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## ABSTRACT

Youth courts provide communities with an opportunity to impose immediate consequences for first time youthful offenders, while providing a peer operated disposition mechanism that constructively allows young people to take responsibility, be held accountable, and make amends for violating the law. Dispositions hold youth accountable in part through peer pressure, which exerts a powerful influence over adolescent behavior. If peer pressure contributes to juvenile delinquency, then according to the experts, it can be redirected to promote law-abiding behavior. Additionally, while providing positive consequences for juvenile offenders such as community service, youth courts offer other young people in the community the opportunity to actively participate in the local decision-making process regarding how to address law-violating behavior and to gain hands-on knowledge of the juvenile and criminal justice systems. Currently in the United States, there are over 675 operating youth courts with more than 100 in development. To increase the reach of support to more communities, the Office of Juvenile Justice and Delinquency Prevention has supported the development of these "National Youth Court Guidelines" to serve as a foundation for communities with existing or planned youth court programs. The guidelines are divided into 10 chapters: (1) "The Need for National Youth Court Guidelines"; (2) "Program Planning and Community Mobilization"; (3) "Program Staffing and Funding"; (4) "Legal Issues"; (5) "Identified Respondent Population and Referral Process"; (6) "Program Services and Sentencing Options"; (7) "Volunteer Recruitment"; (8) "Volunteer Training";

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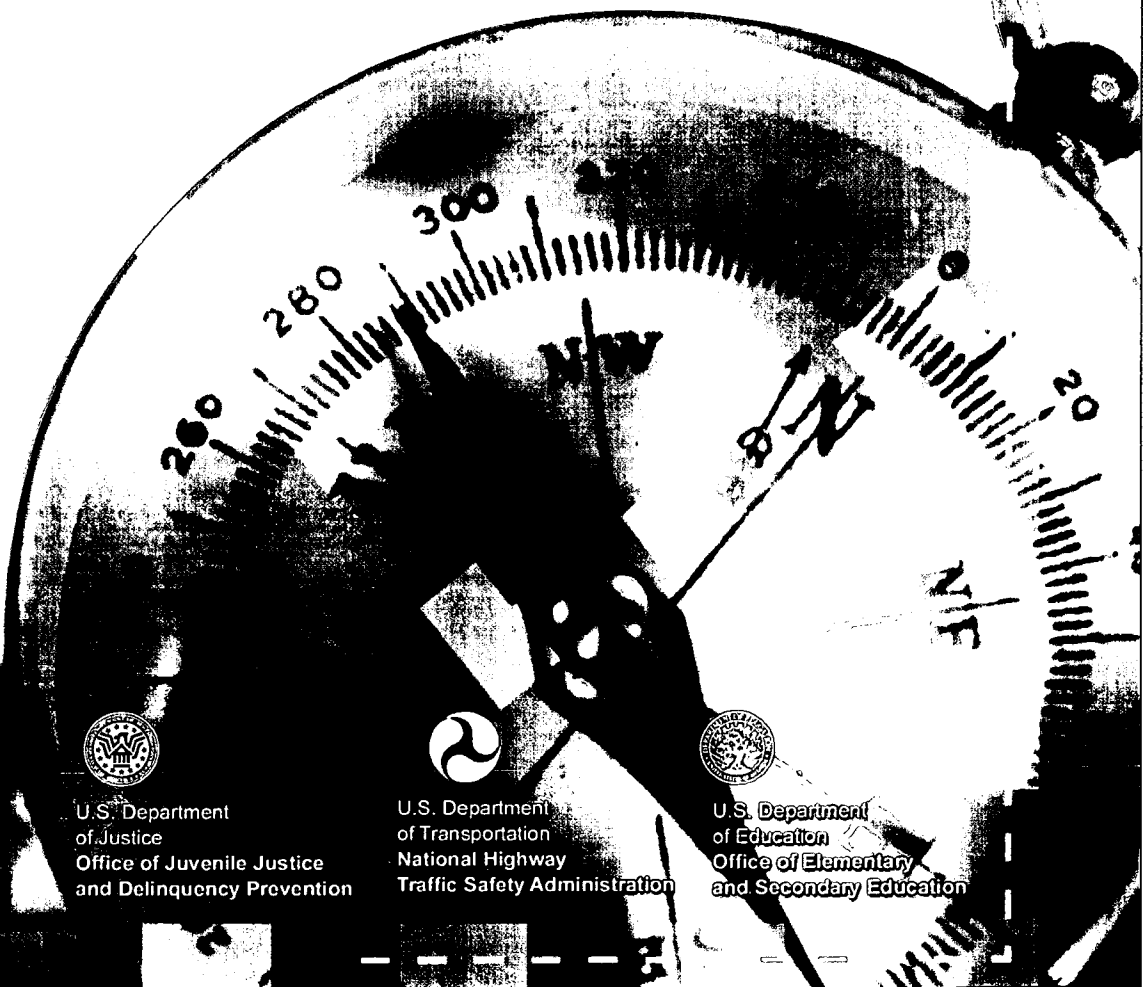
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American Probation  
and Parole Association  
National Youth Court Center

# NATIONAL YOUTH COURT GUIDELINES



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Office of Juvenile Justice  
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National Youth Court Center

# NATIONAL YOUTH COURT GUIDELINES



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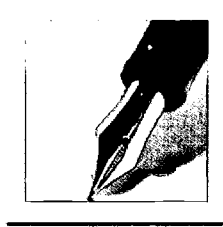
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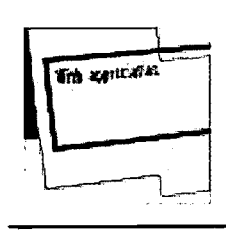
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This document draws on the ideas and expertise of many who work in youth courts throughout the United States, as well as on the experience of staff at the American Probation and Parole Association who have researched and worked with youth courts on a national level for more than six years. It would be impossible to acknowledge individually all who contributed; however, we would like to express special appreciation to those who served on the National Guidelines Advisory Committee: Thomas Spina, Jr., Assistant U.S. Attorney, Northern District of New York and Colonie Youth Court Program; Paula Nessel, American Bar Association's Public Education Division and National Law-Related Education Center; Dr. Gordon Bazemore, Balanced and Restorative Justice Project, Florida Atlantic University; Michelle E. Heward, Weber State University and Utah's Strategic Planning's Subcommittee on Youth Courts; Mary Beck, Midland Teen Court Program, Texas; Kirsten Werner, formerly with the Oregon Youth Court Association; Jennifer Bloom, University of Minnesota Center for Community Legal Education and Minneapolis Public Schools school-based youth courts; and Sharon Leon, Anchorage Youth Court, Alaska. Scott Peterson, Project Monitor with the Office of Juvenile Justice and Delinquency Prevention and Jim Wright, Project Monitor with the National Highway Traffic Safety Administration also served as ad-hoc members of the advisory committee. These individuals spent countless time assisting staff in the preparation and review of these guidelines. Their input was vital to the development of guidelines that are meaningful and applicable to youth courts across the nation. Others who were extremely helpful during the review process for these guidelines include Juanita Russell, Purdue University 4-H Development, Indiana; Wilma Roy, Palm Beach County Youth Court, Florida; Lamont Burley, City of Buffalo Youth Court, New York; Kenneth D. Magruder, II, Weld

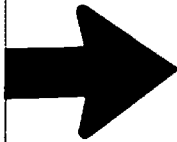
County Teen Court, Greenley, Colorado; Mikkel Anderson, Teen Court Program, Bismarck, ND; and Roxanne Riesberg, Polk County Peer Review Court, Des Moines, Iowa.

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## FOREWORD

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To effectively achieve the concurrent goals of rehabilitation, accountability, and public safety, the juvenile court requires a continuum of dispositional options ranging from immediate sanctions within the community for first-time, nonviolent offenders; to intermediate sanctions within the community for more serious offenders; to residential or secure corrections programs for the most serious, violent, and chronic offenders. Ideally, juveniles charged with delinquency should move along the continuum through a well-structured system of graduated sanctions that addresses their individual needs and considers the safety of the community.

Youth courts, also called teen courts, provide communities with an opportunity to impose immediate consequences for first time youthful offenders, while providing a peer operated disposition mechanism that constructively allows young people to take responsibility, be held accountable, and make amends for violating the law. Dispositions hold youth accountable, in part, through peer pressure, which exerts a powerful influence over adolescent behavior. If peer pressure contributes to juvenile delinquency, then, according to the experts, it can be redirected to promote law-abiding behavior. Additionally, while providing positive consequences for juvenile offenders, such as community service, youth courts offer other young people in the community the opportunity to actively participate in the local decision-making process regarding how to address law violating behavior and to gain hands-on knowledge of the juvenile and criminal justice systems.

Youth court programs have been in existence for over fifty years, but it was not until recently that they became enmeshed in local graduated sanctions systems throughout the Nation. Just seven years ago, there were approximately 80 youth courts operating in the United States. Today, there are over 675 operating youth courts with more than 100 in development. This rapid expansion is impressive, especially considering that most youth court programs are "grass roots" community efforts. Other clear indicators that youth courts are gaining increasing levels of acceptance and attracting growing support include legislative authorization in seventeen states specifically authorizing the use of youth courts.

There are many possible reasons to explain the growth in youth courts. The lack of a consistent intervention with juvenile offenders soon after their initial contact with the police, juvenile court, or other authorities has long been recognized as perhaps the largest single gap in services for troubled youth. Youth courts fill that



gap. They offer law enforcement a referral mechanism that permits direct contact between youth court staff and the juvenile offender that quickly follows the misconduct. This contact continues during the initial referral intake meeting, during the youth court hearing, and through the completion of the assigned sanctions. Youth courts can also provide feedback to the police officer or other referring official regarding the outcome of each youth court case referred, which leads to strengthened law enforcement involvement and satisfaction with the justice system's response to juvenile crimes. That positive outcome, in turn, serves as a catalyst for future referrals, which repeats itself in such a way that the youth court intervention becomes well established as a necessary and effective community resource.

It is only in the last few years that national level support has been available to local youth court programs. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) and its partners seek to provide training and technical assistance on "best practices" in youth courts and assists interested communities in their implementation. To increase the reach of support to more communities, OJJDP has supported the development of these *National Youth Court Guidelines* (Guidelines), an important document in the evolution of the youth court movement, one that will serve as a foundation for communities with existing or planned youth court programs. The Guidelines will be supplemented with seven regional training programs, on-site technical assistance, and cross-site technical assistance, all of which is designed to strengthen the role of youth courts as an effective local prevention and intervention resource.

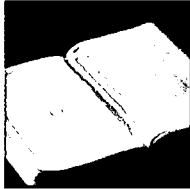
I firmly believe that the Guidelines, along with the other youth court resources produced by OJJDP and its partner agencies and organizations, are a meaningful and effective tool for local youth court programs in their efforts to respond to juvenile offending in a sound and measured way. In providing immediate intervention for the least serious offenders, youth courts go a long way toward preventing and reducing delinquency, outcomes that will vastly improve the futures of America's families and youth.

John J. Wilson  
Acting Administrator  
Office of Juvenile Justice and Delinquency Prevention

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**CHAPTER 1**

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**THE NEED FOR NATIONAL YOUTH COURT GUIDELINES****Introduction**

The implementation of youth court programs (also called teen court and peer court) in the United States is a growing phenomenon. To date, there are more than 675 active youth court programs in the United States, with hundreds of jurisdictions ready to develop new programs. Although the philosophy guiding the programs is the same — hold youth accountable for delinquent and problem behavior, educate youth about the legal and judicial systems, and empower youth to be active in helping their communities solve problems — the ways in which programs structure themselves and operate on a daily basis vary significantly. A fundamental benefit to establishing a youth court is its ability to be tailored to the unique needs of a local jurisdiction. However, it is important for program organizers and youth court staff to not sacrifice program accountability and integrity despite their unique design and structure.

With its burgeoning numbers and growing popularity, youth court has come under increased scrutiny about its value and effectiveness. Therefore, it is even more important for local programs to implement policies, procedures, and practices that will help guide appropriate, effective, and efficient program operations.

**The Challenge**

Establishing national guidelines is challenging. The variation among youth courts and their resources, level of community support, and long-standing practices complicate the formulation of meaningful guidelines.

On their most basic level, youth courts are programs in which young people who engage in delinquent or problem behavior are sentenced by peers. In addition, youth courts rely heavily on volunteers — both youth and adult — to perform various functions for their programs. However, that is where the ability to generalize and make sweeping comparisons across youth court programs ends.

On a national level, areas in which youth courts may vary include the type of operational and administrative environments in which they function (i.e., juvenile justice system-based, community-based, and school-based); the type of program design they implement (e.g., Adult Judge Model, Youth Judge Model, Youth Tribunal Model, Peer Jury Model); the use of youth court as a juvenile diversion program or as a dispositional alternative for judges or school administrators; the use

of youth court for sentencing purposes only or for the adjudication process; the types of cases referred to the program; the manner in which youth courts receive referrals to the program (e.g., directly from law enforcement, funneled through juvenile intake department, after a guilty plea before a juvenile or municipal court judge, directly from schools); the types of sentencing options that are imposed or program services that are delivered; the type and amount of volunteer training youth and adults receive; and the level of staffing, funding and other resources youth courts have available to them (Godwin, Steinhart, and Fulton, 1998). How programs approach policy-making processes concerning these types of issues can have a major impact on their ability to assure program accountability and sustain program integrity.

Youth courts also vary to the degree in which they engage and involve the community in their development and operation. Barriers to effective program development, implementation, and operation often stem from lack of communication and coordination among key stakeholders within the juvenile justice system, school administration, or community at-large. Youth courts cannot operate in a vacuum, nor should they be developed to circumvent other entities' purposes or processes. Rather, youth courts should serve as one component of a comprehensive continuum of services within the juvenile justice system.

As is evident, the issues that youth court programs confront during development, implementation, and operation are multifaceted. Therefore, national guidelines must be broad enough to allow for and appreciate the differences among youth courts, yet also provide enough instructional guidance to be meaningful.

Another inherent challenge to the acceptance of national youth court guidelines is that youth courts are not "new" programs. Some youth courts have been in operation for more than 25 years. These programs have established procedures that work in their own communities and there may be resistance to national guidelines that may be perceived as a threat to their long-established practices. These communities are understandably loyal to and protective of their youth courts, and many of these guidelines are based on their pioneering work.

### The Purpose of National Guidelines

The national guidelines are designed to give youth courts direction for developing and operating effective programs for the ultimate purpose of increasing program accountability and integrity of the "youth court field." Justice Fortas, speaking for the United States Supreme Court in *In Re Gault* (1967), eloquently expounded on the importance of procedure and due process in our legal system. "Procedure is to law what 'scientific method' is to science." (Heward and Godwin, 2000). The guidelines, based on promising practices, sound principles, and commonly accepted standards and theories, represent a foundation from which youth courts can establish operational process and procedure or review existing policy. The introspective process that youth courts will go through in setting or reviewing existing policies in comparison to the guidelines will elevate the level of service youth courts can offer. If local policy and procedure are set, based upon principled guidelines, it can help avoid inconsistent or arbitrary practices while encouraging more enlightened procedures.

In addition, a number of states have established or begun the process of instituting statewide guidelines or standards for youth courts. The national guidelines can be used to help provide direction for states engaging in this process.

### The Development Process for National Guidelines

In 1999, The Office of Juvenile Justice and Delinquency Prevention (OJJDP) created the National Youth Court Center (NYCC), which is operated by the American Probation and Parole Association (APPA). OJJDP established the National Youth Court Center to assist communities in developing and operating effective youth court programs that promote positive youth development and help strengthen the ability of the juvenile justice system to hold youth accountable for their behavior. One of the charges to the NYCC to support this mission was to develop national guidelines for youth court programs that will help elevate the standard of youth court programs' operations and practices. It was determined that guidelines should be developed for the following program areas:

- program planning and community mobilization,
- program staffing and funding,
- legal issues,
- identified respondent population and referral process,
- program services and sentencing options,
- volunteer recruitment and management,
- volunteer training,
- youth court operations and case management, and
- program evaluation.

Considering the disparate policies and practices of youth courts, the National Youth Court Center staff felt it was important to call upon the experience and expertise of individuals who work in youth court programs on a daily basis to help assure the guidelines would be useful and meaningful on a practical level, yet not unnecessarily prescriptive. To accomplish this task, an advisory committee was assembled during the initial development phase to examine issues related to national guidelines in the above mentioned areas and provide constructive feedback to the authors of this document. The advisory committee was comprised of persons with direct experience with, or knowledge related to, developing youth courts on a national, state, or local level. In addition, a pilot training seminar, based on the national guidelines, was held in June 2000. More than 60 participants comprised of existing and developing youth court programs were in attendance. The advisory committee (along with a few other external review panel members and pilot training participants) reviewed and offered feedback on the draft of *National Youth Court Guidelines* prior to submission to OJJDP for approval for publication.

As a further check and balance mechanism for the development of the national guidelines, the advisory committee devised a simple test for each guideline:

- Is it reasonable and feasible to expect youth courts to implement the guideline?
- Is the guideline universally adaptable to all youth court program models? If not, then are there provisions set forth?

- Is the guideline based on a promising practice, sound principle, or commonly accepted standard or theory?
- Does the guideline promote program accountability?
- Does the guideline give you a sense of what immediate or intermediate outcomes to expect?

Each of the guidelines in this document has been subjected to and passed this simple five-part test. This does not mean, however, that there are not exceptions to the general rule. There may still be instances where an individual program may not be able to implement one or more of the recommended guidelines (e.g., a state's law or agency's or jurisdiction's local regulations and policies may hinder the ability of the program to adhere to the guideline, limited financial or human resources may inhibit the program from adhering to the guideline, the size of the community or program may make it difficult to adhere to the guideline). It is more practical to view an individual program's adherence to these guidelines in terms of a continuum. A guideline that may not be able to be implemented today, may be able to be implemented in 6 months or 1 year as the program's circumstances, needs, or resources change. Therefore, youth court staff and program organizers should view and use the guidelines as benchmarks for success.

### How to Use This Manual

The guidelines outlined in this document are not meant to hinder the creative spirit of youth court program organizers, staff, or volunteers. Rather, they provide a structure from which to build a solid youth court. As previously mentioned, the document is organized according to various program areas in youth courts. Each chapter begins with a brief overview of the guidelines that are recommended for the particular program area. Afterwards, each guideline is discussed in more detail. The guideline itself is what the National Youth Court Center staff strongly recommend programs attempt to adhere. For each guideline there is a rationale (i.e., an explanation of why the guideline is important) followed by a section that provides tips for how program organizers, staff, or volunteers might meet or attain the suggestions or recommendations made in the guideline. The tips are not meant to be prescriptive and should not be confused with the guideline itself; they are merely suggestions on what programs might consider trying — they are not requirements youth courts must fulfill. At the end of each chapter there is a section that identifies some outcomes that programs might reasonably expect if they adhere to the recommendations made in the guidelines.

In addition to the information and tips offered throughout this document, readers are encouraged to seek additional supplemental resources from OJJDP's National Youth Court Center and other allied organizations on how they can effectively design, implement, and operate youth court programs based upon the national youth court guidelines. *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs*, published by the National Highway Traffic Safety Administration (NHTSA) with support from OJJDP and the Substance Abuse Mental Health Services Administration (SAMHSA), also can be used as a companion piece to this document and contains sample forms and other resource

information that may be helpful to both new and existing programs. Ordering information for this guide and contact information for the National Youth Court Center, the Office of Juvenile Justice and Delinquency Prevention, and other allied organizations may be found in the Appendix.

Just as youth courts differ in design and structure, they also differ in the terminology they use. It would be impossible within the confines of this document to incorporate language that is common to all youth courts. Therefore, the authors had to choose terms that could be applied universally. The following is an explanation of some of the terms that are used in this document:

- *Youth court*: A program in which youth are sentenced by their peers. In this document, “youth court” is synonymous to teen court and peer court.
- *Respondent*: Youth who are being tried or sentenced by the youth court (e.g., defendant).
- *Identified respondent population*: The types of offenses, behaviors, and/or offenders the program will accept.
- *Staff*: Individuals who are considered official employees of the youth court. In some programs, staff may be paid or they may be volunteer. Volunteer staff, however, are not meant to be confused with regular program volunteers.
- *Program organizers*: Individual or group who assumes the responsibility and task of developing a youth court.
- *Youth volunteer*: Youth who are participating in the programs as volunteers (e.g., prosecuting attorneys, defense attorneys, jurors, clerks, bailiffs, judges). Some programs call youth volunteers “members” or “court officers.”
- *Intake Interview*: Interview or meeting that is conducted by the youth court program with the respondent and his or her parent or guardian for the purposes of describing the program, outlining expectations and responsibilities of all involved, and getting the respondent’s consent to participate in the program.
- *Exit interview*: Interview or meeting that occurs immediately following a youth court hearing in which a youth court staff person (or his or her designee) reviews the sentence recommended by the youth court and assists the respondent and his or her parent or guardian in developing a plan for completing the program’s requirements.
- *Preservice or initial training*: Training and skill development that volunteers receive prior to beginning their duties or roles as youth court volunteers.
- *In-service training*: Ongoing training opportunities provided to youth court volunteers.
- *Juvenile justice system-based youth court*: A youth court that is administered or operated within a juvenile justice system agency (e.g., juvenile or municipal court, law enforcement agency, juvenile probation department).
- *Community-based youth court*: A youth court that is incorporated as, or administered or operated by a private, nonprofit organization (e.g., youth bureau).
- *School-based youth court*: A youth court that is operated or administered by the school. Some school-based youth courts are contained completely within a

school setting and handle only school disciplinary issues. Other school-based programs may be administered and operated by the school, but may also accept cases from the juvenile justice system or community.

- *Adult Judge Model:* A youth court in which youth volunteers serve in roles such as prosecuting and defense attorneys, jurors, clerks, and bailiffs. An adult volunteer serves in the role of youth court judge.
- *Youth Judge Model:* A youth court in which youth volunteers serve in roles such as prosecuting and defense attorneys, jurors, clerks, bailiffs, and judge.
- *Youth Tribunal Model:* A youth court in which youth serve as prosecuting and defense attorneys and present the case to a panel of youth volunteer judges (typically three). In a Youth Tribunal Model, the youth judge panel presides over the hearing and makes a sentencing determination.
- *Peer Jury Model:* A youth court in which a panel of youth volunteer jurors directly question the respondent and make the sentencing determination.

### Conclusion

As youth courts continue to grow in number and in scope, it is important for the “youth court field” to continue to examine, understand, and define its role in the juvenile justice and/or school systems, as well as in the community at-large. Accountability, effectiveness, and integrity are qualities for which all youth courts strive. The guidelines presented throughout the remainder of this document can assist program organizers, staff, and volunteers in this quest.



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**CHAPTER 2**

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**PROGRAM PLANNING AND COMMUNITY MOBILIZATION****Introduction**

Planning is a cornerstone for program development and implementation. Careful planning builds stronger programs that are more likely to yield positive results. It also lays a foundation for program development and makes it easier for those involved in program implementation to follow through on tasks and activities. Although essential for programs in development, the planning process also can be helpful for existing youth courts that are looking to initiate new or enhance current program practices and operations.

While it is possible to develop and operate a youth court program in isolation, it will be more effective if the development and operation of youth courts are done by a group as a community effort. Youth courts will need to define what their “community” is. Keep in mind that a community may be as large as a city or as small as a school. Whatever its size or however “community” is defined, involving persons who have a stake in the particular community is important for program success.

The following guidelines will assist program organizers when planning for program development and implementation, as well as assist program organizers and staff in engaging community stakeholders more effectively. Each guideline will be discussed in more detail later in the chapter.

**GUIDELINE 1:** When developing a youth court program, staff and organizers should identify persons who have a stake in the program and conduct a stakeholder analysis to clarify how various persons and entities can benefit by or help with the implementation of a youth court. Key stakeholders whom youth court programs should recognize and involve in program development efforts include youth, judges, juvenile probation officers, juvenile intake staff, prosecutors, law enforcement officers, school officials, and youth serving organization representatives. Because program and community needs change, existing programs should periodically review and update their list of key stakeholders and their stakeholder analysis.

**GUIDELINE 2:** Program organizers and staff should be sensitive to cultural differences and facilitate an environment that seeks and welcomes the diversity of the community among its stakeholders and volunteers.

**GUIDELINE 3:** Developing and existing youth courts should establish an advisory committee and/or task force to offer advice on and assistance for program operations and practices and for advocacy.

