



# THE IMPACT OF YOUTH COURTS

## Peers Helping Their Peers

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# What is Youth Court?

Youth courts are an effective diversion practice in which youth sentence their peers for crimes and other violations. Despite their name, they are not formal courts. They are programs involving student volunteers who respond to peers' misconduct by crafting a disposition or sentence that addresses restorative justice goals. In many youth courts, those who complete their youth court sentence avoid having a criminal record, or a school record of misconduct.

# What is Youth Court? Con't

Individual youth courts are typically the creation of local communities, resulting in diverse structure, operations, caseloads, and characteristics. The court may handle cases that otherwise would be eligible for prosecution in juvenile court, traffic court, or the school's disciplinary process. Depending upon which of the many approaches is followed, young people may take on the roles of judge, prosecutor, defense attorney, community advocate, defense advocate, juror, presiding juror, bailiff, or clerk.

# What is Youth Court? Con't

Youth Courts are also known as:

- Peer Court
- Peer Diversion Court
- Teen Court
- Student Court

# History

- The earliest known peer court dates back to 1949 in Mansfield Ohio
- In the 1970's a handful of programs started to sprout up
- By the 90's Youth Courts started to become more popular with about 400-500 programs
- In 2002 there were over 900 programs nationally
- Due to lack of funding, studies for current programs are no longer being tracked
- New York State currently has about 70 active programs

# Youth Court Models

There are different types of Youth Court models. You can tailor any model to fit your specific needs. There may even be occasion which you might want to switch between models so having a good understanding how each model works is important.

- Youth Judge Model
- Adult Judge Model
- Tribunal or Peer Jury Model
- School Based Model



# Based on Restorative Justice Ideals

Although most Youth Courts are not strictly restorative, programs are based on the same key principles that serve as part of a foundation of restorative justice-based practices. (*Pranis, 1998; Bazemore, 2000; Zehr, 1990; Van Ness and Strong, 1997 as cited in Bazemore, 2000*):

In essence, restorative justice focuses on repairing harm and rebuilding relationships through a process that involves stakeholders in an active and respectful way, while emphasizing the community's role in problem solving.

# Restorative Justice Ideals

From a practical perspective, it requires the juvenile justice system to respond to crime by devoting attention to:

- Enabling offenders to understand the harm caused by their behavior and to make amends to their victims and communities.
- Building on offenders' strengths and increasing offenders' competencies.
- Giving victims an opportunity to participate in justice processes.
- Protecting the public through a process in which the individual victims, the community, and offenders are all active stakeholders



# Who Oversee These Programs?

Youth Court's are run by a variety of different agencies in different ways:

- **Juvenile Justice System Based Programs**: these are overseen by juvenile courts or juvenile probation departments.
- **Community Based Programs**: these programs are run through law enforcement agencies, private or not-for-profit organizations.
- **School Based Programs**: these are programs run within a school district. They are either run during class time for school credit or as an after school club. They usually only handle school code of conduct matters and are in place of suspension.

# School Based Referral

## Basic Offender Requirement:

- Youth must be in high school
- Must be their first offense
- Youth must admit guilt in the incident

## Typical Case:

- Misdemeanor or Status Offenses: Petit Larceny, Vandalism, Making Graffiti,
- Possession of Drugs/Prescription pills, Assault in the 3<sup>rd</sup> degree, Aggravated Harassment, Underage Drinking, Truancy. (A list of acceptable cases will be given to school.)

## Consent:

- All forms of consent must be signed by parent and offender to appear for the night of trial.

# School Based Referral<sub>con't</sub>

## Confidentiality

- All matters regarding the offender's case are kept confidential by all youth court members and staff.
- The "need to know" criteria will be stipulated in writing between Youth Court program and "the school".

