- Search and seizure waiver

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Monitoring Compliance

- Case management
 - Who will do it
 - Frequency of contact
- Referral resources for issues that arise
- How long to monitor the case
- What happens if the offender fails

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Closing Cases

- Process and timeline for sealing
 - Who does it?
 - Waiver or reduction of fee?
- Notifying the referral agency
- Notifying the defendant and parent of successful completion

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Maintaining Records

- How long must records be maintained?
- Where will records be stored?
- Who has access to the records?
- How are records destroyed and when?

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Recidivism

- Tracking recidivism in your youth court
- Focus on 3 year post-participation
- Engage college/university assistance
- Educate on the importance of accurate information for future funding and sustainability

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Defining Success

- Public relations
 - "Fact sheets"
 - Meet with school boards
 - Service clubs
- Program evaluation
 - Who will do it?
 - Based on what criteria?
 - How will recommendations be implemented?



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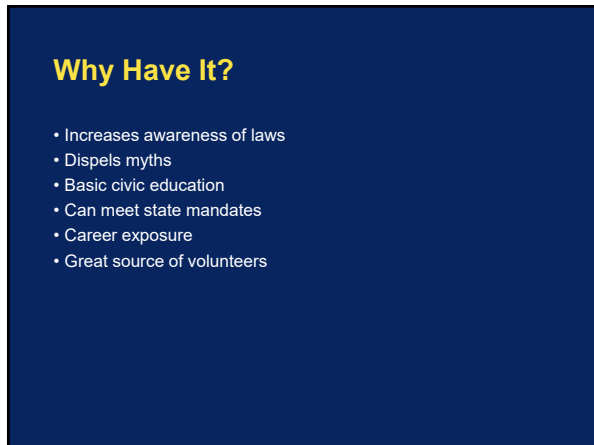
LAW DAY

- May 1
- Order materials a get the theme for the year from the web site of the American Bar Association
- Partner with the local bar association to bring awareness into schools and the community
- Mock trials, information table inside the courthouse, essay and photo contests

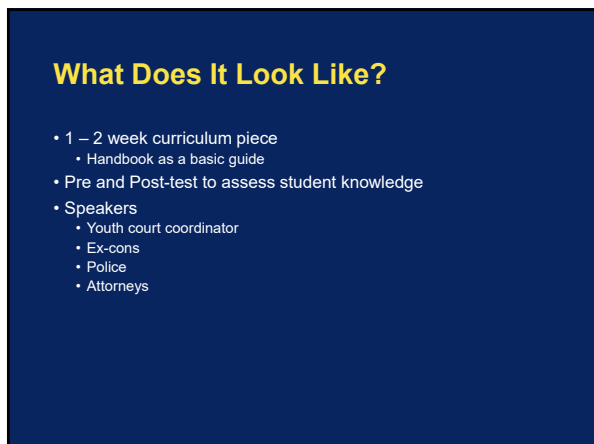
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What Is Covered

- What students need to know
 - Street Law
 - Bullying
 - Shoplifting
 - Alcohol/DUI
 - "Sexting"

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QUESTIONS

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