**GUIDELINE 4:** A need and resource assessment should be conducted prior to or during the program development process. Community needs and resources change over time; therefore, youth courts should reexamine needs and resources periodically and respond and shift program operations and practices appropriately.

**GUIDELINE 5:** Youth courts should have a written program purpose/mission, goals, and objectives that are specific to the local program. Staff, program organizers, and key stakeholders (including youth) should be involved in developing the purpose/mission, goals, and objectives. Once developed, they should be shared with staff, stakeholders, and youth and adult volunteers. They also should serve as a foundation for all the program's policies, procedures, practices, and activities.

**GUIDELINE 6:** When developing a program, organizers and staff should outline an action plan for program implementation.

**GUIDELINE 7:** Youth court programs should develop partnerships with other programs, agencies, and organizations in the community that can enhance and support the program's operations and practices. These relationships should be based on a common "understanding" between the youth court and the program, agency, or organization partners. When direct services by partners are being exchanged and provided, the understanding should be placed in writing with provision for flexibility when the need arises and consensus is reached among the parties involved.

The following section provides a brief overview of why these guidelines are important and offers practical ideas and suggested (not required) strategies for how youth courts can work toward meeting the recommendations outlined in each guideline.

**GUIDELINE 1:** When developing a youth court program, staff and organizers should identify persons who have a stake in the program and conduct a stakeholder analysis to clarify how various persons and entities can benefit by or help with the implementation of a youth court. Key stakeholders whom youth court programs should recognize and involve in program development efforts include youth, judges, juvenile probation officers, juvenile intake staff, prosecutors, law enforcement officers, school officials, and youth serving organization representatives. Because program and community needs change, existing programs should periodically review and update their list of key stakeholders and their stakeholder analysis.

## Rationale

Regardless of what entity has fiscal and legal responsibility for a youth court on a local level, a youth court needs community involvement and acceptance to thrive and be successful. Community support and acceptance is essential for the program's financial survival, as well as for its ability to design and provide effective and efficient services for the youth it serves (i.e., volunteers and respondents). In general, a stakeholder is a person or entity that is likely to be supportive of the program (e.g., financially, politically, or programmatically), has knowledge or skills needed to assist the program, and/or will benefit (directly or indirectly) from the services being provided by the program. Stakeholders also include those who may be opposed to the implementation of a program.

Building partnerships and relationships with key stakeholders must start in the early stages of program development activities and remain a focus of staff's efforts throughout the life of the youth court. Youth courts have numerous stakeholders and many times stakeholder's roles and interests overlap. Therefore, it is important for program organizers and staff to develop strategies to coordinate and mobilize stakeholder support and involvement in the most effective and efficient way. Conducting a stakeholder analysis is one way to begin organizing community support. At its very basic level, a stakeholder analysis asks two questions: (1) What can the stakeholder offer the youth court program? and (2) What benefits does the youth court program offer the stakeholder? By clarifying this information staff and program organizers can pinpoint whom they should turn to when they have specific needs, tasks, issues, or obstacles to address. Knowing the benefits the youth court offers particular stakeholders gives staff and program organizers a better understanding of how they can market the program or persuade stakeholders to participate and be supportive of program efforts (Godwin, Steinhart, and Fulton, 1998). A stakeholder analysis also can help staff or program organizers identify groups or persons with whom it may be too difficult to work. Some tension and conflict among groups is normal and can be productive; however, too much unnecessary friction can be fatal to a program's efforts (National Crime Prevention Council, 1986).

The need to know who key stakeholders are, as well as place stakeholder involvement as a high priority is just as important for existing programs as it is for new programs. Reasons why periodically reviewing and conducting a stakeholder analysis is important include the emergence of new community programs; changes in administration and staffing of existing agencies with which the youth court works and interacts; staff turnover within the youth court; shifts in the political structure or climate of the community; changes in youth, program, and community needs; and the changes in availability of resources and services. All of these factors have potential effects (positive and negative) on the successful operation of a youth court. By staying aware and informed, staff will be able to respond proactively to changes.

## Tips for Implementing Guideline

- Brainstorm a list of all potential stakeholders for the youth court program.
- The guideline mentions some specific stakeholder groups that should not be overlooked; however, it is not an exclusive list. Some guiding questions for

identifying additional stakeholders include:

- Who does the program anticipate receiving referrals from (e.g., law enforcement, probation, schools)?
  - What agencies and organizations does the youth court plan to refer youth volunteers or respondents to for services (e.g., community service sites, counseling services, educational workshops)?
  - What types of agencies and organizations can the program create partnerships with to provide more comprehensive sentencing options?
  - Who has the political influence needed to establish or authorize a youth court in the local jurisdiction (e.g., judges, elected officials, principal, school superintendent)?
  - Who is likely to oppose or resist (directly or passively) the implementation of a youth court in the local jurisdiction, and why?
  - What kinds of groups and agencies can assist the program financially or with in-kind services or other donations (e.g., youth bureaus, civic and social organizations, local businesses)?
  - What kinds of groups and agencies are good sources from which to recruit volunteers (e.g., schools, bar associations, youth service organizations)?
  - What types of entities may be able to provide interns or other special expertise, such as evaluation skills, to the program (e.g., law schools; local universities with criminal justice, sociology, and political science departments)?
- Look over the stakeholder list and prioritize stakeholders. Begin your stakeholder analysis with the key stakeholders that are identified as high priority. Where possible, identify specific individuals from groups, agencies, or organizations that should be contacted.
  - Remember the two primary questions a stakeholder analysis asks: (1) What can the stakeholder offer the youth court program? and (2) What benefits does the youth court program offer the stakeholder? Write out the stakeholder analysis results. While conducting the stakeholder analysis, jot down preferred strategies for contacting the stakeholder and securing their support (e.g., phone calls, personal letters, general letters, face-to-face meetings, open house).
  - Identify stakeholders who will be more likely to do the work (i.e., assist in performing tasks) and secure their support and assistance.
  - When working with stakeholders who may be resistant to the program, work to increase their knowledge and understanding of the program and engage them in program activities.
  - When staff or program organizers encounter an obstacle, barrier, or need, look to the stakeholder list for possible assistance.
  - Review the stakeholder list and stakeholder analysis yearly. This is why it is helpful to have previous analyses documented.

**GUIDELINE 2:** Program organizers and staff should be sensitive to cultural differences and facilitate an environment that seeks and welcomes the diversity of the community among its stakeholders and volunteers.

### Rationale

Understanding and being sensitive to what motivates different cultural groups within a community is essential to program planning and organizing. Language barriers and social, economic, and cultural differences require that different techniques be used when trying to establish programs and obtain acceptance and support from the community.

There are significant variations in personal and family relations and values between different cultural groups. The dominant culture's values, norms, and sense of "rightness" may not be the same as those found within other cultural groups. Essentially, culture is social heredity — behaviors, values and beliefs from past generations, existing presently, which in large part determine how people deal with the world. Cultural norms suggest courses of behavior in given situations by either requiring, approving, permitting, condemning, or condoning certain actions. Part of the staff or program organizer's job is to understand the culture with which he or she is working so that the program does not inadvertently establish policies and practices that could lead to conflict or a lack of responsiveness from certain cultural groups (NCPC, 1986).

### Tips for Implementing Guideline<sup>1</sup>

- Define what is meant by "community." There may be more than one definition used. For example, sometimes community may refer to a particular school district, or it may refer to a specific cultural group. Make sure you understand which community you are working with and adjust your strategies for coordinating, communicating, and collaborating accordingly.
- Work with the community's acknowledged leaders. Keep in mind that the acknowledged leader may not be someone with the highest title or position. Through the acknowledged leader, try to get to know existing community groups. Meet with members from each group and get to know them on their own terms and turf.
- Build personal relationships with a trusted member within the cultural group. Seek their assistance in learning as much as possible from them about how various attitudes and actions may be interpreted within the culture. Consider having them also educate other staff and volunteers of the youth court on cultural differences.
- Work through agencies that have already gained the trust of the community.

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<sup>1</sup>Many of the tips offered in this section are derived from NCPC, 1986.

- Deliver on promises made and give credit to all who contribute. This is essential to building or rebuilding respect and trust.
- Read and learn about the culture. Get to know as much as possible about cultural history and heroes, roles of the nuclear and extended families, values, customs and traditions, child-rearing practices, myths, the attitudes toward authority figures, and how the culture deals with human relations.
- Learn some nonverbal actions and signals basic to the culture. For example, whispering, looking eye to eye, pointing of the forefinger, and patting a person on the top of the head may be unwelcome gestures in some cultures.
- Have translation services available. Also, have written materials (e.g., brochures, forms) available in other languages.
- Include bias awareness and diversity training in curriculum for orienting or training youth and adult volunteers and program staff to help ensure sensitivity of youth and adult volunteers, staff, and board of directors or advisory group members to each other, respondents, and others in the community.

**GUIDELINE 3:** Developing and existing youth courts should establish an advisory committee and/or task force to offer advice on and assistance for program operations and practices and for advocacy.

### Rationale

Citizen involvement is essential to establishing community priorities for addressing identified problems. The creation of and reliance on an advisory board or task force is a tangible way to facilitate stakeholder input and involvement in a youth court program, thereby providing a means for gaining community support and advocacy for the program and for incorporating local values and attitudes into implementation plans. Advisory group, board of directors, or task force members can participate in problem identification, assume responsibility and ownership for developing solutions, and share in both the successes and challenges of the program (National Highway Traffic Safety Administration, n.d.).

The primary difference between an advisory group and task force is that the latter is a hands-on working group, whereas an advisory group typically does not assume an operational role. Members of an advisory group make suggestions and offer guidance on the design and operation of a program; members of a task force not only provide suggestions, they play a direct role in the design and execution of plans (NCPC, 1986 as cited in Godwin, Steinhart, and Fulton, 1998). Typically, an advisory assignment is going to be more attractive to busy community members who do not have time to serve on a working task force. Program organizers or staff may choose to use one or both types of committees. Whichever approach is chosen, staff and organizers should ensure that committee members understand and accept what the program expects from their involvement (Godwin, Steinhart, and Fulton, 1998).

### Tips for Implementing Guideline

- Select the type of committee (e.g., task force, advisory board) needed based on what program organizers or staff are attempting to accomplish (e.g., An advisory board may be more appropriate as an oversight group. A task force may be more helpful when programs need assistance in implementing a specific program component, such as a volunteer training program.).
- When organizing committees that will have decision-making power, it is best to keep the group at a manageable size, ranging from 5 to no more than 15 members. However, local programs may want or need the group to be smaller or larger depending on their needs.
- Consult the stakeholder analysis to help determine the best persons to serve on the type of committee being organized.
- Try to limit the number of representatives you include on a committee from the same organization (e.g., If there are five slots to fill then it is best to get a representative from five different stakeholder groups).
- Choose advisory board or task force members based on their interests, expertise, and influence. It is helpful to include persons on the board who are capable of giving and/or raising funds for the program.
- Consult other community groups for recommendations for individuals who should serve on advisory boards or task forces.
- Make sure the advisory board or task force members represent the diversity of the community. Invite acknowledged leaders of different cultural groups to participate on committees.
- Involve youth on all boards and committees and give them equal decision-making and voting power. Make sure youth are given meaningful roles and that adults treat them with respect. Maintain high expectations of youth. They are capable and can contribute a refreshing point of view.
- Plan and outline clear, responsible roles for advisory board and task force members.
- Orient advisory board and task force members on their roles and the program's expectations and needs.
- Schedule meetings at convenient times and locations for committee members. Use time wisely during the meetings. Work from an agenda and stick to it.
- Establish subcommittees for more specialized tasks. This is another way to involve more stakeholders (including more than one from the same organization) more efficiently.

**GUIDELINE 4:** A need and resource assessment should be conducted prior to or during the program development process. Community needs and resources change over time; therefore, youth courts should reexamine needs and resources periodically and respond and shift program operations and practices appropriately.

## Rationale

Youth courts that are designed to meet local needs will more likely be accepted and supported by the community and stakeholders. Therefore, program organizers and staff need to undertake an assessment to determine the actual and perceived problems in the community, as well as to ascertain the community's capacity to address the problems (resources as well as potential barriers). This is not a step that should be skipped. A needs and resources assessment will provide baseline information for program development, implementation, and evaluation efforts and help lay a foundation for building a program that is defensible, measurable, and fundable (National Association of Governors' Highway Safety Representatives, n.d.).

Community needs and resources are ever changing; therefore, conducting a needs and resources assessment should not be a one-time event. Periodic assessment keeps staff educated about current trends, changes in community values, gaps in services for juvenile offenders and youth, and the availability of local resources.

## Tips for Implementing Guideline

- Questions to consider when assessing community needs include (NCPC, 1986):
  - What is your target community?
  - What are some key facts about that community?
  - What are some of the problems in the community?
  - What are some ways to address those problems?
  - What assets can the youth court offer?
  - What other kinds of help or assistance might be needed?
  - How and which needs can the youth court address?
- There are five major elements to undertake during a needs and resources assessment:
  - identify and involve stakeholders,
  - collect and gather data,
  - review existing public policy,
  - identify existing resources, and
  - develop community support.
- The types of issues that a needs and resources assessment for a youth court should identify include:
  - the magnitude and the social and financial costs of juvenile crime within the community (or for programs focused on school issues, the costs of school disciplinary actions within the school);
  - community and professional attitudes toward the problem of juvenile crime and/or school disciplinary actions;
  - the types of offenders and offenses being handled under the current system and/or the types of disciplinary actions being handled by the schools;



- the existence of other diversion or alternative programs in the courts, community, and schools for delinquent and problem behavior of youth;
- the types and locations of services for youth in the community; and
- the existence of financial and human resources within the community.
- Data for a needs and resources assessment can be gathered using the following types of techniques:
  - assembling preexisting data,
  - reviewing available agency records,
  - administering surveys and questionnaires,
  - conducting interviews and focus groups, and
  - engaging in other informal methods of communication.
- Possible data sources include mental health agencies, schools, juvenile court records, law enforcement records, neighborhood watch groups, business and civic organizations or associations, colleges and universities, faith-based organizations, and youth service organizations.
- Remember that limited fiscal and personal resources make it unfeasible for the youth court to address all identified community needs. Problems will need to be prioritized by what the youth court program can realistically achieve. Some problems may be best handled by other agencies, organizations, or government entities. There are essentially four ways priorities can be chosen (NCPC, 1986):
  - Problem-driven: ranked according to the problem's impact on the community.
  - Resource-driven: determined by the availability of existing resources — both dollars and in-kind services.
  - Capability-driven: based upon the skill and abilities of staff and volunteers.
  - Time-driven: set according to when a problem should or must be addressed during the life of the program.
- Compare findings from the needs assessments and youth court's evaluation report before making program changes and modifications.

**GUIDELINE 5:** Youth courts should have a written program purpose/mission, goals, and objectives that are specific to the local program. Staff, program organizers, and key stakeholders (including youth) should be involved in developing the purpose/mission, goals, and objectives. Once developed, they should be shared with staff, stakeholders, and youth and adult volunteers. They also should serve as a foundation for all the program's policies, procedures, practices, and activities.

### Rationale

Nationally, youth court programs espouse similar goals, such as holding youthful offenders accountable and educating youth on the legal and judicial

systems. However, it is important for local programs to formulate and articulate their unique purpose/mission, goals, and objectives. Individualized program purpose/mission and goals are the foundation upon which all program elements (e.g., identified respondent population, sentencing options, program services) are defined, while measurable objectives provide programs with a blueprint for assessing their results. A youth court program's viability depends on its ability to address a local problem. Therefore, the program's purpose/mission, goals, and objectives need to be realistic and achievable given the scope of the program and availability of local resources.

The process for developing a program purpose/mission, goals, and objectives should be intentional and stakeholder input and assistance should be solicited to solidify community ownership. It may be a time consuming process, but the initial time investment will result in a more focused and effective program. This type of program planning assists youth courts in remaining focused on achievable, measurable, and congruent goals. If a program's purpose/mission, goals, and objectives are not well thought out and written, the program will be more susceptible to having outside influences (e.g., funders, referral sources) drive their program's practices and operations.

### Tips for Implementing Guideline

- Involve key stakeholders in the process of developing the program purpose/mission, goals, and objectives. This involvement is best accomplished through a meeting(s) that focuses exclusively on this task. Make sure youth are included in this process. Their viewpoints and input are vital and by participating they will begin to develop a sense of ownership in the program.
- When developing a program purpose/mission, focus on the following two questions: (1) What issues are we trying to address? and (2) Which issues can we realistically address given the existing resources and level of support?
- Prioritize what program organizers, staff, or stakeholders want to accomplish through the program. Avoid taking on more than the program's resources can handle.
- Develop a program purpose/mission that contains information on the population for whom the program is designed and a brief description of the services that will be provided. A sample program purpose or mission statement is, "The youth court program is a community-based intervention and prevention program that provides an alternative response for the juvenile justice system for first-time, nonviolent, misdemeanor juvenile offenders, in which community youth determine the appropriate sanctions for the offender. The program will hold youthful offenders accountable and provide educational services to offenders and youth volunteers in an effort to promote long-term behavioral change that leads to enhanced public safety."
- Program goals are broad, general statements that map out the future and provide a framework to measure success. Goals clarify the intentions of the program and direct activities. A sample program goal would be "The youth court will educate youth on the legal and judicial process."

- Focus goals on the target population and program services being provided.
- Carefully select the goals of a youth court based on prioritized needs and resources, while considering resource limitations.
- Differentiate between long-term and short-term goals. Often, long-term goals are broad and have a rehabilitative focus associated with a long-term behavior change. For example, a long-term goal for a youth court may be to improve the capacity of youth to become responsible and productive citizens. It is easier to evaluate and determine how a program is going to achieve a long-term goal if the long-term goal is refocused and broken down into short-term goals. Two short-term goals that support the above mentioned long-term goal may be (1) to provide youth with education and hands-on experience in the judicial system, and (2) to increase life and coping skills of youth in the community. It is often easier to develop measurable objectives for short-term goals, so if program organizers or staff are having difficulty defining objectives for one of its goals or determining how it will achieve a stated goal, they may want to reassess whether the goal can be differentiated into a series of long- and short-term goals.
- Assign specific, measurable objectives to each major goal. Objectives should be achievable within a limited time frame and be identified with an actual result. There should be a balance between activity-oriented and results-oriented objectives (e.g., An activity-oriented objective may be “The youth court program will hear 100 cases in the next fiscal year.” A results-oriented objective may be, “Ninety percent of victims who participate in the youth court process will report an above average rate of satisfaction with the youth court program.”).
- Articulate the purpose/mission, goals, and objectives in writing. Review them periodically and make adjustments as needed – particularly when changes are indicated based on evaluation results.
- Inform and educate staff, volunteers, respondents, and stakeholders on the program purpose, goals, and objectives.
- It may help programs to create a short, easily learned vision statement (fewer than 20 words) that every volunteer and staff person can readily use when talking about or promoting the program. The purpose/mission statement can explain the program in more detail.

**GUIDELINE 6:** When developing a program, organizers and staff should outline an action plan for program implementation.

### Rationale

There are many tasks associated with developing and implementing a youth court program. Program organizers, in concert with advisory board or task force members, should develop strategies for making the implementation process more manageable. An action plan is a useful tool for program development efforts because it provides a framework for defining what needs to be accomplished to implement the youth court. It helps keep the development and implementation

process on schedule and gives those involved an idea of where their contribution fits within the overall plan.

### Tips for Implementing Guideline

- The action planning process involves:
  - determining goals,
  - specifying tasks,
  - assigning responsible parties,
  - scheduling target due dates, and
  - identifying resources needed to accomplish the tasks.
- An action plan should allow for modifications and adjustments to tasks, assignments, and due dates as needs arise.
- Determine the critical time line for the program development process.
- Consider how goals and tasks should be sequenced.
- For the action plan to be used effectively, break each goal down into specific tasks needed to accomplish the goal. The person or agency responsible for carrying out the task should be identified. It helps to list a specific person to provide more accountability. Involve the person responsible for the task in determining the target date so that it is feasible for both the program's needs and the individual's needs to complete the project on the date designated.
- Assign youth volunteers to complete appropriate tasks. Giving youth the opportunity to help produce an action plan and attain goals is a valuable learning experience for them.
- *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs* offers more detail on issues to consider when developing and implementing a youth court program. It also includes a sample goals and task chart for program development and implementation. Information on how to obtain a copy of the guide may be found in the Appendix.
- Designate someone (staff or volunteer) with the responsibility for reviewing the action plan periodically and checking on the progress being made by those responsible for completing tasks. Also, if a task force or advisory board is involved in development efforts, review the action plan during meetings.
- Hold persons accountable for completing their assignments.
- Make adjustments and modifications to the action plan when necessary.
- Inform all involved of changes made to the action plan.

**GUIDELINE 7:** Youth court programs should develop partnerships with other programs, agencies, and organizations in the community that can enhance and support the program's operations and practices. These relationships should be based on a common "understanding" between the youth court and the program, agency, or organization partners. When direct services by partners are being exchanged and provided, the understanding should be placed in writing with provision for flexibility when the need arises and consensus is reached among the parties involved.

### Rationale

Due to time and budgetary constraints, youth court staff often must look to others within their community to assist in the provision of services for volunteers and respondents. Networking, collaborating, and brokering with outside agencies can help build community support and ties, decrease role confusion and service duplication, and reduce competition among service providers in a community for limited resources (Godwin, Steinhart, and Fulton, 1998). Similarly, school-based youth courts that are contained within the school setting should form partnerships with other programs and services providing departments located within the school.

Youth court staff should have general knowledge about the types of services being provided to youth court volunteers or respondents on behalf of the youth court by other agencies (e.g., community service sites, educational workshops, counseling services, drug and alcohol assessments). It also is helpful for outside agencies to understand the services that the youth court provides. When forming partnerships with other agencies, there needs to be a shared vision and understanding as to how services will be delivered; otherwise, the partnership may produce unsatisfactory results.

Formulating an understanding of what and how services will be delivered gives both sides an opportunity to avoid and resolve issues that can make the exchange of services more effective and efficient. It also presents an opportunity to discuss how each program, agency or organization will conduct future evaluation efforts and how and what type of information can be shared. Misunderstandings, misconceptions, and miscommunication weaken partnerships. It is best if the understanding between agencies is written. A written agreement helps decrease misunderstandings and confusion among those who are responsible for executing the tasks or services agreed upon. When there is staff turnover in either agency, it clarifies for new staff what the original agreement was. The agreement should be flexible and allow for modifications and changes when necessary and consensus is reached among the parties involved.

### Tips for Implementing Guideline

- Develop positive working relationships with officials and staff of city, county, and state agencies.
- Learn about services being provided by agencies with which the youth court has a partnership. Get to know the staff who work with the partnering organizations

or agencies. Things that staff should know about individuals or agencies with whom they have a partnership include the population the program or agency serves, types of services provided, an estimate of the flow and source of clients served by the program or agency, methods of referral to the program or agency, methods of evaluation of client needs, methods for providing services that address the client needs and the rationale for the chosen methods of service delivery, methods used for monitoring clients and providing feedback to referral sources, criteria for successful or unsuccessful termination from the program or agency, and costs associated with services (DeHoog, 1984; Lieber, 1987).

- Before contracting for services, know who the agency's contact person is, have an established method for communication, and be sufficiently satisfied with the agency's organizational and corporate capacity for delivering effective and efficient services, the entity's corporate status (e.g., individual, partnership, corporation, nonprofit, or for profit), and the agency's delineation of daily responsibility for services delivered (Lieber, 1987).
- Contact individuals or organizations who use or have used the services of the prospective partner agency to ascertain their satisfaction with the services received (Beto, 1987).
- Respect partnering agency's needs and constraints. Reach a common understanding between the youth court and the partnering agency. Some of the types of agencies it would be helpful to have interagency agreements with include referral sources; community service sites; and agencies providing counseling services, drug and alcohol assessment, or educational workshops.
- Some programs may want the understanding to be a legal document. If so, involve an attorney in reviewing and implementing the contract (Scherman, 1987). However, the agreement does not have to be that formal. The agreement can simply be a letter that outlines each agency's expectations and is signed by the ranking administrator of each organization.
- Make sure the person who is negotiating elements of the agreement has decision-making authority.
- Some elements to address in agreements between agencies include:
  - the type of treatment or services that will be provided;
  - cost for services to the respondent, if any;
  - treatment and referral criteria;
  - the process for referring cases or clients;
  - frequency and type of client contact;
  - the process for successful and unsuccessful termination of clients or cases;
  - frequency and type of communication among the respective agencies and programs;
  - expectations for sharing information for program evaluation efforts; and
  - confidentiality issues.