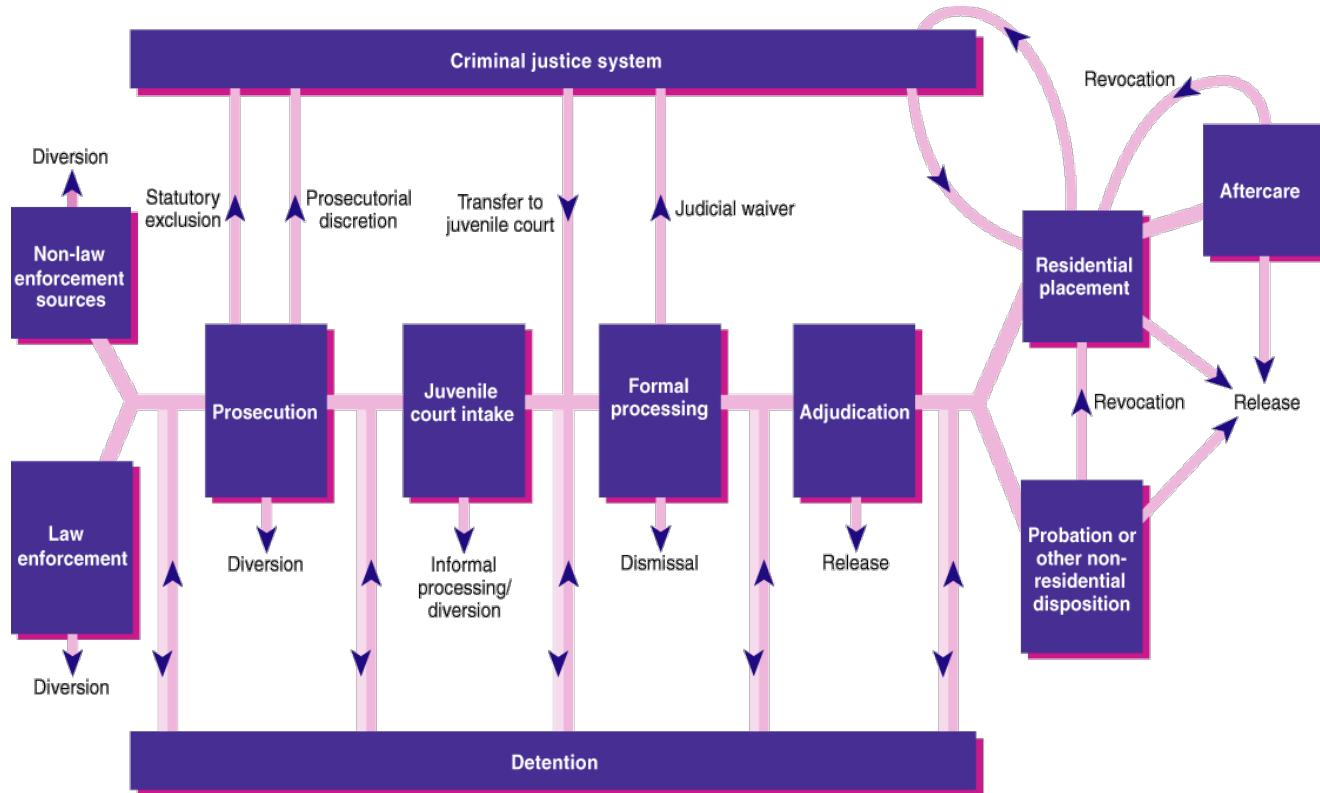
## Procedure:

- A referral is made by School administrators to youth court program.
- Youth Court staff will contact the parent of the offender to schedule an intake
- During the intake, the parent and offender are given all information about the youth court process and information regarding the offense and family is documented on the intake forms
- Youth Court volunteers are contacted and are scheduled to appear for th trial.
- A jury of peers will decide what sentence is appropriate for the crime that the offender committed.

## Code of Conduct:

- Youth Court program will not be listed as a consequence to a list of violations in the

# JUVENILE JUSTICE



# State Laws Governing the Use of Teen Courts

The number of states passing some type of enabling legislation for teen courts has steadily increased over the last ten years. States have passed both specific as well as broad legislation regarding teen court programs. Twenty of the 45 states with teen courts have no legislation to govern them. Of the 25 states with legislation, only 9 have comprehensive legislation.<sup>[2]</sup> Teen court legislation includes a variety of features. Some common legislative practices and provisions in state teen court statutes include program names; types of cases; establishment of, and court involvement in, teen court programs; rights; parental involvement; teen court participants; dispositional/sentencing options; legislative funding; and liability limitations/immunity.