- Have written agreements approved and signed by the appropriate authority (e.g., the chief executive officer of the agency or program).
- Periodically review and evaluate how the partnership is working.
- Develop strategies for maintaining interagency partnerships, such as periodic meetings, telephone communication, mutual training workshops, joint staff meetings, or open houses. This will help improve working relationships and offer insight into support services for the juvenile justice system, schools or youth that may need to be improved in the community.
- Consider joining and/or forming a community coalition that consists of agencies and individuals who work and/or have common interests in related areas. Coalitions can be helpful resources identifying and solving community problems, as well as for seeking and applying for funding.

### Expected Outcomes

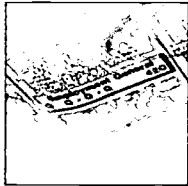
Youth court programs can reasonably expect the following outcomes if they adhere to the guidelines recommended in this chapter:

- Increased community acceptance and ownership of the youth court program.
- Increased financial and programmatic support for the program.
- Increased awareness of program purpose and activities by the community and key stakeholders.
- Fewer turf battles between the youth court and other juvenile justice and youth serving agencies in the community.
- Greater understanding and knowledge among youth court staff about needs and resources in the local community.
- Enhanced understanding by staff and stakeholders of where youth court fits within the local jurisdiction.
- A youth court program that represents the diversity of the local community.
- More assistance for staff in the completion of tasks; maximizing resources to overcome human, time, and financial constraints of program.
- Greater knowledge base for staff or program organizers to access for problem solving.
- More firm foundation upon which to build and justify program services.
- More streamlined program implementation process.
- More effective services for volunteers and respondents.

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**CHAPTER 3**

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**PROGRAM STAFFING AND FUNDING****Introduction**

Central to building and maintaining quality services and an effective youth court program is the need to employ proficient staff and obtain adequate funding. The type and amount of staff and funding required to operate and sustain local programs varies significantly across the United States. However, through careful planning, youth courts can hire staff and secure financial resources that will support a local program's efforts in carrying out its goals and objectives.

The following guidelines will assist program organizers or staff in hiring or retaining staff and in developing a plan for sustaining a youth court program for the long-term. It should be recognized that guidelines in this chapter related to staffing refer to individuals (whether they are paid or volunteer) who are considered and recognized as employees of the program. Guidelines related to management of program volunteers (not considered staff persons) will be discussed in Chapter 7. Each guideline will be discussed in more detail later in the chapter.

**GUIDELINE 1:** Youth courts should have written job descriptions for all program staff. Before being hired, youth court staff should undergo an interview process and screening to ensure they have the skills and knowledge needed for the program. A background and criminal records check should be conducted on all youth court staff.

**GUIDELINE 2:** Youth court staff should be aware and supportive of the program's purpose/mission, goals, and objectives. In addition, youth court staff should have an appreciation of young people and an understanding of positive youth development and adult/youth partnerships.

**GUIDELINE 3:** Youth courts should implement strategies that encourage, support, and offer professional development for staff.

**GUIDELINE 4:** To help ensure staff accountability, a performance review system should be developed to assess staff activities and progress. Criteria used in the performance review should be tied directly to daily job duties and expected program outcomes. Staff performance should be assessed at least once per year.



**GUIDELINE 5:** An entity must be designated that has legal and fiscal responsibility for the youth court program.

**GUIDELINE 6:** Youth courts should work toward building a sustainable funding base for program operations.

The following section provides a brief overview of why these guidelines are important and offers practical ideas and suggested (not required) strategies for how youth courts can work toward meeting the recommendations outlined in each guideline.

**GUIDELINE 1:** Youth courts should have written job descriptions for all program staff. Before being hired, youth court staff should undergo an interview process and screening to ensure they have the skills and knowledge needed for the program. A background and criminal records check should be conducted on all youth court staff.

### Rationale

Working for a youth court program can be a challenging and rewarding career. However, as in any profession, the youth court environment may not be suitable for everyone. Mistakes in hiring can be costly in terms of money, time, and ultimately, program success. A thorough and thoughtful hiring process can help programs avoid choosing a staff person who may not be well suited for the particular position being filled or who may pose a potential risk to the emotional or physical safety of the youth involved in the program.

Most youth courts in the United States have paid staff (e.g., directors, coordinators, administrative assistants). However, there are some youth courts that are staffed by volunteer directors, coordinators, and/or administrative assistants. Therefore, it should be noted that the provisions in this guideline apply to all persons who are considered to be an employee of the program, whether they are paid or volunteer.

Developing written job descriptions is one of the first steps in designing a hiring plan. A job description indicates the purposes and objectives of and qualifications for the job and also specifies the procedures: what is to be done, how it is to be done, and under what authority the job is placed (Beatty, Frank, Lurigio, Seymour, Paparozzi, and Macgargle, 1994). Written job descriptions provide direction to program organizers or staff by having them articulate what is expected of youth court staff. It also is helpful for prospective (or current) staff in that it provides them information on what the program's expectations are for their position.

Another essential element in the hiring process is interviewing job candidates. The interview process is an opportunity for program organizers or staff and job candidates to share information to determine if the candidate is a "good fit" for the youth court (e.g., Does the person have the necessary knowledge and skills to be an

effective and efficient staff person? Does the person have the ability or desire to learn and enhance their skills? Does the candidate have unique knowledge or skills that will enhance the program? Does the person (and the program) have realistic expectations regarding the position and its duties? What is the motivation of the candidate for seeking the position? Does the person enjoy working with youth? Will the candidate be able to relate well with the other staff, volunteers, respondents, outside service providers, and community members — i.e., stakeholders?).

Further screening (i.e., reference, background, and criminal records checks) also should be conducted on applicants being considered for the position. This is recommended to protect the emotional and physical safety of the youth who are involved with the program as volunteers and respondents. It is virtually impossible to eliminate all risk associated with hiring staff; however, programs should make every reasonable effort to eliminate as much risk as possible. Failure to do so increases the liability to the program and calls into question the credibility of the program.

### Tips for Implementing Guideline

- Assess the needs of the program and develop a staffing plan (e.g., number and type of staff positions). Refer to needs and resources assessment process discussed in Guideline 4, Chapter 2, Program Planning and Community Mobilization. Remember that staffing needs will change over time; therefore, periodically reassess the staff plan and make appropriate adjustments.
- Develop a written job description and list of qualifications and skills the ideal applicant should possess. When hiring staff, remember the perfect candidate may not exist, but this does not mean that he or she could not learn the skills needed after being hired. Program organizers should strive to hire the best individual overall for the position, not merely the best qualified individual on paper.
- Develop a clear and concise protocol for the interviewing and hiring process before advertising for a position. Decide how the hiring process will proceed from the beginning, with a clear, written plan of action.
- Advertise the position (e.g., newspaper advertisement, professional newsletters, university placement offices, Web sites, word of mouth) to increase the pool of applicants. Make the advertisement as specific and concise as possible to avoid attracting unqualified or uninterested applicants. Also, inform graduating college interns or other adult volunteers who have worked with the program or agency of vacant positions. Request from each applicant a cover letter, resume, references, and, if appropriate, transcripts or credentials. If it is your policy, have each applicant complete an application as well. Make it clear in the advertisement that a background and criminal records check will be required before the position is filled.
- Interview and screen applicants for all staff positions — paid or volunteer.
- Ask questions to determine the candidate's:
  - relevant previous work experience to the position being applied for;
  - unique skills and knowledge;
  - general temperament, personality, maturity and emotional stability;

- motivation for seeking the position;
- long-term goals;
- interpersonal and verbal communication skills; and
- expectations of the job.
- Consider using an interview team when choosing program staff. Consider involving youth on the interview team. Educate youth ahead of time on the types of questions that are appropriate to ask in an interview. During the interview, ascertain whether the applicant appreciates and respects youth. Some clues to look for include whether the candidate addresses answers to the youth on the interview team, whether he or she maintains eye contact with the youth and asks questions of the youth, and whether he or she appears uncomfortable when the youth is questioning him or her or explaining a point.
- A good way to determine how the applicant might react to certain situations in a youth court setting is to present a typical scenario and ask how he or she would respond under those circumstances (e.g., a stressful situation where a difficult decision is required, emergency medical situation) or have them engage in a role play with a youth.
- Use standard applications for all positions, which include a statement that the applicant signs granting permission to contact references about his or her character and conduct a background and criminal records check.
- Ensure a background and criminal records check is conducted — do not bluff and just say you are going to conduct one; follow through.
- Check with local schools or youth serving organizations (e.g., Boy Scouts, Girl Scouts, little league) and get information on their policies and practices related to background and criminal records checks for staff and volunteers.
- Check agency policy and involve stakeholders (especially law enforcement) in determining how the local program can conduct background and criminal records checks, as well as the parameters and limitations of these types of checks (e.g., costs involved, differences between local, state, multi-state, and national checks). Brainstorm and develop strategies for covering costs that may be associated with background or criminal record checks (e.g., include money in annual budget for these types of checks).
- Develop a policy, with input from stakeholders and/or the program's advisory board, that specifies what type of information will be looked for in a background and criminal records check (e.g., sex offenses, violent crimes).
- Some people may object to a background check; however, most will not. If an individual does object, the youth court should consider not using the person in its program.
- Check state statutes to see if there are certain types of convictions that prohibit adults from working with youth.
- Where appropriate, check and comply with state legislation or school district policy that relates to background and criminal records checks.
- Contact the applicant's employment and personal references (with consent of applicant) prior to offering them the position.

- When checking references, ask specific questions about the person's temperament and suitability to work with youth. If a former supervisor is not at liberty to discuss specifics about a former employee, then consider asking them if they would hire the person again.

**GUIDELINE 2:** Youth court staff should be aware and supportive of the program's purpose/mission, goals, and objectives. In addition, youth court staff should have an appreciation of young people and an understanding of positive youth development and adult/youth partnerships.

### Rationale

Youth court staff are called on to manage and perform a variety of functions and duties. When hiring new staff, program organizers or staff should examine the job description to determine the background, skills, and experience necessary for accomplishing expected duties and tasks. The range of skills expected of job candidates will be a function of the diversity and priority of services offered by the program. However, because of the diversity of tasks and numbers of volunteers associated with youth courts, administrative and management skills are essential. Youth court staff should be selected based on their ability to help the program meet its expected results. Therefore, staff need to be aware and supportive of the local program's purpose/mission, goals, and objectives.

Youth court staff also play an important role in the lives of youth who participate in the program (as volunteers and respondents). Therefore, it is recommended that they have an appreciation of young people and an understanding of positive youth development and adult/youth partnerships. The philosophy behind positive youth development relates to the need to nurture youth, foster self-direction, and generate skills and commitments in young people that will enable them to make positive contributions to society. Specifically, positive youth development work focuses on helping youth develop personal, social, and citizenship competencies, as well as building youths' connections and commitments to individuals, families, and the community (Zeldin, 1995). The educational goal of youth courts relates strongly to the development of key competencies espoused in the positive youth development framework. By having a working knowledge of the principles and practices of positive youth development, staff will be in a better position to engage youth in activities that contribute to their development of key competencies and connections to individuals, families, and the community.

The building of key competencies in youth can be enhanced by staff who model and practice appropriate adult/youth partnerships in youth courts. At their basic level, youth courts are youth-driven programs that empower young people to be responsible leaders in their community. Staff must understand how their actions affect youths' feeling and experience of empowerment; staff help set the tone for how, and if, youth are empowered by the program. Adults who attempt to dominate the program's operations and force their views and values on youth indiscriminately will inhibit the growth and learning experience that youth courts can provide. Effective adult/youth partnerships create relationships that are based on

shared power and equal voice among young people and adults in decision making. This requires staff to be able to shift their thoughts and practices to doing tasks with youth instead of for youth. In essence, it means staff should serve as a “guide by the side” to youth.

### Tips for Implementing Guideline

- Make staff aware of the youth court program’s purpose/mission, goals, and objectives. Post them in a location that is accessible to all staff and others who visit the program, and make sure that each employee has a copy available to them.
- When interviewing potential staff, present a scenario that relates to the adult/youth partnerships concept and ask how they would respond to the situation. See if they would respond by taking control, or if they would use it as a teaching opportunity for the youth involved.
- To begin practicing principles of effective adult/youth partnerships:
  - Treat youth involved with the program, whether as respondents or volunteers, with respect and dignity. Stress the collaborative nature of the program and listen to suggestions they may have about program development or enhancement, and help the youth implement the suggestions if possible. Youth should have an active role in all aspects of the youth court program (e.g., advisory group or board of directors members, training facilitators, marketing, peer mentors, and public relations) — not just as participants in youth court hearings (e.g., judge, jurors, attorneys, bailiffs, clerks).
  - Whenever possible, develop relationships with all of the youth involved with youth court and get to know them on a first-name basis. Listen to each one’s concerns and ideas.
  - Build rapport with youths’ parents to more effectively assist with youths’ development.
  - Avoid unnecessary adult intervention in processes led or facilitated by youth (see Guideline 1, Chapter 9, Youth Court Operations and Case Management).
  - Remember that staff is seen and should function as a positive adult role model for youth. Assume the role of mentor and resource person, rather than director, when appropriate.
- Other helpful qualifications, skills, and expertise to look for or develop in staff include: knowledge of and ability to collaborate with community organizations, flexibility in time schedule and temperament, a high degree of organizational skills, the ability to build a team, leadership qualities, an understanding of legal and juvenile justice system, marketing and public relations skills, and grant writing and fund raising expertise.

**GUIDELINE 3:** Youth courts should implement strategies that encourage, support, and offer professional development for staff.

### Rationale

Providing staff with the tools to do their job well is the essence of professional development. Professional development for staff — both during orientation and ongoing operation of the program — is essential for a healthy and productive work environment and helps legitimize and increase the professionalism of the youth court field. Youth court staff may bring an assortment of qualifications to the job; however, it is unlikely that an employee will have all of the skills and knowledge needed to perform their expected duties and tasks when they are hired. Therefore, most individuals need support, guidance, and training when beginning a new position if they are to be expected to help the program reach its anticipated results.

In addition, youth court staff often function in a highly interactive, fast-paced environment with ever changing priorities and needs. Therefore, staff persons need continual opportunities for enhancement of skills so they can respond more efficiently and effectively to the needs of the youth and the program. Training and professional development opportunities also help expose staff to information and new ideas that can help them enhance the program. Professional development opportunities also can provide support for staff who may be feeling overwhelmed by job-related stresses and demands. Without appropriate support, guidance, and training, new and seasoned staff may become frustrated or disillusioned with the program and, ultimately, leave the program or seek new employment.

### Tips for Implementing Guideline

- Determine new staff training needs and then develop, seek, and offer needed training and instruction. It may be appropriate to provide one-on-one instruction to help orient staff to their positions. However, they also may need more specific training on identified areas. Survey the community to see if there are other agencies that offer training or workshops on topics from which new staff would benefit (e.g., conducting effective interviews with respondents and guardians, managing and recruiting volunteers). See if youth court staff can participate in these workshops or training seminars. If training is needed in an area for which there is no known training program existing in the community, then look to community stakeholders to see if they have skills, knowledge or experience that could be tapped to help instruct or provide training to staff (e.g., mediation programs to help enhance conflict resolution skills).
- Provide staff with a policy and procedure manual that identifies daily, monthly, or yearly tasks required of the position.
- Designate funds for staff training and professional development when determining the budget for the youth court. There are state, regional, and national training seminars and conferences related to developing and enhancing youth courts. These seminars and conferences can be helpful for new and seasoned staff persons.

- Join the state's youth court association, if available. Take advantage of networking, support, resources, and training opportunities that may be provided by the association.
- Maintain periodic contact (e.g., meetings, telephone, email) with youth court counterparts in your area or state for the purpose of sharing ideas.
- Job shadowing is also an effective training tool. Look for other youth court programs in nearby towns and cities or other locales that operate in a similar manner and request that new employees shadow a current youth court coordinator for a few days or a week.
- Join other state and national associations related to juvenile justice and youth development. Take advantage of written materials, information, training, and technical assistance opportunities that these types of groups can offer.
- Use the Internet as a mechanism for information sharing and support. Join listserves and email groups on topics of interest or relevance to youth court.
- Gather written materials and resources on youth court and related topics. Develop a resource library for the program.

**GUIDELINE 4:** To help ensure staff accountability, a performance review system should be developed to assess staff activities and progress. Criteria used in the performance review should be tied directly to daily job duties and expected program outcomes. Staff performance should be assessed at least once per year.

### Rationale

Conducting regular (e.g., yearly) performance reviews on staff help maintain staff and program accountability. People are an organization's most valued resource. Given the proper learning environment and structured feedback on meaningful performance criteria, staff will work to improve outcomes and achieve desired goals. Tying performance criteria directly to job duties and expected program outcomes, performance reviews can offer program organizers and staff valuable feedback on how staff are progressing in their jobs and on where staff can improve their individual performance to help the program meet anticipated results.

Staff performance reviews are an essential component in overall program evaluation efforts. The seven principles of results-oriented government illustrate the importance of linking employee and program evaluation (Osborne and Gaebler, 1993, pp 146-155):

1. What gets measured gets done.
2. If you don't measure results, you can't tell success from failure.
3. If you can't see success, you can't reward it.
4. If you can't reward success, you're probably rewarding failure.
5. If you can't see success, you can't learn from it.

6. If you can't recognize failure, you can't correct it.
7. If you can demonstrate results, you can win public support.

In essence, programs that do not align employee evaluation with process and outcome requirements of the program will be less likely to see the program implemented as designed or the desired goals achieved.

### Tips for Implementing Guideline

- Implement a performance review system that evaluates staff at least once annually. For new staff, it is recommended that an initial performance review take place 3-6 months after date of employment.
- Tie criteria for performance reviews directly to daily job duties and anticipated results of the program. The focus should be on changes of staff performance, with different criteria assigned to each position. Get staff input when developing performance criteria for specific positions.
- Consider rating performance on three levels: exceeds expectations, meets expectations, or falls below expectations.
- Use individual staff's previous standing on the criteria as a point of departure for each successive performance evaluation. Focus each evaluation on change — both overall and specific — in staff performance over the past performance period.
- Give staff an opportunity to comment and offer feedback on the evaluation and on their personal and professional goals for the coming performance period.
- Document performance reviews in writing.
- When staff resign or leave the program, it is recommended that their supervisor conduct an exit interview with them to get feedback on the program and the staff's perceptions of the job responsibilities and expectations. This information can be used to help make improvements for new staff.

**GUIDELINE 5:** An entity must be designated that has legal and fiscal responsibility for the youth court program.

### Rationale

A major theme that runs throughout this document is the importance of program accountability and integrity. Determining and designating an appropriate entity with legal and fiscal responsibility for the youth court program is crucial for protecting the accountability and integrity of the program. It establishes a legal basis for the program's existence and operations. The legal and fiscal agent helps provide checks and balances for appropriate program operations and accounting procedures. However, while an entity assumes the legal responsibility for lawsuits or claims against the program, that does not mean that other individuals or agencies who are affiliated with the program cannot be sued. It is also essential for a youth court to have an established federal tax status (whether it assumes the status of a parent organization or establishes its own as part of an independent organization).



### Tips for Implementing Guideline

- Work with stakeholders to determine the appropriate fiscal and legal agent for the youth court (i.e., nonprofit or governmental agency).
- Develop policies and procedures with the legal and fiscal agent to support any reporting or documentation requirements they may have or need for the program.
- Request operational and fiscal policies from established youth court programs to get a better understanding of the issues to be addressed.
- Be cognizant of and adhere to acceptable accounting procedures (e.g., if staff do not have this expertise, solicit someone with an accounting background to represent the program on the board of directors or advisory committee).
- Whenever possible, enlist the assistance of stakeholders and legal agents to work with the state or local government to indemnify the youth court.

**GUIDELINE 6:** Youth courts should work toward building a sustainable funding base for program operations.

### Rationale

Attaining and maintaining adequate funding is a constant struggle for many youth court programs. Often, youth courts will apply for and secure startup or “seed” money for program implementation; however, this money is typically limited in duration and cannot be considered a sustainable funding base. While youth courts are relatively low-cost programs to operate, most do require monetary funds to be able to function effectively and at a level necessary to achieve expected program results. Without a sustainable funding base, youth courts run the risk of having to decrease services or shut down some or all program operations, temporarily or permanently.

Tenuous funding also causes tremendous stress and/or uncertainty for staff and volunteers. Programs with perpetual funding problems often require an inordinate amount of staff time to be spent on fund raising, rather than managing and focusing on the day-to-day activities of the program. This can have a negative impact on staff and volunteer morale and commitment, as well as on the ability of the program to achieve its desired results. The pressure of attaining funding and not being able to focus efforts on working with respondents and volunteers also can lead to more frequent staff turnover in youth courts.

While it may not be possible to eliminate all financial worries, youth courts can alleviate some of the stresses if they adopt a proactive and strategic approach to securing funds for the program. For this effort to be successful, the local community must take ownership of the program and engage in a meaningful partnership with staff to attain the goal of financial sustenance.

### Tips for Implementing Guideline

- Analyze the daily operations and services of the program to determine the amount of funding that is required to sustain operations and meet the program's goals and objectives.
- Whenever possible, seek funding that continues beyond the initial startup period. If funding is obtained that is for startup only, develop a strategic plan for obtaining funding that will sustain the program when the startup money is exhausted. Remember that seed money typically used for starting programs may be available to existing programs for the purpose of developing a new or expanding an existing component of the program. See the Appendix for information on federal agencies that allocate monies to states that may be potential sources of funding for youth courts.
- Whenever possible, provide staff with assistance in fund raising responsibilities and activities for the program. Too much burden for financial sustenance placed solely on staff (especially programs with one staff person) can cut into the time and energy staff need to provide direct service to the youth involved in the program.
- Organize a fund raising committee consisting of individuals who have fund-raising and/or grant writing experience and/or who have credibility and relationships with possible donors and funding agencies. It helps if these individuals have a strong commitment to seeing the program survive and thrive. Have the fund raising committee work with staff to develop a strategic plan for long-term funding (e.g., two year plan).
- Differentiate and account for funds by documenting monetary and in-kind services and donations.
- Quantify in-kind services and donations received by the program (e.g., volunteer time, office space, courtroom space, utilities). Report this when appropriate. It helps illustrate the level of community support received by the program. In addition, considerable in-kind support can help increase the likelihood of obtaining further financial support.
- Approach and solicit agencies and organizations for funds or donations to which the program provides services (e.g., community service sites, juvenile/municipal court, law enforcement agency, school). When approaching these types of agencies or organizations, give them an estimate on the amount of money the program saved them in the past year (e.g., 400 hours of community service work provided for the Humane Society at \$5.25/hour equals \$2,100).
- Research potential grant sources. Use the Internet and public library to research and locate potential grant sources.
- Grant writing is a skill. Send staff to training on how to write effective grant proposals. Seek volunteers from the community who have experience in writing grant proposals.
- Remember that grant proposal writing is only one part of the process of securing funds. Successful fund raising also entails planning, research, outreach, and cultivation of potential donors and funders.

- Do not just follow money. Make sure that services requested for funds being solicited are within the program's ability and capability to provide. It is better to spend time searching for funding sources that closely align with the program's goals and objectives (Tanner, n.d.).
- Understand the implications of accepting funding from certain sources (e.g., alcohol and tobacco industry).
- Sometimes, local municipal financial support is one of the most secure types of funding a youth court can obtain. Approach city, county, state, and federal elected officials.
- Consider charging administrative or user fees for participation in the program or particular educational workshops, if possible. If the program implements an administrative or user fee, check local law and referral agency policies to see if there are provisions that restrict or prohibit referring youth to programs that charge fees.
- Develop provisions for how youth referred to the program who have an inability to pay the administrative or user fee will be handled (e.g., sliding scale).
- Provide high quality services to youth and the community and demonstrate results (e.g., through outcome measures). This can be an effective way for a youth court to justify its existence for continued support from potential funders.
- Remember the six most important words in fund raising: "Thank you. Thank you. Thank you." To ensure repeat donations or grants, appropriately thank the giver and provide a receipt of the donation.

### Expected Outcomes

Youth court programs can reasonably expect the following outcomes if they adhere to the guidelines recommended in this chapter:

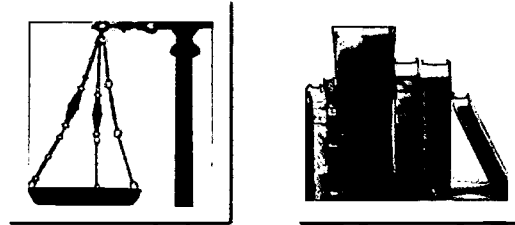
- Staff who understand the program's expectations for their position.
- Staff who are less likely to present a liability risk to the program or safety risk to youth involved in program.
- Staff who have knowledge, skills, experience, and values deemed important by the local program.
- More effective adult/youth partnerships.
- Increased feelings of empowerment by youth involved in the program.
- Increased personal, social, and citizenship competencies of youth involved in the program.
- More satisfied staff.
- Better trained staff.
- Increased attention by staff to their role in supporting program's goals and objectives.
- Increased program accountability.
- More financially stable program.
- Increased community support.

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 CHAPTER 4
 

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## LEGAL ISSUES

**Introduction**

There are no national laws that govern youth courts; however, youth courts confront similar legal issues in program development and operation. Nevertheless, due to the variances in state laws and in the design and function of youth courts, this chapter is not intended to offer legal advice. For instance, the due process concerns of a youth court that conducts a fact finding trial are different than those for a youth court that provides dispositions only. In addition, the liability concerns of a school-based youth court operating in a school may be different from a youth court operating in a community setting. Rather, the guidelines presented in this chapter are intended to help identify general legal concerns that can affect youth courts. The information provided is not intended to replace a consultation with a legal advisor who understands the applicable state and local laws and can give specific legal advice.

The guidelines in this chapter are divided into four sections: confidentiality, liability, authority to operate, and due process. The first two guidelines are related to confidentiality, Guidelines 3 and 4 are related to liability, Guideline 5 concerns authority for youth courts to operate, and Guidelines 6 through 10 are in regard to due process. Each guideline is discussed in more detail later in this chapter

**GUIDELINE 1:** Youth court programs should establish written policies or guidelines concerning whether their court proceedings will be open to the general public. Regardless of whether the proceedings are open or closed, the records of youth court proceedings should not be open to public inspection.

**GUIDELINE 2:** Youth court volunteers should be required to sign a statement agreeing to keep youth court matters confidential.

**GUIDELINE 3:** To ensure the continued viability of a youth court program, to provide adequate compensation to an injured person, and to protect their staff, youth court programs should consider having (1) general liability insurance, (2) automobile insurance, and (3) workers' compensation insurance. In addition, youth courts operated by a board of directors should also consider having directors and officers insurance.

**GUIDELINE 4:** Youth court programs should require that respondents and their parents sign waivers or releases of claims for damages that are valid under the law of the state in which they operate.

**GUIDELINE 5:** Youth courts should determine what legal authority they have to operate and act within that authority.

**GUIDELINE 6:** Youth courts must assure that their policies and practices do not violate respondents' due process rights.

**GUIDELINE 7:** Where the youth court process is voluntary, no respondent should be forced or frightened into participating in a youth court.

**GUIDELINE 8:** Youth courts should neither accept nor reject respondents or volunteers based upon their race, gender, religion, national origin, or their ability to pay.

**GUIDELINE 9:** Respondents should be given notice of the offense or behavior that has brought them before the youth court. In addition, youth courts should have written documents that outline and establish the relationship between and responsibilities and expectations of the respondent and the youth court.

**GUIDELINE 10:** Fact finding youth courts should consult with a legal advisor to determine whether their particular process requires additional protections to youth under state or federal constitutions, statutes, or rules. In addition to providing the protections discussed in previous guidelines in this chapter, fact finding youth courts also should provide the following for respondents:

- The opportunity for representation by a well trained and qualified youth advocate, who is under the supervision of an adult law-trained mentor, volunteer, or staff person.
- The opportunity to be heard by the youth court.
- The opportunity to confront the evidence brought against them. This should minimally include the right to cross-examine witnesses and have the opportunity to require that their accusers be brought before the court.
- The opportunity to bring their own evidence before the court.
- A fair and impartial fact finding body (e.g., youth jury, youth judge[s]) to hear the case.

The following section provides a brief overview of why these guidelines are important and offers practical ideas and suggested (not required) strategies for how youth courts can meet the recommendations outlined in each guideline.

**GUIDELINE 1:** Youth court programs should establish written policies or guidelines concerning whether their court proceedings will be open to the general public. Regardless of whether the proceedings are open or closed, the records of youth court proceedings should not be open to public inspection.

### Rationale

There is no federal constitutional or statutory guarantee of confidentiality for youth in juvenile proceedings in state courts. Any confidentiality offered in such proceedings is provided by state statutes. State laws differ greatly as to whether juvenile proceedings are closed to the public or not.<sup>1</sup> Many states, however, as a matter of tradition and practice, do afford youth and their parents a great deal of privacy in juvenile court proceedings. This tendency toward privacy and confidentiality also is one that most youth courts choose to practice.

It should be noted that most youth court programs recognize that a high level of confidentiality is in the best interest of the participants (e.g., respondents, respondents' families, victims, youth volunteers). One of the purposes of youth court is to help rehabilitate the respondent. Publicizing the respondent's name could interfere with this goal by causing public humiliation or by causing other individuals to shun the respondent. Parents of youth court volunteers may not want the names of their children published, and therefore, may decide not to allow their children to participate in the program if it is open to the general public. In addition, opening up youth court proceedings to the general public may increase the risk of retaliation to youth volunteers.

Many youth courts, although not open to the general public, will allow individuals to attend hearings on a case-by-case basis, if they receive permission from the program administrator in advance. Programs that permit limited access to hearings or proceedings to approved persons or groups typically require them to sign a confidentiality agreement and agree not to use the identities of any youth (e.g., name, photograph) unless they receive permission from the youth and his or her parent or guardian.

Closed youth court proceedings should not be designed to prevent victims from being included or participating in the process, if they choose. Participation should include the opportunity to attend the proceedings, testify at the proceedings, and/or provide a victim impact statement (e.g., written, audio taped, videotaped). In doing so, victims should receive timely notification of youth court proceedings so they have adequate time to prepare and plan to present or submit impact information.

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<sup>1</sup>New York, for example, does not require the closure of juvenile proceedings as a general rule. See New York State Family Court Act § 341.1 (Juvenile Delinquency) (7-15 years of age) (Exclusion of general public) ("The general public may be excluded from any proceeding under this article and only such persons and the representatives of authorized agencies as have a direct interest in the case shall be admitted thereto."); New York State Criminal Procedure Law § 720.15 (2) (Youthful Offender Procedure) (16-18 years of age) ("When a youth is initially arraigned upon an accusatory instrument, such arraignment and all proceedings in the action thereafter may, in the discretion of the court and with the defendant's consent, be conducted in private.").

Regardless of whether a juvenile court's proceedings are open to the public, most states allow only limited access to the records of the proceedings. New York state, for example, requires that the records of juvenile proceedings remain confidential unless specifically authorized by statute or upon specific court authorization.<sup>2</sup>

Keeping in line with this approach, only those who have a direct interest in the case or the program should have access to youth court records. The director of a program or the body operating the program (e.g., the board of directors, fiscal agent) should be given the discretion to disclose the records, or portions thereof, as necessary to ensure the successful operation of the program or for research purposes. Sometimes this is necessary because information in the records may be needed for tasks such as grant applications and evaluation and recidivism studies. However, unless a youth's consent (and that of his or her parent or guardian) is obtained in writing, the identity of the youth should not be disclosed. A policy against opening records to public inspection also may offer the program a legitimate defense against accusations of arbitrary disclosure.

In some states, youth courts maintain dispositional information that can be accessed by the juvenile court, other youth courts, and law enforcement. These guidelines are not intended to interfere with interagency information sharing. However, there are potential advantages and disadvantages to information sharing that should be discussed prior to opening interagency access to youths' records. Information sharing can produce positive benefits, such as provide the ability to track and identify youth who have repeat instances of law breaking or problem behavior and who may need more intensive services than the youth court has the capability or ability to offer. Conversely, a potential drawback to interagency sharing is information may create a permanent or temporary record for youth respondents, which can be problematic for youth courts that offer the benefit of expungement or absence of a permanent record of the offense.

### Tips for Implementing Guideline

- Ask the local entity who prosecutes juvenile cases (or school officials in the case of school-based youth courts) to help identify and interpret local law that governs confidentiality in juvenile court or youth court proceedings. Conform the program's written policy to provide at least as much protection to youth court respondents as they would receive if the case was referred to juvenile court (or handled by the school through a traditional disciplinary process).

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<sup>2</sup>See New York State Family Court Act § 166(Juvenile Delinquency) (7-15 years of age) (Privacy of Record)("The records of any proceeding in the family court shall not be open to indiscriminate public inspection. However, the court in its discretion in any case may permit the inspection of any papers or records."); New York State Family Court Act § 380.1("Except where specifically required by statute, no person shall be required to divulge information pertaining to the arrest of the respondent or any subsequent proceeding under this article."); New York State Criminal Procedure Law § 720.35(2)(Youthful Offender Procedure)("Except where specifically required or permitted by statute or upon specific authorization of the court, all official records and papers, whether on file with court, a police agency or the division of criminal justice services, relating to a case involving a youth who has been adjudicated a youthful offender, are confidential and may not be made available to any person or public or private agency...").

- If a youth court program opens its proceedings to the public, inform the respondent of this in writing prior to obtaining his or her consent to participate.
- If proceedings are open to the public (or opened for a public relations or media event), it still may be prudent to ask any individual who attends a youth court proceeding to take an oral oath and/or sign a confidentiality agreement in which he or she agrees not to use the identities of any youth (e.g., name or photograph) unless he or she first receives permission from the youth and his or her parent or guardian.
- Check to see if there is state enabling legislation for youth court and comply with provisions related to confidentiality specified in the state law.
- Consider where youth court confidentiality concerns may be different from those of the juvenile justice or school systems. Adopt written rules that consider these differences. For instance, even if the proceedings are closed, should they be opened for purposes of training new volunteers, maintaining or obtaining funding, obtaining the support of local leaders, demonstrating the program to others interested in developing a program, or for generating positive publicity for the program?
- Most prosecuting offices (and some probation departments) have procedures in place to notify and assist victims in participating in criminal cases. In addition, they often have victim advocates specifically assigned to assist and provide services for crime victims. They can be a good source of information. Contact them and determine what procedures they use. Consider modifying their procedures to fit the program's needs.
- Develop written policies and guidelines concerning public access to the program's records.
- Check local law and determine what rules govern the disclosure of records in juvenile court proceedings.
- Educate staff on these policies and guidelines and understand the limits of disclosure of information. Inform them of the consequences of divulging confidential information.
- Determine what data or information may be necessary to collect and report for grant writing, funding, and evaluation purposes. Develop a strategy for collecting, maintaining, and reporting that information.
- Have a private place where youth court personnel can access and work on confidential matters. If practical, consider a rule that confidential material may not be removed from the area. This will help maintain inadvertent disclosures of information.
- If confidential material is maintained on an automated system, adopt appropriate procedures to protect the material from unauthorized access (e.g., password protected).
- Check with local law enforcement and juvenile court personnel to determine whether they have a computer generated procedure in place that maintains temporary information for purposes of identifying nonreferred youth. If such a tracking system is already in place, ask if it would be appropriate to include youth court dispositions.



**GUIDELINE 2:** Youth court volunteers should be required to sign a statement agreeing to keep youth court matters confidential.

### Rationale

A high level of confidentiality is vital for maintaining a high degree of professionalism in the youth court, as well as for decreasing the risk of retaliation to youth volunteers. In addition, respondents, respondents' families, victims, and witnesses may wish to have their identities protected in order to avoid additional scrutiny, embarrassment, or humiliation. Likewise, new respondents may be discouraged from participating in the program if they think that volunteers will disclose personal information.

### Tips for Implementing Guideline

- Instruct youth court volunteers (including jurors) that the identities of the respondents, victims, and witnesses should not be disclosed to anyone other than those directly involved in the youth court proceedings. Have them sign a statement acknowledging (1) their duty to maintain the confidentiality of the proceedings, and (2) that if they fail to do so, they may be removed from the program or suffer other consequences determined by the program. Incorporate these stipulations into a written code of conduct for youth court volunteers.
- Incorporate confidentiality as a key component of initial (i.e., preservice) volunteer training.
- Consider requiring volunteers to take an oral oath of confidentiality at the beginning of the youth court sessions to impress upon them the importance of confidentiality.
- Stress to youth volunteers that when they walk out the doors, they leave confidential material (both figuratively and physically) at the court. Cases are not to be discussed outside of the courtroom or outside the youth court office.
- Encourage youth court volunteers to help each other remember their promise to keep youth court business confidential.

**GUIDELINE 3:** To ensure the continued viability of a youth court program, to provide adequate compensation to an injured person, and to protect their staff, youth court programs should consider having (1) general liability insurance, (2) automobile insurance, and (3) workers' compensation insurance. In addition, youth courts operated by a board of directors should also consider having directors and officers insurance.

### Rationale

Liability is a potential problem in any program involving children. It is impossible to list all the circumstances under which someone (staff, respondents, or

volunteers) may be injured during their participation in youth court. Many youth court programs offer community service as a sentencing option, some programs also utilize the services of their volunteers to conduct fund raising activities, and a number of youth courts offer trips or other recreational opportunities to their youth volunteers. Many programs also transport respondents to community service projects and volunteers to fund raising or other activities. Since a volunteer, staff person, or respondent could be injured while participating in any of these types of activities, it is recommended that youth court programs have general liability insurance, automobile insurance and workers' compensation liability insurance. In addition to protecting volunteers and respondents, insurance can help protect program staff and ultimately the program itself, should an incident occur. Policies vary and it is very important to ensure the program is receiving the type of insurance that fits its needs.

Insurance may be unnecessary for youth courts that are operated by a public entity. The public entity may have insurance or may be entitled to some form of immunity from law suits under state law. Youth court programs, however, that are private organizations probably are not entitled to the protections afforded by state shield or immunity laws.

Some community service sites may have their own insurance policy to cover youth referred to do work for them. However, the youth court program may still need their own insurance coverage. Although a program's financial exposure is obviously less if a youth is injured during the performance of community service under such circumstances, the program still may be exposed to liability. If a youth is injured performing such community service, a youth court program may still be sued for such things as failing to perform a thorough background check on the community service provider or for negligent supervision.

Most states require employers to provide compensation to employees injured on the job. Therefore, youth court programs may be required by law to purchase workers' compensation insurance for their staff. State law must be examined in order to ensure compliance.

Youth court programs also must comply with state and federal child labor laws. To what extent these laws apply depends on the types of activities youth participants are involved in and whether the participants are considered employees. These issues should be researched to ensure compliance.<sup>3</sup>

In addition, many of the individuals who are instrumental in setting youth court policy and who oversee the operation of a private, nonprofit youth court program as officers or directors are volunteers. They should be provided with some protection for the decisions they make in furtherance of youth court business. Therefore, if the program can afford the premiums, directors and officers liability insurance should be purchased.

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<sup>3</sup>See, i.e., Title 29, United States Code, Section 212 (c) ("No employer shall employ any oppressive child labor in commerce or in the production of goods in commerce or in any enterprise engaged in commerce or in the production of goods for commerce."); Title 29, United States Code, Sections 213 & 214; New York State Labor Law § 130.00 (1) ("No minor under 14 years of age shall be employed in or in connection with any trade, business, or service, except as otherwise provided in this section.").

### Tips for Implementing Guideline

- Contact other youth courts and youth serving organizations to determine the type of insurance they have been able to obtain. When contacting private nonprofit youth courts or youth serving organizations, inquire about their board of directors insurance coverage. The Colonie Youth Court in Latham, New York, is an example of a youth court that has purchased comprehensive insurance coverage.<sup>4</sup>
- Since youth court programs are multifaceted, consult with an insurance expert and/or lawyer to ensure that the program is protected in all the areas in which it operates. Check the policy to ensure that it contains a specific endorsement for volunteers.
- If the youth court operates as part of a governmental entity, contact the attorney for that entity and determine whether, and the extent to which, the youth court's activities may be covered under governmental immunity.
- Examine state law to determine whether any such immunity exists and the degree or extent of such immunity. If the program is operated by a public entity, its insurance policy may have to be amended to include youth court participants and volunteers. This may result in an increase in the premium paid by the entity.
- Place written guidelines in the program's policy that explain the types of activities youth may engage in as part of the program. Assure that staff and volunteer training addresses this policy and reinforce the policy in practice.
- Another way to obtain protection from lawsuits is to try to get a provision in the state's youth court legislation that would provide some form of limited immunity to youth court programs.

**GUIDELINE 4:** Youth court programs should require that respondents and their parents sign waivers or releases of claims for damages that are valid under the law of the state in which they operate.

### Rationale

The ability to enforce waivers varies depending on state law. It should be noted that waivers may not provide any protection against liability at all. However, it is generally recommended that such waivers be obtained, after applicable state law is reviewed. Waivers serve a useful purpose inasmuch as they may limit liability, deter law suits, and inform parents that there may be risks associated with participation in youth court. Even if such waivers are not enforceable in a state, the waivers may still deter certain individuals from filing frivolous law suits. If a law suit is filed, the presence of a signed waiver helps illustrate that the youth and their parent or guardian were told about the potential risks associated with participating in the

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<sup>4</sup>Colonie Youth Court; Public Safety Building; 312 Wolf Road; Latham, NY 12110; phone: (518) 782-2638; fax: (518) 786-7326; email: youthcrt@capital.net.

program and they agreed (at the time) to accept that risk. Youth courts also should be aware that direct service agencies, such as those that facilitate community service, also may ask youth to sign waivers prior to performing work for their agency. However, such waivers probably fail to provide protection to the youth court itself.

### Tips for Implementing Guideline

- Consult legal counsel regarding the ability to enforce waivers. Ask for their assistance in drafting appropriate waiver forms.
- Have waivers signed by the participants and their parent or guardian. Waiver forms may not be valid unless signed by the parent or guardian. The forms and their meaning should be fully explained, in language that will be understood by those who are being asked to sign, before signatures are obtained. Verbal explanation of potential risks will help assure that youth and their parent or guardian is making an informed decision to participate.
- Make sure community service sites understand the youth court program's policy regarding work that participants may and may not do and that they comply with child labor laws.

**GUIDELINE 5:** Youth courts should determine what legal authority they have to operate and act within that authority.

### Rationale

Determining the authority that the youth court has to operate is a fundamental step that a youth court must undertake. The last thing that a court wants to find out is that its good intentions are unlawful under state statute, or that it is duplicating services being delivered elsewhere in the juvenile justice system and competing with another agency that has the legal authority to provide the same or similar service. The authority to operate generally can arise from legislation or through an agreement (contract).

To date, youth court enabling legislation has been enacted in 17 states (National Youth Court Center, 1999). State youth court legislation varies from the vague (whereby it basically grants permission for youth courts to operate) to the specific (in which it stipulates whether the youth courts can function as dispositional only programs or if they can serve as a fact finding court, the age range of respondents and volunteers that can participate, the types of offenses and behaviors it can address, the types of dispositions the programs can offer, or whether programs can charge fees).<sup>5</sup> Therefore, it is recommended that youth courts determine if the state has legislation and review it carefully to determine what, if any, provisions with which they must comply.

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<sup>5</sup>See, e.g., Utah Youth Court Act, §78-57-101 (1999), et seq.

Youth courts in some states have turned to other types of legislation to get their authority to operate (e.g., diversion program statutes). Although these types of statutes do not specifically mention youth courts, often the youth court programs fall under the same category of the programs for which the legislation is intended. Again, programs should be aware of and comply with the provisions set forth in this type of legislation, if that is where the youth court gets its authority to operate.

Where legislation has not been enacted or is not applicable, authority to operate generally may arise from an agreement (or contract) between the youth, his or her parent or guardian, the referring agency, and the youth court program. This agreement is similar to those used by other diversion programs that allow youth to avoid formal processing through the juvenile justice system or the school disciplinary process if they successfully participate and complete a counseling or skill building/educational program. As the basis of the relationship is contractual, the agreement to participate must be voluntary and the terms of the agreement must be understood by all of the parties involved. It is advisable that the agreement be placed in writing to avoid any potential misunderstandings. If one of the parties does not want to be involved in the youth court, the program does not have the authority to proceed.

Another critical source of authorization for youth courts (even in states in which enabling legislation has been enacted) is to gain the approval of the chief juvenile or municipal court judge (in youth courts that deal with delinquency charges) or the school administrator (in youth courts that are contained within the school setting). In essence, these individuals have the authority to take action over youth who fall within their domains (i.e., juvenile justice system or school system). Likewise, they have the power to extend their authority to the youth court, if they choose. Without their expressed support, youth courts are likely to struggle or fail.

The authority to act may come from a combination of the above sources. For instance, a youth court that is set up as an extension of a juvenile court or a school is not only subject to the restrictions that the referring entity may operate under but may also be subject to youth court legislation if it has been enacted in that state.

### Tips for Implementing Guideline

- Check state statutes to determine whether legislation is in place to govern youth court activity (either through specific youth court enabling legislation or other diversionary statutes). If a statute exists, review the statute with legal counsel to assure that the program's policies and procedures are complying with the provisions outlined in the legislation.
- If a statute does not exist, consider whether the state would benefit from enabling legislation that would govern youth courts.<sup>6</sup> If legislation is being considered, stay informed and be active in the process.
- If the program receives its authority to act from a referring entity such as a school or juvenile court, consult with that entity to determine the program's authority

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<sup>6</sup>For issues to consider when determining whether legislation is appropriate or when drafting and guiding a bill through the legislative process, see Heward, M. (1999). *Youth Court Enabling Legislation: One Perspective on Utah's Experience*. [On-line]. Available: <http://www.youthcourt.net/legislationarticle.htm>.

and what restrictions may exist. For instance, are there rules or regulations that govern the types of community service projects in which youth can participate? Are there particular rules regarding confidentiality?

- If the agreement arises contractually by agreement between the youth and the youth court, the scope of that agreement must be clearly outlined, preferably in writing.

**GUIDELINE 6:** Youth courts must assure that their policies and practices do not violate respondents' due process rights.

### Rationale

In its most basic form, due process requires youth courts to examine whether their practices and procedures are fundamentally fair. Under the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution, "due process" is required by the government before it deprives someone of life, liberty, or property. The United States Supreme Court has held that the due process clauses require the government to acknowledge a number of enumerated rights before it may act against an individual (including youth). This includes the right against self-incrimination, the right to confront witnesses against, the right to an attorney, the right to notice of the charges being filed, the right to a speedy trial, and the right to be protected against unreasonable searches and seizures.

It should be noted that youth courts generally are not governed by the due process provisions of the Constitution for two basic reasons. First, some youth courts are not classified as a governmental entity, and the provisions of the 5<sup>th</sup> and 14<sup>th</sup> Amendments protect individuals against the government. Second, even if a youth court is operating as part of a government entity, it should not be set up to deprive anyone of life, liberty, or property, which are what trigger analysis under the due process clause.

Therefore, there are a few key practices for youth courts to avoid to prevent the due process clause from being invoked. Youth courts should not impose incarceration or fines as part of its disposition. If they do, it could be argued that they are depriving youth of "liberty" or "property" as defined by the due process clause. In this context, the term "fines" is used differently than the term "fees" because of the difference in intent and potential impact the two have. For example, a fine that is imposed strictly for punishment sake (e.g., a \$75 fine for shoplifting) is the type of sanction that could invoke the due process clause. This is different from a fee that a youth may be assigned to pay to repair harm they directly caused to a victim (i.e., restitution) or for services being rendered to them while participating in the program (e.g., an administrative fee, a fee for participating in a drug and alcohol class). These types of "fees" are likely acceptable and do not necessarily fall under the definition of "fine" in the due process clause. Even the loss of driving privileges may present an argument of a loss of a "property" interest, requiring due process if the youth court is acting as a governmental entity.

### Tips for Implementing Guideline

- Check with legal counsel to assure that the program is setting policy and engaging in practice that is not in violation of youth's due process rights.
- Have youth and their parent or guardian sign a waiver that outlines their due process rights under the law and informs them of the rights that they are giving up to participate in the youth court. Have an attorney review the forms.

**GUIDELINE 7:** Where the youth court process is voluntary, no respondent should be forced or frightened into participating in a youth court.

### Rationale

Most youth courts operate as a voluntary alternative or diversion from the formal court or school disciplinary process. The key word is "voluntary." Critics of youth court have cited to over-reaching and over-bearing youth court advisors who have frightened youth into participation in their programs. Certainly, experience indicates that these are rare exceptions to the rule. It is acceptable to inform youth and their parents of the alternatives and allow them to make an informed decision. However, frightening youth with the possibility of a permanent juvenile record, or any other harsh treatment, if they do not participate in youth court is inappropriate. Neither youth nor their parents should be coerced into participating in youth courts.