- **Adjudication-Authorized States.** Alaska is the only state where state law sets procedures and eligibility for teen court operations and authorizes teen courts to determine guilt or innocence.
- **Regulated States:** In California, Colorado, Iowa, Mississippi, North Carolina, Oklahoma, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, state law determines funding, case eligibility, confidentiality, the range of sentencing alternatives, or other requirements.
- **Specified Diversion States:** In Arkansas, Florida, Illinois, Kansas, Minnesota, New Mexico, and Rhode Island, teen courts are specifically mentioned by state law as a possible juvenile diversion alternative, but the details are left to the discretion of the local jurisdictions.
- **Unspecified Diversion States:** In Alabama, Arizona, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, and Virginia, teen courts are not mentioned by state law, but may be available as a program.

# Adjustment and Intake

**New York Family Court Act §308.1....** Allows the Probation Department in accordance with rules of court, adjust suitable cases before a petition is filed.

**Probation Intake and Adjustment:** Prior to appearing in Family Court, a probation officer interviews the parties involved, including the individual the victim as well as the juvenile accompanied by a parent or legal guardian, and any other interested persons, to determine whether the matter can be settled without filing a petition. Resolving the case in this manner is known as **adjustment**.

**YASI Assessment required in NY:** The Youth Assessment and Screening Instrument (YASI) is a juvenile risk assessment tool that measures risk, needs, and protective factors in at-risk and juvenile justice-involved youth. Probation Departments use this tool to help determine appropriate referrals and services.

**90 Day adjustment:** Once it is determined the case is appropriate for adjustment, the Probation Department has 90 days to make appropriate referrals and monitor the respondent. The Probation Department can seek additional time from the Court, if required.

# TYPICAL CASES

Each court can decide what types of cases they are willing to hear and the age of the respondent.

Typical cases would be

- Shoplifting
- Criminal Mischief
- Graffiti
- Driving Without A License
- Under Age Drinking
- Possession of an Illegal Substance  
1000th case)
- Simple Assault
- Harassment... just to name a few



(Nassau Youth Court Celebrating their

# Ineligible cases

Violent Felony Offenses

Sex Offenses

Hate Crimes

Known Gang members

Known Drug Dealers

Respondents that have been through the Youth Court previously



# COMMON DISPOSITIONS

- Community Service
- Jury Duty
- Peer Discussion Group
- Essay
- Counseling/ Anger Management
- Alcohol/Drug Testing and/or Counseling
- Jail Tour
- Apology Letters
- Educational Workshops
- Tutoring
- Jury and attorney members are encouraged to think outside the box and be creative with their dispositions.

# BENEFITS TO OFFENDERS

- ✓ Judged before THEIR peers not more adults
- ✓ No out of pocket legal fees
- ✓ Offers a speedy trial
- ✓ Confidential handling of cases
- ✓ Parents are fully involved
- ✓ Not labeled a juvenile delinquent
- ✓ It's an opportunity to learn about the justice system, restorative justice principles, how their actions impact other people.
- ✓ Allows first time offenders the opportunity to keep their record "clean"
- ✓ Youth Court offers self empowerment and teaches the values of being law abiding

# BENEFITS TO VOLUNTEERS

- ✓ Receive valuable community service hours for participation
- ✓ Youth court volunteers send a message that they will not condone illegal behavior in their community
- ✓ Volunteers gain “real life” experience working with clients and their families in a courtroom setting
- ✓ Develop and/or enhance leadership and public speaking skills
- ✓ Gain knowledge of the operations of the juvenile justice system and apply Restorative Justice principles



# BENEFITS TO THE COMMUNITY

- ✓ Holds respondents accountable without formal court process
- ✓ Community service and engagement
- ✓ Saves court resources
- ✓ Keeps youth in school
- ✓ Teaches a new generation of youth about compassion for their fellow community members



# How Youth Courts can help address Juvenile Justice Reform

- In 2002 national youth courts were hearing more than 100,000 yearly
  - According to OJJDP the courts traditionally juvenile courts handle 750,000 annually.
  - Clearly teen courts are a major component of the juvenile justice system or at least a primary diversion options used by the system
- Effective Diversion
  - Cost savings
  - Unclogging the system
  - Life lessons otherwise missed
  - Mental health needs addressed
- Positive Youth Development
  - Relationship Building
  - Community re-engagement
  - Linkages to pro-social community based activities

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