Closely akin to this practice is the concern over a youth being forced or coerced to admit his or her involvement in an offense or activity they did not commit. Sometimes a youth and his or her parent or guardian will opt for youth court because they are led to believe that it will be easier, less time consuming, or can help the youth avoid a juvenile record on the chance he or she is found guilty. If the youth is not responsible for wrongful conduct, any disposition given by the youth court is merely punitive and serves no useful purpose for the youth. Youth who did not commit the acts they have been accused of should be encouraged to have their case heard in a fact finding procedure (e.g., juvenile court). While this "forced" plea is not the type of concern that the guideline is aimed at in particular, it is certainly a scenario that many youth courts will face and should examine to determine steps to take when this situation arises.

### Tips for Implementing Guideline

- Implement a procedure that emphasizes the voluntary nature of youth courts. Written documents should indicate the youth is pleading guilty and voluntarily agreeing to participate in youth court. They should be signed by the respondent and his or her parent or guardian.
- Have someone independent from the youth court observe and assess whether coercion is a concern in the program. To do this, have him or her observe a few intake interviews. This person should be strong and independent enough to speak frankly about any concerns that they may have.

- Have a policy discussion to determine whether your youth court will accept “no contest” or “not true” pleas. List the pros and cons to accepting these pleas. Contact other youth courts to determine their policy and the reasoning behind their decision. Revisit this decision periodically to determine whether it still meets the needs of the program.

**GUIDELINE 8:** Youth courts should neither accept nor reject respondents or volunteers based upon their race, gender, religion, national origin, or their ability to pay.

### Rationale

Acceptance or rejection of youth court participants (respondents or volunteers) should be based upon sound, established policy. This helps avoid the perception that the youth court is making bias or prejudiced decisions about who is eligible to participate. In essence, youth courts should be open to all who are in need of or can benefit from their services. Guidelines 1 and 4 in Chapter 5, Identified Respondent Population and Referral Process, outline in more detail the types of issues that are appropriate and that should be considered when identifying a respondent population and establishing a referral procedure.

### Tips for Implementing Guideline

- If the youth court charges an administrative fee for participation in the program, consider establishing a sliding scale. Determine the parameters of the sliding scale and set a policy as to how it is to be used to avoid bias in determining who is eligible to pay.
- Consult with local juvenile court authorities to determine what practice they use to identify indigents who are entitled to appointed services.
- If classes are required as a consequence of a youth court disposition, talk with the individuals conducting the classes to determine whether they or their programs or agencies can accommodate youth who are unable to pay for their services (e.g., institute a sliding scale and waive the fee for those who are unable to pay). Include these type of arrangements in the interagency agreement with the program, agency, or individual.
- Solicit grants or donations from the community to establish a fund to provide tuition for youth who are unable to pay fees.
- Provide training to staff and volunteer on bias awareness and diversity issues.



**GUIDELINE 9:** Respondents should be given notice of the offense or behavior that has brought them before the youth court. In addition, youth courts should have written documents that outline and establish the relationship between and responsibilities and expectations of the respondent and the youth court.

### Rationale

The concept of notice is essential to due process concerns. In the criminal and juvenile justice systems, notice of what a person is being accused of would usually appear in a charging document, whether that be a citation, complaint, petition, or indictment. Although some youth courts may not legally have to adhere to due process provisions, it is fundamentally fair for a youth court to give the respondent notice (information), in writing, of what conduct is bringing him or her before the youth court.

Additionally, written documents and agreements that define and clarify expectations and responsibilities can help avoid potential misunderstandings between respondents, their parents or guardians, and the youth court. Prior to getting signatures, the content of these documents should be explained thoroughly in a manner all involved will understand. Two particularly critical points where documents are recommended is at the time of intake (prior to the youth court hearing) and after the sentence has been imposed by the youth court. The primary purposes for this are to establish a process by which youth and their parents or guardians can make informed decisions related to their participation in the program, and protect the program from claims that it is depriving youth of their constitutional rights or has not provided the respondent with clear information about its expectations. Written documents also can be helpful if a case is terminated unsuccessful and questions are raised as to what the original expectations had been.

### Tips for Implementing Guideline

- At a minimum, include the date of the offense or behavior, location of the offense or behavior, brief facts that support the offense or behavior, victims names (if appropriate), and a specific reference to the law or rule that was violated on documents that give a youth notice of the offense or behavior that is bringing him or her before the youth court. General statements such as, “The youth was delinquent,” or “The youth violated a school rule,” are not sufficient enough to give the youth adequate notice.
- Obtain sample charging documents from local prosecutors or juvenile court administrators. Forms for youth court could be adapted using these examples.
- In addition to giving youth notice through a document created by the youth court, the program could provide youth with a:
  - copy of the citation from law enforcement (that citation may be sufficient to provide the notice of the offense to the youth), and/or

- copy of the written referral form that is sent to the youth court (if the form provides enough information that would be adequate for providing notice of the offense).
- In an initial document, outline the responsibilities and expectations between the youth court and the respondent and have it signed at the intake interview or sometime before the respondent's youth court hearing. Consider including a statement in the document whereby the respondent admits to and accepts responsibility for the offense or behavior he or she has been accused of (if required by the program), a statement whereby the respondent and his or her parent or guardian request and give authority for the youth court to handle the case, a statement that indicates they understand the possible sanctions or consequences that can be given by the program and agree to abide by the decision of the youth court, and a statement that describes the benefit to successfully completing the program (e.g., dismissal of charges, charge expunged from juvenile record) and the consequences for not completing the program successfully (e.g., the respondent may be referred back to the juvenile court or sent through the traditional school disciplinary process). The initial document may also include a section that gives notice of the offense or behavior or notice may be provided through a separate document.
- Concerns about the 5<sup>th</sup> Amendment prohibition against double jeopardy and speedy trial rights have been raised regarding youth court participation. The argument is that once a youth submits themselves to the authority of the youth court, the government cannot subsequently exercise authority over them for the same offense before a juvenile or other court, if he or she does not complete the youth court program successfully and is referred back through the traditional juvenile court or school disciplinary channels. The more closely aligned that the youth court is with a governmental entity, the more legitimacy this argument could have. Also, in jurisdictions where youth courts are fact finding programs or where youth court is required (rather than voluntary), the stronger the argument may be. Although there are other defenses that could be used to counter these claims, individuals may knowingly and intelligently waive their constitutional rights. Therefore, youth courts may consider including a clause in the initial agreement document that by agreeing to participate in the program a youth is waiving any double jeopardy or speedy trial rights related to this offense or behavior.
- Consider developing forms that are pressure sensitive and in triplicate. This helps decrease time involved and concerns over copier availability and dependability.
- Create a dispositional document the jury or judge panel can complete during the deliberation process. Include a section on the form that allows the sentencing body to write a justification for the sentence given that can be used to explain the disposition to the court and to the respondent. Make sure that training is given to those filling out the form.

- The following elements may be included in a dispositional document:
  - The completion date for the sentence.
  - The specific conditions the respondent is to complete and fulfill (e.g., community service, jury duty, restitution, educational workshops, essays, apologies).
  - If community service is required, or if they are required to attend educational workshop:
    - the location of the community service or educational workshop,
    - times and dates of the required activity;
    - contact person(s) for the required activity;
    - what they will likely be required to do;
    - what, if anything, they are required to bring; and
    - how long they will be required to be participate in the activity.
  - If they have a mentor or someone who is monitoring their progress:
    - name and contact information for the mentor, and
    - how often they should have contact with the mentor and who will initiate contact.
  - A return court date, if appropriate.
  - Name and contact information for someone at the youth court they can call if they have questions or concerns about the disposition or the process.
- Have a staff person, or his or her designee, conduct a post hearing interview (i.e., exit interview) immediately after youth court with the respondent and his or her parent or guardian. During this meeting, review the disposition and respond to questions or concerns raised. If necessary, this also allows one more opportunity for the disposition to be clarified while the jury or judge panel is still available.
- Have the respondent and his or her parent or guardian sign the dispositional agreement acknowledging that they understand the disposition and agree to adhere to its terms. Give a copy to the respondent and maintain the original in the youth court's files.
- Keep the language in all documents simple and easy to understand. The format of documents should be reviewed by competent legal counsel.
- In most states, a youth does not have the capacity to sign a document without their parent or guardian; therefore, any document entered into with a youth also should be signed by his or her parent, guardian, or legal custodian.

**GUIDELINE 10:** Fact finding youth courts should consult with a legal advisor to determine whether their particular process requires additional protections to youth under state or federal constitutions, statutes, or rules. In addition to providing the protections discussed in previous guidelines in this chapter, fact finding youth courts also should provide the following for respondents:

- The opportunity for representation by a well trained and qualified youth advocate, who is under the supervision of an adult law-trained mentor, volunteer, or staff person.
- The opportunity to be heard by the youth court.
- The opportunity to confront the evidence brought against them. This should minimally include the right to cross-examine witnesses and have the opportunity to require that their accusers be brought before the court.
- The opportunity to bring their own evidence before the court.
- A fair and impartial fact finding body (e.g., youth jury, youth judge[s]) to hear the case.

### Rationale

Most youth courts in the United States serve a sentencing function only. In other words, the fact that the youth violated the law or a rule is admitted from the beginning. No facts have to be determined in order for the youth court to take action over the youth.

A small minority (less than 8 percent) of youth court programs, however, are designed to be fact finding courts.<sup>7</sup> Having a process that is fundamentally fair becomes much more involved and critical in a fact finding youth court. In the seminal case of *In Re Gault*, (1967) the United States Supreme Court extended the rights that are outlined in this guideline to youth participating in juvenile court proceedings. While the case does not apply to youth courts, the case did determine that the procedures outlined above are necessary to a fundamentally fair fact finding process.

### Tips for Implementing Guideline

- Consult with local prosecutors to determine how cases will be handled if the respondent fails to complete the program's requirements. In particular, discuss what due process concerns arise as a result of respondents' involvement in a fact finding youth court and how to avoid double jeopardy claims, arising either from constitutional or state statute or rule.
- Provide ongoing training that explains the need for due process protections and what has happened in the past when due process issues were ignored or not followed.

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<sup>7</sup>According to the National Youth Court Center's youth court database.

- Have law-trained staff or a volunteer available for consultation as cases are being heard. For example, have adult law mentors sit behind the prosecuting attorney and defense attorney benches so that if the youth volunteers have questions they can turn and ask for a consultation with their mentor. Have these adult mentors offer constructive feedback to youth after the proceedings so that youth will know what they did well and what they need to improve upon.

### Expected Outcomes

Youth court programs can reasonably expect the following outcomes if they adhere to guidelines recommended in this chapter:

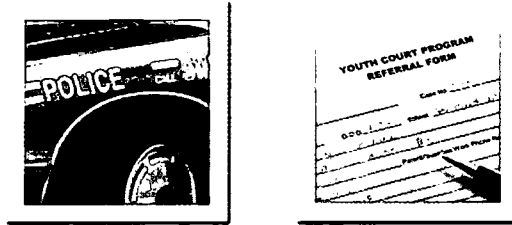
- Increased community confidence and respect for the program.
- A youth court that follows and promotes fair and lawful practices.
- A program that is reasonably protected from law suits or claims and that has financial assistance available to it when claims are made.
- A youth court that seeks and welcomes diversity.

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## CHAPTER 5

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### IDENTIFIED RESPONDENT POPULATION AND REFERRAL PROCESS



#### Introduction

The respondent population of a youth court refers to the types of offenders and offenses or problem behaviors that will be accepted by the program. Nationally, youth court programs focus on a wide range of offenses and problem behaviors. Individually, however, youth courts need to identify a local respondent population who will benefit by the services being provided by the program. Programs also need to ensure they have a mechanism in place that will enable them to receive appropriate referrals. The following guidelines will assist program organizers and staff in identifying an appropriate respondent population and establishing a streamlined assessment and referral process. Each guideline will be discussed in more detail later in the chapter.

**GUIDELINE 1:** With the assistance of key stakeholders, youth courts should develop a written policy that outlines the types of offenders, offenses, or problem behaviors (i.e., the identified respondent population) acceptable for the program. The identified respondent population accepted by the youth court should:

- be governed by any state legislation, local regulations, agency policies, or school district policies that set parameters for the types of offenders and issues that can be addressed by a youth court or a diversion program;
- reflect the goals and objectives of the program; and
- be one for which the program will have or be able to provide adequate sentencing options or program services.

**GUIDELINE 2:** The age range of the identified respondent population should closely match the age range of youth volunteers involved in the program.

**GUIDELINE 3:** Youth court programs should work with referring agencies to develop program practices and procedures that ensure the time between the date of the offense, youth court hearing, and sentence completion is as short as possible.

**GUIDELINE 4:** With assistance from key stakeholders, youth courts must determine and designate an entity(-ies) that will be responsible for referring and initially

assessing individual youth's appropriateness for youth court. In cooperation with the designated entities, youth court staff or program organizers should develop a written referral procedure that outlines:

- the organization(s) that will provide referrals,
- the identified respondent population for the program,
- the individual(s) responsible for screening referrals and the criteria that will be used during screening,
- the process the referral source will follow and the type of information that will be provided when a referral is made to the program,
- the procedure that youth court staff will follow if they must send inappropriate referrals back to the originating source, and
- rules for terminating (successfully or unsuccessfully) cases from the program.

If the youth court program is not designated as the entity that will determine the initial appropriateness of referrals to the program, the youth court staff should retain the right to refuse a youth's acceptance into the program during or after a youth court intake session has occurred between the youth court staff, the youth, and the young person's guardian. The right of refusal to participate in the program also should be given to the youth and his or her parent or guardian during or after the program intake. There should be an understanding among the youth court program and referring source as to the type of action that can or will be taken when referred youth are declined as either inappropriate or noncompliant referrals.

**GUIDELINE 5:** Youth courts should develop strategies to promote awareness and understanding of the program to referral sources on a regular basis.

The following section provides a brief overview of why these guidelines are important and offers practical ideas and suggested (not required) strategies for how youth courts can work toward meeting the recommendations outlined in each guideline.

**GUIDELINE 1:** With the assistance of key stakeholders, youth courts should develop a written policy that outlines the types of offenders, offenses, or problem behaviors (i.e., the identified respondent population) acceptable for the program. The identified respondent population accepted by the youth court should:

- be governed by any state legislation, local regulations, agency policies, or school district policies that set parameters for the types of offenders and issues that can be addressed by a youth court or a diversion program;
- reflect the goals and objectives of the program; and
- be one for which the program will have or be able to provide adequate sentencing options or program services.

## Rationale

Many youth courts, particularly those operated by private, nonprofit organizations, rely on outside agencies to refer youth to the program. Therefore, program organizers or staff must work in partnership with key stakeholders (especially potential referral sources) to determine the most appropriate types of offenders, offenses, or problem behaviors (i.e., identified respondent population) for the youth court. Involving stakeholders increases the likelihood that referral sources will use the program as an alternative for their clients and that youth courts will receive the types of referrals they are designed to serve. Stakeholders also have access to key information program organizers or staff need to select an appropriate respondent population (e.g., how the local juvenile justice or school system operates, types of state laws and agency policies that affect diversion programs, where there are gaps in services for juvenile offenders or students).

Furthermore, actions taken by youth courts will likely require endorsement and support by a formal authority (e.g., juvenile court, prosecutor, school district) to address the identified respondent population. To that end, one of the issues that must be examined when determining or reevaluating the program's identified respondent population is whether there are any state and local laws or regulations, school district, or agency policies that exist which specify the types of youth who can or cannot be referred to youth court or diversion programs. Some states have enabling legislation that gives youth courts specific authority to operate. Provisions in state youth court legislation vary considerably from some states giving little or no guidance on program operations to other states that outline in detail how youth courts should operate within the state. Youth courts operating in states without enabling legislation often look to state diversion statutes for their authority and guidance. To maintain program integrity, youth courts must adhere to guidelines set by law. Local regulations and agency policies (e.g., policies of referral agencies, juvenile court or school districts) also should be examined to ensure that the youth court does not establish a respondent population for which it would be difficult, if not impossible, to secure referrals.

Second, program organizers or staff should make sure the identified respondent population selected for the youth court complements the program's purpose/mission, goals, and objectives. The purpose/mission, goals, and objectives provide the foundation and framework for achieving expected outcomes for the program. Therefore, to achieve desired results, all programmatic decisions — including the types of youth the program will serve — should be consistent with the basic premise upon which the program is built.

Finally, it is probable that the needs assessment (which is discussed in Guideline 4, Chapter 2, Program Planning and Community Mobilization) will identify gaps in services for multiple offenses or problem behaviors exhibited by youth. Youth courts cannot meet the needs of all youth. If youths' needs or underlying issues that contributed to the problem behavior are not addressed, youth are more likely to continue to re-offend or exhibit problem behavior. Program organizers and staff need to balance community needs with the program's ability and capability to provide effective services. More information on screening youth for appropriateness in youth court will be discussed in Guideline 4 of this chapter.



### Tips for Implementing Guideline

- Make sure the program's needs and resources assessment gathers data needed to select an appropriate respondent population (e.g., state statutes and agency policies related to youth court or diversion programs, types of offenses and problem behaviors being committed by youth, interventions, and other services available for youth). Evaluate needs and resources assessment findings to determine underserved populations and gaps in service delivery within the community.
- Develop a subcommittee of the advisory board — or a special task force — to work on selecting an appropriate respondent population for the youth court. Members should include representatives from potential referral sources, as well as other individuals who have knowledge of the system(s) in which the youth court is working (e.g., juvenile justice or school systems).
- Research state statutes to determine if there is enabling legislation (active or pending) for youth courts. Attorneys, judges, and legislators are good sources for this type of information.
- Solicit input from subcommittee or task force members and other key stakeholders on agency policies or local regulations that may have an affect on the types of offenses and problem behaviors that can and should be referred to youth court.
- Make sure the offenses and behaviors being addressed by the youth court are consistent with the program's goals and objectives. For example, if one of the program's goals is to decrease the use of illicit substances by youth in the community, include alcohol and drug offenses within the program's identified respondent population and tailor services for this population.
- Make sure that sentencing options and program services address the needs of youth being sentenced by the program. For example, if a youth court accepts truancy cases, have a liaison with the school and offer (or provide referrals for) services such as tutoring and family counseling/support, if needed.
- When developing a youth court, start with a narrow respondent population. It is easier to expand the respondent population later, if necessary. However, it is very difficult to start with a broad respondent population and then try to restrict it at a later date.
- Once a program is operational, do not let outside influences (e.g., funding agencies and referral sources) dictate new offenses or problem behaviors accepted by the program unless they meet provisions outlined in Guideline 1 of this chapter. Review the principles outlined in this guideline when considering adding additional offenses or problem behaviors to the respondent population of the youth court prior to making a final decision.

**GUIDELINE 2:** The age range of the identified respondent population should closely match the age range of youth volunteers involved in the program.

### Rationale

The use of positive peer influence is promoted as a major benefit of youth courts. The *American Heritage Dictionary* (1985) defines a peer as, “a person who has equal standing with another, as in rank, class or age.” Therefore, for positive peer influence to occur and have an appropriate effect respondents need to see the youth who are judging them as representative of their peer group.

Also, developmental differences among youth of dissimilar age groups can be significant (e.g., the cognitive reasoning ability of a 12-year-old compared to that of a 17-year-old). However, perhaps the most important age matching consideration is how a youth respondent perceives another youth of a different age from his or her own. For example, a sentencing decision handed down by a jury of youth who are much younger than the respondent may not be considered by the respondent to be relevant because of life experience differences. Conversely, a sentence imposed by a jury panel of much older youth may be perceived by a younger respondent as “bullying.” To better appreciate this phenomenon, consider how a 12-year-old views a 17-year-old and vice versa. Therefore, ideally respondents should be confronted and sentenced by youth that are close to their own age to ensure a more complete appreciation and understanding of respondents’ circumstances and age-related pressures and perceptions, as well as to better ensure respondent acceptance of and compliance with the sentence.

### Tips for Implementing Guideline

- Focus recruitment efforts on youth who are similar in age to the age range of respondents accepted into the program (e.g., same school classification). See Chapter 7 for more information on volunteer recruitment and management guidelines and strategies.
- Ensure those making sentencing decisions (e.g., jurors, judges) are close in age to the respondent. If it is impossible to have all of the volunteers close in age, make an attempt to balance the age range of the jury or judge panel.
- Have prospective jurors complete a volunteer application (which includes their birth date) so when staff are assigning jurors to cases they will be able to identify and choose jurors of an age close to that of the respondent.

**GUIDELINE 3:** Youth court programs should work with referring agencies to develop program practices and procedures that ensure the time between the date of the offense, youth court hearing, and sentence completion is as short as possible.

### Rationale

The Office of Juvenile Justice and Delinquency Prevention’s (1993) *Comprehensive Strategy for Serious, Violent and Chronic Offenders* lists a “swift and certain” response among the elements needed for successful intervention with juvenile offenders. A shorter time frame between the commission of the offense or problem

behavior and the imposition of consequences enhances the ability of the young person to connect his or her actions to the consequences that were imposed. Long delays or ambivalent responses by the system send a message to the youth that what he or she did is not critical or important. When the system is perceived as not viewing the offense or behavior as important, then the young person will be more likely to view his or her behavior that way too. Furthermore, the respondent's life circumstances and/or behavior may have changed since the incident, and delayed actions may be perceived as capricious or overly punitive. This may result in negative backlash behavior by the respondent. Ultimately, the effectiveness of youth court and deterrence of problem behavior is minimized.

### Tips for Implementing Guideline

- Address the issue of system and program response time with appropriate stakeholders, such as referral sources and service providers (e.g., community service sites, educational workshop providers, counseling agencies).
- Remember that the youth court program cannot control other agencies' policies and procedures. However, program staff and organizers can point out areas of concern that need to be addressed (e.g., it is taking one month from when the juvenile intake officer's seeing the youth for him or her to send the referral form to the youth court and work with the agency on developing solutions).
- The youth court can control its own practices and procedures that relate to response time. Build response time issues into the program evaluation plan and examine program evaluation findings to determine where problems may be occurring so that improvements can be made.
- Recognize that response times (on the part of referral agencies and the youth court program) may vary seasonally (e.g., Christmas vacation, spring break).
- Be aware of and comply with state law, regulations, or agency policies that specify a diversionary time frame. Oftentimes, if a youth is referred back to the originating source after the diversionary time period has lapsed, there is little, if anything, the referring source can do to follow through on the case.
- Remember that quality should not be sacrificed for quantity. Many times youth courts focus on trying to secure and receive a large number of referrals in the program to justify their existence and need for funding. Large numbers of referrals may slow down the response time of the program and reduce the quality of services provided. If a program does receive large numbers of referrals, they need to have the staff, volunteers, and services available to respond effectively and efficiently.
- Develop strategies for more effective and efficient program and case management practices (e.g., schedule intake sessions at convenient times and locations for youth and parent or guardian, schedule the hearing date during the intake session so that potential scheduling problems can be identified to avoid delayed hearings, consider running multiple courtrooms on hearing nights, start the next case while the jury or judge panel from the previous case are deliberating, monitor respondent progress and address issues of noncompliance immediately). See Chapter 9 for more information on youth court operations and case management.

**GUIDELINE 4:** With assistance from key stakeholders, youth courts must determine and designate an entity(-ies) that will be responsible for referring and initially assessing individual youth's appropriateness for youth court. In cooperation with the designated entities, youth court staff or program organizers should develop a written referral procedure that outlines:

- the organization(s) that will provide referrals,
- the identified respondent population for the program,
- the individual(s) responsible for screening referrals and the criteria that will be used during screening,
- the process the referral source will follow and the type of information that will be provided when a referral is made to the program,
- the procedure that youth court staff will follow if they must send inappropriate referrals back to the originating source, and
- rules for terminating (successfully or unsuccessfully) cases from the program.

If the youth court program is not designated as the entity that will determine the initial appropriateness of referrals to the program, the youth court staff should retain the right to refuse a youth's acceptance into the program during or after a youth court intake session has occurred between the youth court staff, the youth, and the young person's guardian. The right of refusal to participate in the program also should be given to the youth and his or her parent or guardian during or after the program intake. There should be an understanding among the youth court program and referring source as to the type of action that can or will be taken when referred youth are declined as either inappropriate or noncompliant referrals.

### Rationale

Individualized case assessment and treatment is one of the precepts upon which the juvenile court and probation is based. Youth should be selected for appropriate intervention based on their individual needs, not based on their category of offense or problem behavior alone. The entities given the authority to make decisions as to how cases will be processed through the system (either the court system, prosecutor discretion, or the school disciplinary process) often have discretion as to whether a case is processed formally (e.g., offender sent to court, student suspended or expelled) or informally (e.g., youth warned and released to parent or guardian, young person referred to a diversion program). When determining the most appropriate intervention strategy, decision-makers should examine the unique circumstances and influences surrounding each youth on a case-by-case basis (Maloney, Romig, and Armstrong, 1988). Therefore, jurisdictions should have a structured assessment process in place to classify offenders as to their likelihood of committing another offense (i.e., low risk, moderate risk, high risk) and guide their decision-making as to the best type of intervention. A structured assessment process can help bring more consistency to the decision-making process and facilitate more equal treatment for similarly situated offenders. Structured assessment processes

also allow for better resource allocation because offenders are likely to be directed to the most appropriate intervention strategies, programs, and services that can meet their individual needs (OJJDP, 1993).

Regardless of who conducts the initial screening and assessment, youth courts still should retain the right to refuse a referral if a youth is deemed inappropriate during or after the youth court program intake session. A thorough initial screening and assessment process will decrease the need for youth court staff to refuse referrals. However, there may be occasions when new information or situations arise after a youth has been accepted into the program that cause staff to determine that youth court is not an appropriate intervention for the youth (e.g., commission of a new offense, youth changes his or her mind and insists that he or she did not do what he or she was accused of). This determination should be respected. For example, in a youth court that requires youth to admit guilt, if the respondent denies culpability, the youth court could determine that the case is no longer appropriate.

Furthermore, the same right of refusal to participate should be allotted to respondents and their parents or guardians. This is particularly important for youth courts that operate as diversion programs and are based on voluntary participation from youth and parents or guardians. Youth and their parents or guardians should not be coerced into agreeing to participate in the program at any point. They should be able to exercise their right to seek formal court action or the advice of an attorney whenever they choose.

### Tips for Implementing Guideline

- Ask stakeholders how offenders are assessed for intervention in the current system. Work with those performing assessments to determine and come to an agreement on what criteria youth court referrals should meet.
- If no formal assessment instrument is used, then consider obtaining or developing one with input and assistance from others. More information on formal assessment instruments can be found in *Comprehensive Strategy for Serious, Chronic and Violent Offenders*, published by the Office of Juvenile Justice and Delinquency Prevention.
- Discuss with stakeholders how the program will handle cases if they are inappropriate and need to be sent back to the originating source for any reason. Make it understood that this should be a rare occurrence, especially if there is a solid assessment process up front. However, it may happen, so it is better to have an understanding of how the cases will be handled and what recourse there is so that youth are attended to effectively and in a timely manner.
- Find out what information referral sources want when a case is terminated from the program — either successfully or unsuccessfully. Develop a form(s) that incorporates this identified information.
- Work with the referral source(s) to outline information that will be provided to the youth court when youth are referred to the program. Information that youth courts may need includes:
  - respondent name;
  - respondent contact information;

- respondent age;
- charging offense;
- offense date;
- co-defendants (if applicable);
- prior offenses (if applicable) and status (completed, adjusted, adjusted uncooperative, dismissed);
- parent or guardian name(s) and contact information;
- respondent's school and grade level;
- copy of the ticket, police report, school administrator's report, intake officer's report, or all that apply;
- information on the referring agency contact person (e.g., name, address, phone);
- signed documentation of admission of guilt (if required for participation in the program) or "no contest";
- victim(s) and/or witness(es) name and contact information;
- copy of the victim impact statement (if completed); and
- special instructions related to case (e.g., respondent will be receiving drug tests at the probation department, respondent is required to pay a specified amount of restitution to the referral agency).

**Guideline 5:** Youth courts should develop strategies to promote awareness and understanding of the program to referral sources on a regular basis.

### Rationale

Much of a youth court program's success depends on its ability to secure adequate referrals (both in number and type) to the program. Therefore, individuals sending cases to youth court must have a thorough understanding of what the youth court program is and what it offers. This chapter already has stressed the need for youth courts to involve persons who work in referral agencies in defining the identified respondent population and assessment process. However, not all staff persons from the referral agency will be involved in the development of the policies and procedures; therefore, there will likely be individuals who will be unfamiliar with the youth court and its processes. The propensity for high staff turnover and the ever-changing priorities of the juvenile justice system make it imperative that youth courts make concerted and consistent efforts to promote awareness of the program — both in concept and in practical use of the program.

### Tips for Implementing Guideline

- Make formal presentations to referral agencies periodically (e.g., twice a year). Try to schedule presentations during a staff meeting or other event in which most staff will be present. During the presentations give them information on the

program's purpose/mission, goals, and objectives; the identified respondent population; the services that can be provided by the program; and how referrals should be made. Information on expected results of the program also can be provided, as well as anecdotal and statistical information that demonstrates program successes. Also, solicit input from those making referrals to see how the current process is working; educate them on changes that have taken place in the youth court program that may have an effect on the referral process and give them the opportunity to identify changes that have taken place in their agency that may be applicable. Identify any obstacles in the referral process and solicit their input for resolving them.

- Develop marketing and public relations materials (e.g., fact sheets, brochures) to be given to referral sources as a means for their education, as well as for distribution to potential youth court clients by referral agencies.
- Keep in touch with referral sources — get to know them on a personal basis. Make periodic telephone calls. Invite them to lunch. Go and visit their office. Invite them to attend a youth court session or special event or to come by the youth court office and visit.
- Arrange opportunities for staff of referring agencies to work with youth court volunteers (e.g., make a presentation at a volunteer training session, provide tours of the probation department or law enforcement agency).
- If appropriate, offer to show the youth court's support of the referring agency when they need assistance and support (e.g., a letter of support for a grant application, testifying during budget reviews for them about the effectiveness of the partnership).
- Ask referring agencies if it would be appropriate for them to invite youth volunteers to some of their training sessions (e.g., seminars on restorative justice, graduated sanctions).

### Expected Outcomes

Youth court programs can reasonably expect the following outcomes if they adhere to guidelines recommended in this chapter:

- Increased or regular use of the program by referral sources.
- Increased program integrity.
- Decreased recidivism.
- A program that can offer the system a swift response for youth who are committing certain offenses and demonstrating problem behaviors.
- Perception among youth, guardians, and community members that juvenile crime and problem behaviors will be taken seriously.
- Effective and streamlined assessment and referral process.
- Increased understanding among youth court staff, volunteers, and referral sources of agency and program constraints and limitations.

- Increased satisfaction with the youth court among respondents, respondents' parents or guardians, and referring agencies.
- Better information to provide to volunteers for case preparation and court hearings.

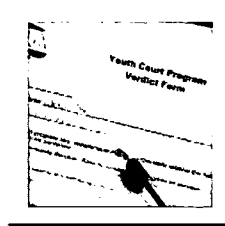


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## CHAPTER 6

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### PROGRAM SERVICES AND SENTENCING OPTIONS



### Introduction

Services that youth courts provide affect a broad segment of the community, particularly youth. However, if viewed strictly as a youth program, youth courts can lose sight of the ways in which they can have an impact on others in the community. The objective is to institute services (including sentencing options) that offer maximum benefits to meet the needs of respondents, respondents' families, victims, and the community, while still adhering to the established program goals and objectives.

The following guidelines will assist program organizers and staff in developing and designing sentencing options and program services that can educate, rehabilitate, and support respondents and youth in an effort to prevent future law-breaking and problem behavior, while also providing needed assistance and support to respondents' families, victims, and the community. Each guideline will be discussed in more detail later in the chapter.

**GUIDELINE 1:** The following three factors should guide the design of sentencing options for youth court programs:

- Sentencing options should be designed to address the needs of the identified respondent population.
- Sentencing options should be based on restorative justice principles.
- Sentencing options should promote positive youth development.

**GUIDELINE 2:** To avoid duplication and overlapping of services, youth courts should identify and coordinate with other agencies and organizations for the provision of or referral to program services and sentencing options.

**GUIDELINE 3:** Youth court programs should implement a deliberation process that will assist jurors or judges in determining fair, constructive, and restorative sentences. In addition to the facts and circumstances of the case, the effect of the offense on the respondent, respondent's family, victim, and the community and how the respondent can make amends for the harm caused by his or her actions should be considered during the sentencing process. The deliberation process should be structured to encourage input from all involved.

**GUIDELINE 4:** Youth courts should implement a process to explain to each respondent the reason(s) his or her particular sentence was imposed.

**GUIDELINE 5:** Youth courts should implement a written procedure that outlines who has final authority to approve youth court sentences and criteria for modifying sentences.

**GUIDELINE 6:** Youth courts should develop sentencing guidelines that present a range of diverse options from which jurors or judges can make individualized sentencing recommendations. Sentencing guidelines should be developed with input from key stakeholders.

**GUIDELINE 7:** When using past respondents as jurors with other youth volunteers, it is recommended that the program compose jury panels that consist of a reasonable balance of youth volunteers and past respondents.

**GUIDELINE 8:** Youth courts should implement a community service component for their program that will help respondents make a meaningful contribution to their community and/or victim, develop needed life skills and competencies, and feel a sense of accomplishment, while still holding them accountable for their actions.

**GUIDELINE 9:** Youth court programs need to outline the types of adjunct services it will provide to and for youth volunteers, respondents' families, victims of crime, and the community.

The following section provides a brief overview of why these guidelines are important and offers practical ideas and suggested (not required) strategies for how youth courts can work toward meeting the recommendations outlined in each guideline.

**GUIDELINE 1:** The following three factors should guide the design of sentencing options for youth court programs:

- Sentencing options should be designed to address the needs of the identified respondent population.
- Sentencing options should be based on restorative justice principles.
- Sentencing options should promote positive youth development.

### Rationale

In essence, the three factors outlined in this guideline are designed to ensure that respondents' needs are addressed, that they understand the effect their actions have on others and take responsibility and work toward repairing the harm caused, and that they have an opportunity to develop needed life skills and competencies. First, youth need to be placed in intervention programs based on their individual

needs. To decrease the likelihood of respondents' re-offending or continuing to exhibit problem behavior, youth courts need to be able to direct them to services through the sentencing options that will address and respond to underlying factors that contributed to the offense or problem behavior.

Second, increasing the respondent's understanding of the effects that his or her actions have on others and personalizing the crime or behavior may have a positive effect on reducing the chance of recidivism. Designing sentencing options that are based on restorative justice principles helps give juries and judge panels choices that they can use to focus their sentencing recommendation on the harm that was caused, rather than merely focusing on punishing the respondent for the sake of punishment. Sentencing options based on balanced and restorative justice principles encompass choices that focus on accountability (i.e., increasing respondents' awareness of the effect of their actions on others and offering them opportunities to repair the harm caused, either directly or indirectly), competency development (i.e., providing respondents with opportunities to increase their skills and competencies so they are able to function as more productive members of society), and community protection (i.e., increasing youths' skills and ties to the community so they will be less likely to harm the community again).

Finally, focusing sentencing options on positive youth development also supports the concept of increasing young people's competencies and life skills so that they will be better able to function as positive contributors to society. Youth development work primarily focuses on developing youths' personal, social, and citizenship competencies and building youths' connections to individuals, families, and community (Zeldin, 1995). The educational and skill building component of youth court is often touted as a major benefit for youth volunteers; however, it is also a critical component for successful intervention with the respondents. Youth who develop needed life skills, contribute to the community, and feel more connected to others and their community will be more likely to refrain from law breaking and problem behavior.

### Tips for Implementing Guideline

- Examine the program's identified respondent population and determine common needs the population may have. Get input from key stakeholders (e.g., juvenile probation, juvenile intake, social workers, mental health providers, law enforcement officers) on what their experiences are or have been with these types of populations.
- Examine the identified needs of respondents, respondents' families, victims, and the community. Solicit input from individuals who represent these types of constituency groups (e.g., ask victim advocates to identify common issues confronted by crime victims, ask community members how they feel or are effected by crimes that may be perceived as "victimless," e.g., underage drinking). Brainstorm potential sentencing options and services that could be provided to address these myriad issues. Be creative — do not limit thinking to what other youth courts or traditional juvenile courts provide.

- Find out what types of programs and services are considered promising or successful for working with specific types of offender populations — locally and nationally. Ask stakeholders for opinions and information on local programs that are considered successful. Library and Internet searches are a good starting point for locating information on national programs and services that may be considered promising or successful.
- Be sensitive to cultural, ethnic, and gender differences when making program services and sentencing option selections.
- Become more familiar with balanced and restorative justice and positive youth development principles. Make sure sentencing options and services provided by the program embody principles espoused in these concepts.
- Develop strategies for encouraging mentoring between respondents and positive, caring, and supportive adult and/or youth role models.

**GUIDELINE 2:** To avoid duplication and overlapping of services, youth courts should identify and coordinate with other agencies and organizations for the provision of or referral to program services and sentencing options.

### Rationale

As discussed in Chapter 2, Program Planning and Community Mobilization (Guideline 7), youth court staff and programs often are under considerable programmatic time and budgetary constraints. In addition, communities also have limited financial and human resources. Developing partnerships with other organizations in the community for the provision of sentencing options can help save programs (and communities) time and money. Effective partnerships with community organizations also help build support and ties with the community and decrease role confusion and duplication of services among service providers. Effective collaboration also can expand the range of sentencing options and services that can be offered by the program, as well as the potential referral options a youth court can provide to its clients and stakeholders when needed. All of this can help programs meet client and stakeholder needs more effectively and efficiently.

### Tips for Implementing Guideline

- Determine which sentencing options and services can be provided in-house (given the program's ability and capability) and which need to be brokered to outside agencies and organizations.
- Gain an understanding of where and what type of services are being offered in the community. Locate community resource manuals that list agencies or organizations that provide services or programs that may be beneficial to respondents and volunteers (e.g., possible community service sites, educational workshops, counseling services). Places to check for such manuals include the probation department, United Way, or other youth service organizations. Even if a manual or guide exists, it may not contain an exhaustive list of all the services

that are being offered in the community. However, it would be a good starting point for research. Developing or compiling a community resource manual is a good and tangible task for a volunteer or an intern.

- Participate in community coalitions that address issues of concern and relevance to the youth court program (e.g., crime prevention, juvenile justice). Participation in these groups can open the door for more effective partnerships and streamlined services in a community.
- Invite key people from community agencies to a meeting to exchange information on their program's services and the youth court program's services to determine if opportunities for partnerships exist. Ideally, this meeting would open the door for communication within the programs and lead to a more collaborative approach to serving the needs of youth in the community. Plan the meeting at a time that is convenient for the majority of stakeholders involved.
- Organize events such as open houses and or mock trials to demonstrate the program to potential service providers.
- Develop and disseminate a survey or questionnaire to community programs to get some basic information about the types of services they offer and could potentially provide.
- Develop interagency agreements with other organizations in the community to assist in the provision of services. See Chapter 2, Program Planning and Community Mobilization (Guideline 7) for more information on interagency agreements.

**GUIDELINE 3:** Youth court programs should implement a deliberation process that will assist jurors or judges in determining fair, constructive, and restorative sentences. In addition to the facts and circumstances of the case, the effect of the offense on the respondent, respondent's family, victim, and the community and how the respondent can make amends for the harm caused by his or her actions should be considered during the sentencing process. The deliberation process should be structured to encourage input from all involved.

### Rationale

The deliberation process is one of the most important components of the youth court hearing — it is where the decision is made on what the most appropriate sentence will be for a respondent. The responsibility placed on juries and judge panels should be taken seriously by all involved. Interestingly, the deliberation process often is the component of the youth court hearing that receives the least amount of attention in volunteer training and in program evaluation. As has been discussed previously in this chapter and throughout this manual, for a respondent's sentence to have the maximum effect on reducing the likelihood of re-offense, the sentence recommended by the jury or judge panel needs to have components that will help increase the respondent's understanding of his or her actions; offer opportunities to make amends or appreciate and repair the harm caused; and

increase their skills, competencies, and ties to the community to enable them to function as more productive citizens. To effectively do this, juries or judge panels must be given information during the hearing process that describes the effect the respondent's behavior has had on his or her family, the victim, and/or community. They also need to hear what understanding the respondent has about the effects of his or her behavior.

Youth courts need to guard against the tendency for some jury or judge panels to determine sentences by rote or without consideration of individualized circumstances. Too often, youth volunteers deliberate by focusing on the sentencing options themselves (e.g., how many community service hours should be given, how many jury terms, etc), as opposed to the facts and circumstances of the individual case that was just presented (e.g., What type of community service assignment will best educate the youth on what he or she did or give them an opportunity to repair the harm caused? What type of educational class will help the respondent understand more fully the impact his or her actions had on the victim?). Implementing a structured process for jury and judge panels to follow during deliberation will help decrease the potentially nonchalant manner in which sentences may be determined, as well as increase the ability of the youth volunteers to make appropriate, constructive, fair, and restorative sentencing recommendations that are truly individualized for each respondent. This likely will result in more effective sentencing recommendations, as well as increase the educational experience for youth volunteers by helping to enhance their listening, decision-making, and critical thinking skills. It also raises the social conscience of youth and increases their ability to appreciate and empathize with those who are affected by crime (i.e., respondent, respondent's families, victims, community).

### Tips for Implementing Guideline

- Make sure that information on the various effects the offense or problem behavior has had is discussed during the youth court hearing.
  - Train youth attorneys or jurors on questioning techniques that will solicit this type of information (see Chapter 8, Volunteer Training).
  - Solicit impact information from victims (e.g., written victim impact statement, oral testimony, audio or videotaped testimony).
  - For offenses or problem behavior in which there is no direct victim identified (e.g., "victimless crimes"), consider having a volunteer from the community provide impact information on how the crime affects the community at-large. This type of approach also could be used with shoplifting offenses if the business that was harmed does not want to appear in court.
- Consider having a trained volunteer serve as jury foreperson if this is not already standard practice. Have the jury foreperson be responsible for encouraging input from all jurors.
- Consider adopting and training jurors (especially jury forepersons) and judge panels on the following seven-step process for sentence deliberation:
  - Review the rules of the deliberation process.
  - Debrief on what was seen and heard during hearing and review the facts and circumstances of the case.

- Provide an explanation of harm (i.e., who's been affected by the offense and how).
- Outline the needs of the affected parties (e.g., respondent, respondent's family, victim, community).
- Determine what needs to be done to repair the harm.
- Determine an appropriate sentence that will help meet the needs of the affected parties and reach consensus.
- Provide a written justification on Jury Verdict Form that explains the rationale for the sentence being imposed. (This justification should be explained to the respondent either at time the sentence is pronounced or during the post-hearing interview with program staff or his or her designee).
- Orient respondent jurors on the seven-step deliberation process prior to their serving on a jury panel. Consider providing a 30-minute orientation prior to the hearing. The orientation could be facilitated by a volunteer or staff.
- If jury duty is assigned as part of the respondent's sentence, have jury duty be the last portion of the sentence that they fulfill (as a reward for completing their sentence). By that time, they will have gained a better understanding and appreciation for what they did and how they should conduct themselves during jury deliberations.
- Encourage jurors or judge panels to take notes during the hearing so they can remember key points when it is time to deliberate.
- Consider having an adult volunteer serve as a mentor or monitor during the deliberation process. The role of the adult would be to observe the deliberations and offer constructive feedback to staff and/or volunteers following the deliberation process. This can be an effective teaching tool and way to continue the educational process for youth volunteers. Intervention during the deliberation process itself should be strongly discouraged and used only in extenuating circumstances — see Guideline 1, Chapter 9, Youth Court Operations and Case Management.
- It may be appropriate in some youth courts for trained youth volunteers to serve as mentors and monitors during deliberation processes as well. Select youth volunteers for this position based on their ability to effectively and efficiently carry out the seven-step deliberation process and to report back to staff their honest observations.

**GUIDELINE 4:** Youth courts should implement a process to explain to each respondent the reason(s) his or her particular sentence was imposed.

### Rationale

One of the essential elements of accountability — which is often forgotten — is the need to increase respondents' awareness of the effect their actions have on themselves and others (i.e., their families, victims, and the community). One of the

first steps in the journey toward understanding for respondents is the hearing and sentencing process. Explaining the reason or rationale behind the sentence being given helps respondents begin to connect their consequences more directly to the crime or problem behavior in which they engaged. Increased awareness and ability to connect the offense with the consequences helps to contribute to reduced recidivism. Extra insight into the thought process behind the sentencing recommendation also helps the respondent understand more directly how his or her respect (or lack of respect) during the hearing may have contributed to the sentence given. It also can help reinforce to the respondent that, “It is not you we don’t like; rather, it is your behavior that we do not like.”

Providing the rationale behind the sentence given also helps show respondents, their parent or guardian, staff, and others involved in or observing the hearing that the jurors or judge panel did give thought to what was heard during the hearing and shows how they used that information to individualize the sentence. This can help increase satisfaction for the youth court process among respondents, their parent or guardian, volunteers, and staff.

### Tips for Implementing the Guideline

- Create a Jury Verdict Form that provides space for jurors or judge panels to write the reason behind each sentencing option imposed.
- Have the jury foreperson read the rationale as they read the sentence in open court.
- Have the person who meets with the respondent and his or her family after the hearing is over to discuss specifics of the sentence (i.e., post hearing interview) and go over the reasoning that contributed to the jury or judge panel decision.
- In volunteer training programs, have volunteers practice articulating the rationale behind sentences imposed. Provide constructive feedback on the rationales given.

**GUIDELINE 5:** Youth courts should implement a written procedure that outlines who has final authority to approve youth court sentences and criteria for modifying sentences.

### Rationale

Youth court should be a youth-driven process. By definition, youth courts are programs where juveniles are sentenced by their peers. Therefore, sentencing recommendations made by the youth volunteers should be accepted and approved unless there are extenuating circumstances that create a need for the sentence to be modified. To avoid unnecessary intervention by staff and adult volunteers, programs should outline clear criteria for who has the authority and when it is appropriate for sentences to be modified. If programs neglect this issue and leave the power to modify sentences up to the discretion of adult volunteers and staff, this power may render the process ineffective. Unnecessary or frequent intervention by adult volunteers and staff can lead to reduced feelings of empowerment by youth volunteers and a breakdown in the integrity of the youth court program.



There needs to be a reasonable balance between ensuring the needs of respondents are met while protecting the empowerment and decision-making capability of youth volunteers. On rare occasions when situations arise where intervention is needed to change or modify the jury or judge panel's recommendation, the reasoning behind the change should be explained to the volunteers who were involved. Providing justification to the volunteers offers programs an opportunity to provide constructive feedback to volunteers on their performance so they can know what to look for, do, or avoid in future hearings. It also reinforces effective adult/youth partnerships and mentorships (serving as a "guide by the side") that should be practiced by youth courts.

### Tips for Implementing Guideline

- With input from stakeholders (including youth), determine the instances in which it is appropriate to modify sentences made by youth volunteers. For example, staff may have access to information that volunteers do not, such as knowledge of a potential chemical dependency problem that may require alcohol and drug assessment. Jurors or judge panels may make a sentencing recommendation that has unintended consequences, such as an oral apology to a victim who does not want to see or speak to the respondent. Sentencing recommendations may be too difficult or impossible for some respondents to complete, such as too many community service hours for the time allotted or a long essay for someone with a severe reading or writing disability.
- Detail who has authority to modify sentences (e.g., staff, adult judge, youth judge) and how the modification should occur (e.g., in open court with a reason provided, by staff in the meeting with the respondent and guardian with a reason provided to volunteers later). See Guideline 1, Chapter 9, Youth Court Operations and Case Management, for cautions related to unnecessary adult intervention.
- When unnecessary modifications and interventions occur by adult volunteers or staff, address it with them immediately. If the unnecessary intervention continues, consider remedial action (e.g., warning, placing them in a different volunteer position) or not using their services.
- Periodically check with volunteers to see if they feel their decisions are being respected by staff and adult volunteers.
- When sentences need to be altered or modified, use it as a teaching opportunity. Always talk with volunteers afterwards and explain the reason for the modification so they will know what they need to do better or differently in future deliberations.

**GUIDELINE 6:** Youth courts should develop sentencing guidelines that present a range of diverse options from which jurors or judges can make individualized sentencing recommendations. Sentencing guidelines should be developed with input from key stakeholders.

## Rationale

Some youth courts offer jurors or judge panels a great deal of flexibility when making sentencing decisions. Other programs provide stringent and specific guidelines on the sentences that can be imposed for particular offenses. Youth volunteers can benefit from guidance on the parameters and types of appropriate sentences for offenses coming before youth court; however, it is recommended that the guidelines not be so prescriptive that they inhibit the volunteers' ability to be creative when constructing an individualized sentence for the respondent. Therefore, youth courts should implement sentencing guidelines that will protect the accountability and integrity of the program, yet will also allow for juror or judge panel discretion and flexibility.

## Tips for Implementing Guideline

- Consider determining minimum and maximum amounts of community service hours or jury terms that should be assigned by the programs. If the program chooses to adopt a sentencing matrix, base options on needs of the respondent population accepted by the program and identify and provide flexibility for potential mitigating and aggravating circumstances.
- Discuss sentencing guidelines or parameters in volunteer training. Through effective training on what are feasible and meaningful approaches to sentencing, volunteers will be less likely to abuse or misuse their discretion in sentencing. Provide volunteers opportunities to practice these skills.
- Involve youth volunteers (along with adult stakeholders, e.g., district attorney, public defender, judges, school administrators) when determining sentencing options and guidelines.
- Also, outlining some mitigating and aggravating circumstances that may justify volunteers making sentencing recommendations that differ from the guidelines. For example, the age of the respondent prohibits them from performing community service hours as typically practiced by other respondents. Another example of a mitigating circumstance might be that if the respondent has already performed community service or symbolic restitution to the victim, then the community service requirement could be waived. An aggravating factor may be, for example, if the respondent is disrespectful during the hearing process, then additional community service hours could be assigned.

**GUIDELINE 7:** When using past respondents as jurors with other youth volunteers, it is recommended that the program compose jury panels that consist of a reasonable balance of youth volunteers and past respondents.

## Rationale

Youth court jurors have one of the most important roles to perform. They are charged with weighing the circumstances of the offenses and determining an appropriate sentence for one of their peers. The majority of youth courts that

operate a program model that supports a jury panel (e.g., Adult Judge Model, Youth Judge Model) require respondents to serve at least one time as a youth court juror. This requirement increases the educational value of youth court for respondents and also helps ensure that other respondents are being sentenced by a jury representative of their true peers. It also enhances the positive peer influence aspect of youth courts for respondents who participate as jurors.

In Guideline 3 of this chapter, the importance of the factors to be considered in the deliberation process were discussed (e.g., circumstances of behavior, effect behavior has had on others, considerations of how harm may be repaired, respondents' awareness of the effect their behavior has on others). For a jury panel to be effective at carrying through a deliberation process as outlined in Guideline 3, it is important for there to be trained volunteers who have practiced the process involved in deliberations with past respondents. The trained volunteers can take a leadership role in facilitating the deliberations and guide respondents through the process to help ensure the integrity of the sentencing process is maintained. Having a reasonable balance between respondents and trained volunteers who are knowledgeable about effective conflict management strategies also can help decrease potential conflict that can occur during deliberations.

### Tips for Implementing Guideline

- Maintain a list of volunteers who are interested in serving as jurors.
- When composing jury panels for hearings, make sure that there are trained volunteers on each jury panel. Whenever possible, try to balance the number of trained volunteers and past respondents.
- Have jury duty be the last portion of the sentence that respondents fulfill.
- Consider having a trained jury foreperson assigned to all youth court cases.

**GUIDELINE 8:** Youth courts should implement a community service component for their program that will help respondents make a meaningful contribution to their community and/or victim, develop needed life skills and competencies, and feel a sense of accomplishment, while still holding them accountable for their actions.

### Rationale

The use of service and various forms of unpaid labor as a sanction in the U.S. juvenile and criminal justice systems can be accounted for as far back as the early 20<sup>th</sup> century. Historically, community service has revolved around menial assignments, while little attention has been paid to the advantages that community service can provide toward influencing respondents' attitudes and providing public benefits (Maloney and Bazemore, 1994). Gradually the prevailing attitude that community service should be designed to punish youth and make them suffer is changing. Certainly, if that attitude is promulgated, youth will be less likely to develop a healthy and positive view of providing service for their community, as young people or as adults.

Maloney and Bazemore (1994) suggest that by applying the following principles when designing the community service work component of programs, community service assignments can help respondents' improve their self image, develop needed life skills, and make a meaningful contribution to their community, while still holding them accountable for their actions.

- The community service assignment should be seen as worthwhile work.
- Youth should be viewed as resources necessary for the successful completion of the task.
- Attention should be paid to assigning youth to projects that will help gain transferable competencies and skills that can be used and applied beyond the community service experience.
- Whenever possible, community service assignments should be designed to provide youth with a sense of accomplishment, closure, and positive community recognition.
- Whenever possible, community service should focus on youth helping the disadvantaged.

Community service that offers youth a chance to repair harm caused by their actions (directly or indirectly), develop skills, and build ties to the community can contribute to youth choosing to avoid criminal and problem behavior in the future. It also can help show them the positive side or benefits (personal and community) to providing public service.

### Tips for Implementing Guideline

- Develop a community service work project resource manual. This can be a tangible task for an adult volunteer or intern. Identify potential community service sites in the community. Contact the sites and make a list of the types of work the sites will have volunteers perform and how youth will be supervised. Design potential work projects around public awareness campaigns that will educate youth (e.g., National Crime Victims' Rights Week, National Drunk and Drugged Driving Month). Maintain a schedule or calendar of commemorative events and brainstorm ways that youth can be involved in developing or participating in planned community events.
- Whenever possible, have respondents perform community service projects that directly or indirectly will help them repair the harm caused by their actions (e.g., if they were sentenced for vandalism, have them work with crews to clean graffiti off of buildings. If they broke into a person's home, have them work with a crew who is building a home for the disadvantaged or repairing the home of a person who was victimized by crime.)
- Whenever possible, design community service work projects that contribute to the vitality of the community and provide respondents with a sense of accomplishment and ownership. For example, respondents who participate in an effort to clean up a local park may be less likely to want to vandalize the park in the future.

- Always explain to youth who are performing community service what the benefit is of their participation and help.
- Assign youth to community service projects in groups or teams. When necessary, have projects supervised by program staff or volunteers.

**GUIDELINE 9:** Youth court programs need to outline the types of adjunct services it will provide to and for youth volunteers, respondents' families, victims of crime, and the community.

### Rationale

Respondents are not the only clients of youth court programs. Volunteers, respondents' families, victims, and the community are also consumers of services that youth courts have to offer. These individuals and entities have diverse and myriad needs — some of which the youth court can address and respond to directly and some which the program itself cannot meet. Essentially, youth courts need to determine how they can respond appropriately to the various stakeholders' needs (given the program's ability and capability) while maintaining a focus on program goals and objectives.

For example, volunteers will need training to perform their roles effectively. That is clearly a service that youth courts can and must provide. In addition, because of the sustained direct contact and relationships between program staff and volunteers, it is likely that volunteers will disclose and share personal and family problems with staff. Staff need to understand the level of intervention that they or the program can and should provide to assist volunteers with personal and family issues given their time and expertise. The program may be able to offer specific individual or family counseling to the volunteer and his or her family or it may only be able to provide a referral to another community organization for counseling services. The key is for programs and staff to understand their limitations and either develop adjunct services in-house or increase their knowledge of available resources in the community so they can make appropriate referrals when necessary.

### Tips for Implementing Guideline

- Services that youth courts may consider providing to youth volunteers include:
  - volunteer training (preservice and in-service),
  - mentoring,
  - academic or community service credit for school,
  - individual and family counseling,
  - tutoring,
  - scholarships,
  - character references for jobs and colleges, and
  - social activities (e.g., trips to amusement parks, picnics, state or national youth court conferences).

- Services that youth courts may consider providing to respondents' families include:
  - no cost or low cost alternative to addressing their child's problem behavior,
  - assistance in reinforcing identified family values, and
  - assistance in or referrals for addressing behavioral problems with their child family support services.
- Services that youth courts may consider providing to victims include:
  - the chance to provide information on how the crime effected them and their family;
  - the opportunity to meet the respondent who perpetrated them;
  - the opportunity to provide input on how the respondent can make amends to them and the family for his or her actions;
  - notification of youth court outcomes (e.g., sentence imposed, completion of sentence requirements);
  - monetary or symbolic restitution; and
  - referrals to local, state, and national victim service providers and agencies.
- Services youth courts may consider providing to the community include:
  - volunteers (respondents and other youth) for community service projects; forums for educating community members (e.g., seminar on how to avoid becoming a victim of theft);
  - ownership in the youth court program through direct participation as volunteers;
  - the chance to provide information to youth volunteers and respondents on how crime effects the community;
  - the opportunity to provide input on how the respondent can make amends to the community for his or her actions; and
  - safe, healthy, supervised activities for young people who become involved in youth court.

### Expected Outcomes

Youth court programs can reasonably expect the following outcomes if they adhere to the guidelines recommended in this chapter:

- More diverse range of sentencing options and services offered by the program.
- Increased number of sentences that are individualized and respond to youth, victim, and community needs.
- Increased respondent accountability.
- Increased program integrity.
- More effective and efficient deliberation processes.
- Increased listening, decision-making, and critical thinking skills for volunteers involved in deliberation processes.
- Increased appreciation and empathy by youth for those affected by crime.

- Increased satisfaction with program and sentences by respondents and guardians.
- More effective community service component.
- Increased commitment to the program by victims and community members.

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**CHAPTER 7**

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**VOLUNTEER RECRUITMENT AND MANAGEMENT****Introduction**

Volunteers are the backbone of all youth court programs. Involving youth and adult volunteers in meaningful, effective, and efficient ways can increase community support and ownership of the program. The donation of volunteers' time and resources also can help facilitate better or more effective use of program staff's time and potentially decrease some operating costs associated with programs. However, identifying, motivating, recruiting, training and orienting, and retaining volunteers is a constant challenge for many youth court programs.

Training and orienting volunteers will be discussed more in Chapter 8, Volunteer Training. The guidelines discussed in this chapter will assist program staff and organizers in recruiting, managing, and sustaining their volunteer force. Each guideline will be discussed in more detail later in the chapter.

**GUIDELINE 1:** Youth courts should determine roles that are meaningful and acceptable for youth and adult volunteers. Each volunteer role should have a written job description that outlines the major responsibilities and tasks expected for the position.

**GUIDELINE 2:** Youth courts should make every effort to recruit youth and adult volunteers that reflect the diversity of the community.

**GUIDELINE 3:** Youth court volunteers should be required to complete a volunteer application. At a minimum, adult volunteers who will be working directly with youth should undergo an interview and screening process that includes a background and criminal records check.

**GUIDELINE 4:** Program staff or organizers should implement policies and procedures for continuing supervision, guidance, support, and monitoring of volunteers. Youth courts also should develop a plan and implement strategies for sustaining youth and adult volunteer involvement.

**GUIDELINE 5:** Youth courts should implement a code of conduct for volunteers and respondents that includes procedures or sanctions that will be followed if the code is violated and incentives for compliance.



The following section provides a brief overview of why these guidelines are important and offers practical ideas and suggested (not required) strategies for how youth courts can work toward meeting the recommendations outlined in each guideline.

**GUIDELINE 1:** Youth courts should determine roles that are meaningful and acceptable for youth and adult volunteers. Each volunteer role should have a written job description that outlines the major responsibilities and tasks expected for the position.

### Rationale

Choosing meaningful and appropriate roles for youth and adult volunteers will increase program accountability, volunteer satisfaction, and community involvement. Program staff and organizers need to be flexible and take a close look at the program's needs and resources when determining how to best utilize volunteers. Youth courts are only limited by their creativity in how they choose to utilize volunteers within their program; however, creativity should be considered with respect to the speciality of the tasks involved, as well as to the time commitment that is inherent with particular volunteer positions.

Delegating tasks and responsibilities to volunteers can reduce the workload of program staff. Youth courts often focus on having youth perform the court officer roles (e.g., attorneys, jurors, clerks, bailiffs, judge). However, there may be other functions that youth can perform for the program under the supervision of program staff (e.g., monitoring compliance with certain aspects of a respondent's sentence, assisting with administrative or clerical tasks, marketing and public relations, serving as mentors to respondents, acting as training facilitators) that can save staff time while promoting youth empowerment. Adult volunteers also can be called upon to assist staff with administrative or programmatic tasks (e.g., marketing, clerical, mentors, community service supervisors). However, if used inappropriately, volunteer efforts can be counterproductive and increase the burden on staff, as well as potentially damage interagency relations and the program's reputation. In essence, programs need to determine what roles are appropriate for all volunteers to assume and also determine which roles should be limited to individual volunteers who possess specific skills and expertise.

There are some volunteer roles that are completely acceptable for volunteers to perform on their own, i.e., "they" roles. Other volunteer roles are best performed in tandem with or under the direct guidance and supervision by program staff or another trained volunteer, i.e., "we" roles. Finally, there are roles that are best undertaken by program staff and not delegated to volunteers, i.e., "I" roles. The determination of I, we, and they roles may vary from program to program, but making the determination is an essential step in managing a volunteer program.

Another essential component of developing and managing a volunteer program is the creation of detailed volunteer job descriptions. Written job descriptions for volunteers help staff and program organizers when recruiting and training volunteers. Providing volunteers with clear and written expectations assists program staff

in managing the work of volunteers and also can decrease the likelihood of volunteer misconduct.

### Tips for Implementing Guideline

- Brainstorm potential I, we, and they roles for the youth court program. Encourage creativity during the brainstorming session — think imaginatively. Ideas can always be assessed for viability later. After the brainstorming session, consider the skills and expertise required of various roles, as well as the advantages and disadvantages for having volunteers perform the identified functions. Determine if the volunteer training program can prepare volunteers for the different types of volunteer roles identified. Use this information to select ideas for youth and adult volunteer roles within the youth court.
- Get input from stakeholders, including youth, about volunteer roles.
- Periodically review the roles filled by volunteers in the program. Remember that over time, some of the roles initially designated as I roles (i.e., staff roles) could be performed by appropriate volunteers once the program has been operating awhile or if a volunteer exhibits a certain level of skill and proficiency in an area.
- Place volunteers in roles that interest them and capitalize on their unique talents and skills. The youth court volunteer training program — discussed in Chapter 8 — can be used to help increase proficiency of volunteers' skills in deficient areas.
- Develop written job descriptions for all volunteer positions that include: job title, brief description of duties and responsibilities, expected results, time involvement expected, volunteer qualifications, training requirements, supervisor, and date the job description was last revised. If posting the volunteer job description for recruitment purposes, the program name, program contact information, location of the program, date the position was posted, and deadline (if any) should also be included.
- Have volunteers complete a volunteer application. Include a place on the application for volunteers to indicate their skill and interest areas. Use this information when brainstorming or reevaluating potential volunteer roles. Be receptive to using a volunteer's unexpected special skill from which the youth court program can benefit (e.g., Web site design skills that could be used to develop a local youth court program Web site).

**GUIDELINE 2:** Youth courts should make every effort to recruit youth and adult volunteers that reflect the diversity of the community.

### Rationale

Essentially, youth courts are volunteer programs and cannot function or survive without youth and adult volunteer involvement and participation. The demand for volunteers in myriad community activities makes recruiting volunteers a challenge for many youth courts. Expanding the volunteer base to include a diverse mix of

individuals serves a practical function by widening the pool of potential recruits. In addition, encouraging and soliciting involvement from individuals who represent the diversity of the community brings a fresher and broader range of perspectives that can guide program practices and operations and help the program become more sensitive to cultural differences.

Volunteers should not only represent different ethnic, social, and economic backgrounds, but they also should be diverse in their life experiences (e.g., suburban vs. inner-city, good grades vs. bad grades, prosocial vs. at-risk). This diversity among volunteers will better enable programs to respond to the needs of the individuals they serve. Young people coming before the program as respondents should feel as if the persons hearing their case and passing judgement on them have an appreciation for what they are going through. Positive peer influence is touted as a major benefit of youth court. One of the things that must be in place for this influence to occur is for respondents to see the youth who are judging them as representative of their peer group.

### Tips for Implementing Guideline

- When recruiting volunteers, brainstorm potential sources of volunteers and potential strategies aimed at soliciting volunteers from the various sources.
  - For example, schools are an abundant source of youth volunteers. Strategies for recruiting at schools could include educating teachers about the program (e.g., attending and making presentations at teacher in-service training seminars) and encouraging them to promote the program to their students, providing information about the program during the morning announcements, conducting mock hearings at student assemblies, making presentations and/or distributing youth court brochures to civics or social studies classes, submitting articles for students newspapers, setting up a youth court booth during school registration, and placing posters on the walls at the schools. Implementing a combination of strategies will yield more positive results. Notice the strategies listed in the above example are designed to spread information to the entire student body, as opposed to target specific types of students (e.g., honor society, student council).
  - Retired and senior citizens programs in the community are an example of a source for recruiting adult volunteers. Finding out when and where these groups meet, and visiting or making a presentation during their meetings about the youth court is one strategy for encouraging their participation. Talking with directors or coordinators of these groups to see if they can identify clients with specific skills and interests that might benefit youth court is another strategy.
  - Additional sources for recruiting youth volunteers include Boy's and Girl's Clubs, Boy and Girl Scout programs, Explorer Posts, and alternative schools.
  - Additional sources for recruiting adult volunteers include civic and social organizations, local universities and colleges, faith-based organizations, parent teacher associations, local bar associations, and other various attorney groups (e.g., state's attorneys office, Office of the U.S. Attorney, county/district prosecutors).

- Make sure the atmosphere or spirit of the program is friendly and open for all who come in contact with the program (e.g., volunteers, respondents, visitors). Everyone is a potential volunteer and should be treated as such. This is particularly important during youth court hearings. For youth courts that do not require jury duty as a portion of respondents' sentences, this will often be the only opportunity for respondents and their guardian to see how the program works. If the program is perceived as "elitist" or "exclusive," potential volunteers (especially respondents) may not desire to have further involvement with the youth court.
- Incorporate youth court training into the school as a module in a required class. Students could be required to participate in one youth court hearing as a laboratory experiment for the class. Subsequent participation would be voluntary.
- Work with probation officers, juvenile court personnel, police officers, and school administrators to identify youth who have exhibited problem behavior, yet show promise as potential volunteers. Make targeted efforts to reach and entice these types of young people to participate.
- Recruit acknowledged leaders from different cultural groups in the community and solicit their assistance in recruiting volunteers from their community groups. Make sure the varying points of view that diversity represents are solicited and respected.
- Ask volunteers, stakeholders, advisory board, or task force members to assist in recruitment efforts. Encourage them to use their contacts for recruitment efforts. For example, ask youth volunteers (as part of an assignment during volunteer training) to recruit three to five of their friends or acquaintances to volunteer with youth court.
- Past youth court respondents are an excellent source of volunteers. Make concerted efforts to encourage their continued participation. Talk to them (and their parent or guardian) about volunteer opportunities during the intake session and after they have completed their sentence requirements. Send them follow up letters asking them to come back and volunteer. Pay attention to strengths they could bring to the program and mention those strengths in letters or personal communications.
- If appropriate, have current respondents perform community service hours for the youth court program or for a youth court function (e.g., fund raiser, picnic). This exposes them to other aspects of the program and may encourage their interest.
- Ask youth volunteers to initiate contact with current and past respondents to encourage them to remain or come back and volunteer with the program.
- Make a concerted effort to recruit younger kids. If involvement of middle school age is secured early, they are more likely to continue volunteering with the program through their high school years.

**GUIDELINE 3:** Youth court volunteers should be required to complete a volunteer application. At a minimum, adult volunteers who will be working directly with youth should undergo an interview and screening process that includes a background and criminal records check.

### Rationale

As discussed in Guideline 1 of this chapter, placing volunteers in the right type of roles within the program is important toward ensuring program accountability and volunteer satisfaction. Interviewing volunteers (particularly those who will have direct contact with youth or significant responsibilities) gives the program staff or organizers an opportunity to gain insight into prospective volunteers' attitudes, beliefs, motives, skills, and interest areas. It also gives prospective volunteers an opportunity to learn about the program philosophy, purpose, goals, procedures, and rules.

In addition to interviews, certain volunteer positions also may require further screening procedures, such as reference, background, and criminal records checks. Background and criminal records checks for adult volunteers who will be working directly with youth are recommended primarily for the protection and safety of the youth who are involved with the youth court. The use of volunteers is not risk free and it is virtually impossible to eliminate all risk. However, programs should make every reasonable effort to eliminate as much risk as possible. Failure to do so increases the liability to the program and calls into question the accountability of the program. As Isley (1990) points out, ignorance of risk avoidance and risk management can have disastrous effects on programs. (See Chapter 4, Legal Issues for more information related to liability concerns.)

### Tips for Implementing Guideline

- Create separate volunteer applications for youth and adult volunteers.
  - The type of information to consider requesting on youth volunteer application includes date applied; volunteer name and contact information; birth date; school they attend; their current grade in school; extra curricular activities and jobs they are involved in; amount of time they can commit to the program (e.g., two hours a week, four hours a month); transportation needs; references; volunteer roles they are interested in performing; and their skills, interests, and hobbies.
  - Items to consider including on adult volunteer application forms are date applied; volunteer name and contact information; current occupation; amount of time they feel they can commit to the program; character and prior employer references; volunteer roles they are interested in performing; skills, interests, and hobbies; felony, misdemeanor, and other crimes and violations; and a signature for permission to conduct background and criminal record check.
- Determine which volunteer positions should require an interview and then establish a method for interviewing and screening volunteers. In-person inter-

views are preferred, but not always feasible. Schedule interviews at times and places that are convenient for prospective volunteers (e.g., meeting in the evening or at a prospective volunteer's place of work or at a central location). Telephone interviews may substitute for face-to-face interviews.

- Volunteer interviews can be time consuming, so consider training and using adult and/or youth volunteers to assist in interviewing, screening, and matching other volunteers for the program.
- Community standards and norms, as well as the capacity in which the particular volunteer will be involved with the program, help determine how intensive the interview, screening, and background and criminal records check should be.
- Educate staff and program organizers about developments and trends related to liability and risk management of volunteers. Talk with attorneys who specialize in civil law or with insurance agency representatives.
- Check with local schools or youth serving organizations (e.g., Boy Scouts, Girl Scouts, little league) and get information on their policies and practices related to background and criminal records checks for staff and volunteers.
- Check agency policy and involve stakeholders (especially law enforcement) in determining how the local program can conduct background and criminal records checks, as well as the parameters and limitations of these types of checks (e.g., costs involved, differences between local, state, multi-state, and national checks). Brainstorm and develop strategies for covering costs that may be associated with background or criminal record checks (e.g., include money in annual budget for these types of checks).
- Develop a policy, with input from stakeholders and/or the program's advisory board, that specifies what type of information will be looked for in a background and criminal records check (e.g., sex offenses, violent crimes).
- Some people may object to a background check; however, most will not. If an individual does object, consider not using the person in the program.
- Check state statutes to see if there are certain types of convictions that prohibit adults from working with youth.
- Where appropriate, check and comply with state legislation or school district policy that relates to background and criminal records checks.
- When checking references, ask specific questions about the person's character, temperament, and suitability to work with youth.

**GUIDELINE 4:** Program staff or organizers should implement policies and procedures for continuing supervision, guidance, support, and monitoring of volunteers. Youth courts also should develop a plan and implement strategies for sustaining youth and adult volunteer involvement.

## Rationale

Program staff or organizers need to establish a system of accountability to ensure that volunteers are functioning at the desired capacity and that volunteers are satisfied with their involvement and contribution to the program. Youth courts are dependent on volunteers to perform roles that are crucial to the day-to-day operations and success of the program staff. An inefficient and ineffective volunteer force can be a burden to or create extra work for program staff, as well as undermine the program's goals and objectives. Therefore, volunteers need to be held to a standard of excellence equal to regular or paid program staff.

However, youth court staff and organizers should remember that volunteering is a choice. Volunteers choose to work with programs because they want to make a contribution to their community and feel valued. If they feel their time is being wasted, they will be more likely to move on to another program or activity where they feel valued and can provide meaningful work. The demand for good volunteers in communities is high and volunteer recruitment is a time-intensive process for program staff. Therefore, youth courts should make every effort to sustain and retain involvement of good volunteers. Satisfied volunteers are also excellent spokespersons for the program. They can help solicit needed support.

## Tips for Implementing Guidelines

- Youth will be more likely to take ownership of the program and be more effective volunteers if they help create it and have an active voice in how it operates. Therefore, solicit youth input during all stages of program development, implementation, and operation. Acknowledge and act on their input. If it is not feasible to take an action they request, make sure they receive an explanation.
- Conduct periodic face-to-face meetings with volunteers. The frequency or formality with which these meetings occur will be partially dependent on the number and type of volunteers working with the program. Also, consider using other trained volunteers to conduct these meetings. Use the meetings to determine if the volunteer has experienced any problems with the program and if his or her personal goals, feelings, or motivation have changed. Program staff also can use this opportunity to offer feedback on their assessment of the volunteer's performance.
- Develop forums for volunteers where they can come together as a group to share problems; develop solutions; and discuss ideas, opinions, and feelings. This is also a chance for volunteers to share success stories. Every volunteer will not be able to attend all meetings, so consider requiring that they attend a specified number of meetings in a year (e.g., two per year).
- Develop policies and procedures for how staff will manage volunteers (e.g., interview process, how volunteers should be matched with roles, how often volunteers should be contacted by staff, what type of information should be maintained on volunteers, how volunteers' work will be evaluated, how to handle problems encountered or caused by volunteers).
- Keep written case file or records on all volunteers, such as copies of volunteer applications, results of background and criminal records checks, reference checks,

type of roles and functions the volunteer has performed for the program, when service was performed, log of contacts with the volunteer, and copies of performance evaluations. Have methods in place to control access to and protect the confidentiality of these types of files.

- Conduct recognition ceremonies (e.g., swearing in ceremonies, appreciation banquets).
- Recognize all efforts made by volunteers — even efforts that may be considered small. Continuously tell volunteers why their efforts are so important to the program.
- Make an effort to remember and acknowledge special events in volunteers' lives (e.g., send them a card on their birthday).
- Give volunteers positions that matter. Assign volunteers meaningful tasks that interest them and allow them to use their talents. Conversely, avoid placing volunteers in roles for which they are not suited or with which they may not be comfortable.
- Once someone expresses an interest in volunteering, get them involved quickly. Be flexible with the level of involvement and responsibility given to individual volunteers based on current constraints in their lives.
- Give volunteers feedback on your appreciation and satisfaction with their work and areas for improvement to encourage growth.
- Create a scholarship for youth volunteers that is awarded at the end of each year. Get local businesses to donate money toward the scholarship and have it presented in their names.
- Publicize and advertise the activities of the volunteers in visible locations (e.g., bulletin board in a high traffic area, local newspapers).

**GUIDELINE 5:** Youth courts should implement a code of conduct for volunteers and respondents that includes procedures or sanctions that will be followed if the code is violated and incentives for compliance.

### Rationale

Just as in society, youth courts need rules and expectations to maintain order and promote program accountability and integrity. Also, compliance will be higher if youth are knowledgeable about the rules and expectations and understand what the consequences will be if the rules and expectations are violated, as well as understand the rewards for complying with the code. Therefore, it is important for youth courts to outline in writing what the expectations are of volunteers and respondents while they are participating in the program and specify consequences for code violations and incentives for code compliance.

Although not a significant problem, there is a chance that volunteers and youth court respondents will break program rules. It is better for programs to be proactive in developing responses or consequences for potential breaches to the code, than to



find themselves in a situation where they have to determine how to respond after the fact. It also is advisable for programs to view compliance with the code as a proactive means for reinforcing positive behavior.

### Tips for Implementing Guideline

- Develop the code of conduct (including consequences and incentives) with input from stakeholders (e.g., advisory board, teachers, youth).
- Place the code of conduct in writing and incorporate it into the program's policies and procedures document.
- Review code of conduct with volunteers and respondents and have them sign a statement saying they understand the expectations and agree to follow the code. Volunteer training programs and intake interviews are the most logical places in which to discuss the code with respondents and volunteers.
- Post the code of conduct in a public place in the program's office and in the courtroom during youth court hearings.
- Consider the following types of provisions to cover in the code:
  - dress code,
  - rules of confidentiality,
  - expectations of attendance and participation, and
  - courtroom demeanor.
- The following are some possible consequences for breaking the code (programs will need to base consequences on the seriousness of the violation):
  - have volunteers appear before youth court hearing for code violations,
  - suspension from youth court for a specified period of time,
  - oral apology to youth court volunteers, or
  - expulsion from youth court program.
- Possible incentives for youth volunteers who comply with the code include being entered into a drawing for a prize at the end of the year, having the opportunity to attend a special training, conference, or program-sponsored social event, and receiving public acknowledgment (e.g., name in newspaper).
- Possible incentives for respondents who comply with the code during their involvement with the youth court include having a written acknowledgment placed on their termination letter or form that is sent back to the referral source, or being given an acknowledgment or gift from the youth court (e.g., certificate, youth court t-shirt).

### Expected Outcomes

Youth court programs can reasonably expect the following outcomes if they adhere to the guidelines recommended in this chapter:

- More effective and efficient use of volunteers knowledge, skills, and abilities.
- More efficient and effective volunteer program.
- Increase in volunteer satisfaction with their involvement and contribution to the program.

- Greater number of volunteers.
- Higher volunteer retention rate.
- Decreased risk of liability to program.
- Increase in comfort level of staff in delegating responsibilities to volunteers.
- Better or more efficient use of program staff time.

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**CHAPTER 8**

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**VOLUNTEER TRAINING****Introduction**

Training is one of the critical components for successfully implementing any volunteer program. Training goals and activities should be grounded in and reflect the purpose and expected outcomes of the youth court program. First, training provides volunteers with the knowledge and skills needed to perform their assigned tasks effectively and efficiently. Second, training provides volunteers with an opportunity for personal growth and enrichment. This is important to youth courts because the major goal is to educate youth about the legal system and to assist them in building competent life skills that will aid them when confronted with other challenging choices and situations in life.

Addressing the training needs of the adults who are working in partnership with the youth is equally important to achieving the expected outcomes of youth court. Adult volunteers need to attend a youth court orientation that explains the program purpose, the mechanics of the program, the expected program outcomes, and how their specific roles contribute to the success of youth court. All adults need sessions to understand principles of positive youth development and how to work in adult-youth partnerships.

Training should be intentional — that is, directed to make a positive contribution to the purpose and expected outcomes of the program. Training should be built upon the needs of volunteers and staff, in order for them to develop the competencies that are needed to carry out a successful youth court. The following guidelines will assist youth courts in developing their volunteer training program. Each guideline will be discussed in more detail later in the chapter.

**GUIDELINE 1:** Youth courts should develop a youth volunteer training program that will enhance youths' ability to perform their volunteer roles effectively, efficiently, and proficiently. Volunteer training should focus on educating youth about the legal and judicial systems, and building their competencies and transferable skills. The volunteer training program is not a one-shot process (i.e., preservice training), but rather, an on-going process. Frequent and consistent training reinforces knowledge and skill development that are necessary to achieve the positive program outcomes.

**GUIDELINE 2:** Youth volunteers should be required to attend initial (i.e., preservice) training in order to be prepared to serve as judges, jurors, attorneys, clerks, or bailiffs. They should receive training on:

- overview of the U.S. legal and judicial system and how youth courts differ from traditional courts;
- trial, advocacy, and case preparation skills;
- ethics, respect, appropriate courtroom demeanor, and confidentiality;
- listening, problem-solving, and critical thinking (particularly with respect to the questioning and deliberation processes);
- goals of sentencing (sentences should focus on repairing the harm, as opposed to focus on punishment);
- effects of crimes on victims, communities, offenders, and offenders' families; and
- the types of sentencing options the program has available, what those options entail, and what sentences are appropriate for certain types of offenses.

They also should be introduced to concepts such as restorative justice, cultural diversity, causes of crime, and issues related to types of offenses the program accepts (e.g., substance abuse awareness). On-the-job and in-service training sessions should be used as a complement to initial training as a way to continue and enhance learning and the skill building process — not as a substitute for initial training.

**GUIDELINE 3:** Youth court respondents who are assigned jury duty or other volunteer roles with the youth court as part of their sentence should, at a minimum, receive orientation to their expected duties and role(s). Ideally, those being assigned jury duty should receive instruction on the issues they must consider when making appropriate sentencing decisions (see Guideline 3 in Chapter 6, Program Services and Sentencing Options, that discusses a seven-step deliberation process).

**GUIDELINE 4:** One of the goals for youth courts is to recommend fair, constructive, and restorative sentences that will hold respondents accountable and help deter future offenses or problem behaviors. Youth and adult volunteers need training on techniques that will enhance their ability to solicit and process adequate information during the questioning and the sentencing deliberation processes to meet that goal. The training should be structured to allow youth an opportunity to practice techniques learned (e.g., role plays, mock hearings) and then be critiqued on their performance.

**GUIDELINE 5:** Adult volunteers who will be having direct contact with youth need to be oriented on the mechanics of the youth court program, philosophy behind positive youth development, and principles of adult/youth partnerships.

**GUIDELINE 6:** Individuals (adult or youth) who will be serving as faculty for formal volunteer training programs or workshops need to have knowledge of the subject they are teaching, as well as a clear understanding of how the youth court operates; its purpose, principles, and the expected outcomes. They need to be

proficient trainers who can adapt their training style and methods to the needs and learning styles of the volunteers (i.e., youth and adults). The principles stated in this guideline also apply to youth and adult volunteers who serve in other voluntary roles (e.g., adult mentor paired with a youth attorney, youth attorney serving as a co-counsel with a newer youth attorney, adult or youth jury room monitors).

The following section provides a brief overview of why these guidelines are important and offers practical ideas and suggested (not required) strategies for how youth courts can work toward meeting the recommendations outlined in each guideline.

**GUIDELINE 1:** Youth courts should develop a youth volunteer training program that will enhance youths' ability to perform their volunteer roles effectively, efficiently, and proficiently. Volunteer training should focus on educating youth about the legal and judicial systems, and building their competencies and transferable skills. The volunteer training program is not a one-shot process (i.e., preservice training), but rather, an on-going process. Frequent and consistent training reinforces knowledge and skill development that are necessary to achieve the positive program outcomes.

### Rationale

Volunteer training sessions in youth courts have multiple goals, which include (1) enhancing youths' ability to perform their roles more effectively, efficiently, and proficiently; (2) educating youth about the legal and judicial systems; and (3) building competencies and transferable skills.

The roles that youth volunteers are expected to perform for youth courts require specialized training and instruction in order to be carried out effectively, efficiently, and proficiently. Initial or preservice training (which will be discussed more in Guideline 2 of this chapter) is a critical step in preparing volunteers for their roles; however, training is not a one shot process. Rather, it is an ongoing core component of a youth court program. The extent to which formal and informal approaches to training are used depends partly on the nature of knowledge and skill needed to perform the assigned volunteer roles and the current level of knowledge and skills of the volunteers.

The educational role of youth courts is enriched by orientation and training programs offered to youth participants — volunteers and respondents. While teaching youth how to perform their roles (e.g., youth court procedure; sentencing options, case preparation, questioning, and sentencing techniques) is important, youth courts also have an overall educational responsibility to teach youth about the structure of our juvenile and adult justice systems, the meaning of justice, the role of rehabilitation, and the relationship between rights and responsibilities. This will aid those involved in youth courts to have a better understanding of their connection to the U.S. system of justice and to feel that they are participants in it instead of potential victims of it (Nessel, 1999).

Competency development efforts in youth courts apply to both respondents and youth volunteers. This is one of the concrete ways in which youth courts can serve as a prevention and early intervention program. Competency is defined by the Balanced and Restorative Justice Project, funded by OJJDP, as the capacity to do something well that others value. Therefore, a sense of competency on the part of youth is fundamental to building and maintaining a healthy relationship with and role in the family and community. Competencies are best developed when young people have the opportunity to become providers of service to others in the community (because they have something meaningful to offer) as opposed to just being seen as passive consumers of services (Pranis, 1998).

Key competencies include (Pittman and Cahill, 1991 as cited in Pranis, 1999):

- **Vocational:** This refers to one's preparation and experience for work, career, and family life; understanding and value of work, leisure, and family life; and awareness of life's options and steps for making choices.
- **Education, Knowledge, Reasoning, and Creativity:** This refers to one's adequate credentials, basic academic skills, and eligibility for and awareness of opportunities for continued learning and advancement; broad base of knowledge and ability to appreciate and demonstrate creative expression; good oral, written and computing skills and ability to learn; and interest in lifelong learning and achieving.
- **Personal/Social, Conflict Management, and Communication Skills:** This refers to one's intrapersonal skills, such as the ability to understand emotions and practice self discipline; interpersonal skills, such as working with others and developing and sustaining friendships through cooperation, empathy, negotiation, and conflict management; and developing judgement skills and a coping system.
- **Decision-making, Reasoning, and Problem Solving:** This refers to one's ability to make good decisions in daily interactions, to manage anger and emotions, and to solve problems creatively.
- **Citizenship:** This refers to one's understanding of the history and values of their nation, community, and racial, ethnic, or cultural group; and to one's desire to be ethical and to be involved in efforts that contribute to the broader good.
- **Health/Recreation:** This refers to one's good current health status and evidence of knowledge, attitudes, and behaviors that will ensure future well-being, including nonviolence, exercise, good nutrition, and effective contraceptive and safe sex practices.

Youth courts are not solely responsible for developing all of these competencies in youth. However, youth courts contribute by initiating or reinforcing the development of key competencies in the lives of youth who are participants.

### Tips for Implementing Guideline

- Develop a curriculum that can be used for delivering initial (i.e., preservice) training that includes a training manual for volunteers and an accompanying instructor's guide for facilitators. The American Bar Association (ABA) has developed a curricula based on the four different program models that youth courts can use and adapt. See the Appendix for information on how to contact the ABA.

- Check with state youth court associations or other local youth courts to see if they have training material that may be useful.
- Develop a plan for providing ongoing training and skill development opportunities for youth volunteers. Sample ideas for in-service and ongoing training opportunities include the following:
  - Pair new youth attorneys with more seasoned youth attorneys (e.g., co-counsel) until they become more comfortable performing their roles independently.
  - In Youth Tribunal Model youth courts, have at least one seasoned youth judge sit on the panel.
  - Establish mentor relationships between youth and adults (e.g., attorneys). Youth could be encouraged to call their mentor to get advice on cases they are working on. Mentors could be encouraged to attend youth court hearings and offer constructive feedback to youth volunteers after the court hearing. Youth could be given the option to ask for a recess to consult with their mentor during a hearing if needed.
  - Organize and conduct a retreat for youth volunteers that is a combination of fun and educational activities.
  - Have youth volunteers attend some of the same educational workshops that respondents do. For example, victim impact panels can be a good way of teaching the impact of crime on victims to both respondents and volunteers.
  - Establish a continuing education program that awards credits to youth who attend certain training or educational events. A youth court could expect youth to get a certain number of continuing education units each year for continued service. A reward or incentive could be offered for youth volunteers who earn a specified amount of credits.
  - Make arrangements with the local bar association to “scholarship” one or more youth when it holds attorney training on applicable subjects.
  - Work with the local bar association to attain applicable training tapes from the American Bar Association and/or local or state bar associations for youth volunteers to watch as in-service training.
  - Incorporate active learning principles into in-service training sessions — training should not be all lecture based. Rather, include opportunities in training sessions for youth to practice and enhance skills and apply what they have learned (e.g., role plays, class discussion, demonstrations).
  - Youth courts can have volunteers perform mock trials or hearings to practice skills.
  - Make arrangements with the local bar association or law school to include youth volunteers in their moot/mock trial practices as witnesses, victims, etc.
  - Implement a jury training session 30 minutes to 1 hour prior to all youth court hearings to orient new volunteers. This session could be open to regular volunteers as a review.
  - Use youth as training facilitators as a means to help them continue to develop their skills and increase their knowledge base.

- Cross train youth in the various roles and have them “work their way up” in the hierarchy of the program (e.g., from juror to attorney to judge — depending on the model).
- Small youth court programs may want to consider pairing up with other youth courts in neighboring counties or communities to conduct volunteer training seminars.
- If a state organizes a statewide conference for youth volunteers, consider having workshops or sessions that focus on enhancing skills of the youth attendees (e.g., questioning techniques, case preparation techniques, deliberation process).

**GUIDELINE 2:** Youth volunteers should be required to attend initial (i.e., preservice) training in order to be prepared to serve as judges, jurors, attorneys, clerks, or bailiffs. They should receive training on:

- overview of the U.S. legal and judicial system and how youth courts differ from traditional courts;
- trial, advocacy, and case preparation skills;
- ethics, respect, appropriate courtroom demeanor, and confidentiality;
- listening, problem-solving, and critical thinking (particularly with respect to the questioning and deliberation processes);
- goals of sentencing (sentences should focus on repairing the harm, as opposed to focus on punishment);
- effects of crimes on victims, communities, offenders, and offenders' families; and
- the types of sentencing options the program has available, what those options entail, and what sentences are appropriate for certain types of offenses.

They also should be introduced to concepts such as restorative justice, cultural diversity, causes of crime, and issues related to types of offenses the program accepts (e.g., substance abuse awareness). On-the-job and in-service training sessions should be used as a complement to initial training as a way to continue and enhance learning and the skill building process — not as a substitute for initial training.

### Rationale

At a minimum, all youth volunteers should receive initial training before assuming their role(s). Likewise, training should be developed for each role in youth court, including the role of juror. Youth who have not received adequate preparation may not be able to perform their roles in a manner that will produce positive results either for themselves or for the respondents. Aside from the valuable educational experience that youth courts are providing the volunteers, the responsibility being placed on the youth volunteers is a big one — they are tasked with ensuring that a constructive, fair, and restorative sentence is assigned to a juvenile



coming before the youth court. This responsibility should not be taken lightly by the youth volunteers, nor should it be taken lightly by program staff or organizers. It is important for respondents and their parents or guardians to feel that they received an adequate representation and a fair judgment by the youth court. Typically, youth who are trained will perform with more confidence and elicit more positive feelings of satisfaction from respondents and parents.

The amount of initial or preservice training provided may vary among youth courts, depending on the needs and complexity of the program. However, youth courts should structure their training programs to cover topics adequately and should recognize that skill building requires time. Some volunteer roles may require more training than others (e.g., attorney, judge, and juror roles may require more specialized instruction than those for clerk and bailiff roles). Therefore, programs should prioritize training topics according to those that are most crucial to volunteer performance and development (Godwin, Steinhart, and Fulton, 1998). On-the-job training may be a component of initial/preservice training to help reinforce learning while slowly integrating them into their volunteer roles, but it should never be viewed as a replacement for more formalized initial training programs.

### Tips for Implementing Guideline

- Develop a curriculum that can be used for delivering initial (i.e., preservice) training. The curriculum should include a training manual for volunteers and an accompanying instructor's guide for facilitators. The American Bar Association has developed curricula based on the four different program models that youth courts can use and adapt. See the Appendix for how to contact the ABA for more information.
- Schedule initial training programs at times that are convenient for youth. Solicit youth input when determining the training times and agendas.
- During initial training, program staff should have two goals: (1) to provide general information about the legal system and the youth court program, and (2) to build skills needed for youth to perform their roles effectively and efficiently.
- Consider holding general sessions for all volunteers to cover basic information needed for all roles (e.g., overview of youth court program) and breakout sessions that focus on specific skills and tasks for specific volunteer roles and responsibilities (e.g., questioning techniques, case preparation, deliberation).
- Make training programs educational and fun.
- Structure training programs so that they are interactive (e.g., role plays, mock hearings, group exercises) — especially for the portion of the training that relates to skill building.
- When using role plays, have youth rotate playing different parts (e.g., court officers, respondents, parent or guardian, victim, witness) so they can develop an appreciation for what it is like for these various individuals when they participate in a youth court hearing.
- Look for ways the program can partner with other agencies for some of its training needs. For example, victim impact panels (VIP) are one way to educate youth on the effects of crime on victims. In many jurisdictions, Mothers Against

Drunk Driving (MADD) holds victim impact panels on a regular basis. So, youth courts could contact MADD to see if they could arrange a VIP for youth court volunteers. Also, consider using some of the educational workshops that respondents are sentenced to (e.g., substance abuse awareness classes) as ways to educate youth on issues related to offenses targeted by teen court. If the workshop itself is too long for youth to be required to attend, leaders of those workshops could make special presentations during the youth volunteer training sessions. Having youth volunteers attend classes or educational workshops that typically are designed as sentencing options also gives the volunteers more insight into the types of sentencing requirements that may be effective for particular respondents.

- Have new youth volunteers shadow more experienced youth volunteers or serve as co-counsel until they are ready to perform on their own.
- Have qualified adults serve as mentors to youth volunteers (e.g., adult attorneys can be assigned to mentor youth attorneys — they can offer advice on case preparation or offer constructive feedback on cases that youth attorneys have been responsible for).
- Solicit youth input and feedback on training content, materials, and methods.
- Arrange for youth to go on a tour of the local court and observe local trials and sentencing hearings.
- For youth courts that use youth volunteers in the role of judge, consider having basic training conducted by a local superior, district, or supreme court judge.
- Incorporate guest speakers from the local law enforcement agency, judiciary, and probation department into training programs.
- Have new volunteers observe a specified number of court hearings before they participate actively. Encourage staff or trained volunteers to meet with the young person to debrief after their observation time.

**GUIDELINE 3:** Youth court respondents who are assigned jury duty or other volunteer roles with the youth court as part of their sentence should, at a minimum, receive orientation to their expected duties and role(s). Ideally, those being assigned jury duty should receive instruction on the issues they must consider when making appropriate sentencing decisions (see Guideline 3 in Chapter 6, Program Services and Sentencing Options, that discusses a seven-step deliberation process).

### Rationale

The majority of youth courts do not provide orientation to their respondents serving on juries, other than giving them a written list of instructions provided to juries. While the instruction sheet may provide helpful information, it does not usually contain information needed to assist them in performing as an effective juror.

One of the key advantages to having respondents serve jury duty as part of their sentence is that it exposes them to and offers an opportunity to engage them in the positive side of the program. They get to experience “justice” from the other side. They are asked to look at the circumstances of someone else’s case and make a recommendation, along with their peers, as to what the new respondent should do to make repair. They are participating in one of the most important functions of the youth court program — the determination of an appropriate, fair, constructive, and restorative sentence. They also are getting an opportunity to experience some of the educational benefits that youth courts provide to those who volunteer. However, this advantage can become a disadvantage for the respondent serving on the jury if they are placed in a situation where they are not able to perform at the same level of comfort or proficiency as the other volunteer jurors. Also, unprepared respondent jurors may make the deliberation process more frustrating for volunteer jurors.

There are some who argue that jurors in the adult criminal justice system are not given training prior to serving their civic duty, so therefore, youth court jurors (volunteers or respondents) should not receive training either. However, in recent years, the American Judicature Society (1996) has been researching strategies aimed at improving the jury deliberation process in the criminal justice system and developing resources to provide information jurors need to improve their satisfaction with and confidence in their decision-making processes. Youth courts stand in a unique position to help young people build skills that will aid them when they are called to jury duty service in the future.

It may not be feasible for youth courts to implement the same initial training for jurors offered to youth volunteers; however, it is important that programs implement some type of orientation aimed at increasing their knowledge of how the deliberation process works in the particular youth court and increasing their understanding of their role and responsibility as a juror.

### Tips for Implementing Guideline

- Have jury service be the last part of a respondent’s sentence that he or she completes, so he or she has an opportunity to develop a better understanding of his or her actions and its effects before he or she is required to render judgement on another individual.
- Require respondents who are ordered to serve jury duty to attend a 30-minute to 1-hour orientation for new jurors (this could be considered as part of their community service requirement). Introduce them to the seven-step sentence deliberation process outlined in Guideline 3 in Chapter 6, Program Services and Sentencing Options. These sessions could occur prior to youth court hearings while attorneys are preparing for cases, or these sessions could be scheduled independently of youth court hearing. Consider using adult or experienced youth volunteers to facilitate these sessions.
- If a formal orientation session for respondents is not feasible, youth court staff or an adult or youth volunteer could meet with respondents individually to orient them on the jury process and seven-step sentence deliberation process (see Guideline 3 in Chapter 6, Program Services and Sentencing Options). This also

could be accomplished during the exit interview that occurs immediately following their youth court appearance, if limited staff time is an issue.

**GUIDELINE 4:** One of the goals for youth courts is to recommend fair, constructive, and restorative sentences that will hold respondents accountable and help deter future offenses or problem behaviors. Youth and adult volunteers need training on techniques that will enhance their ability to solicit and process adequate information during the questioning and the sentencing deliberation processes to meet that goal. The training should be structured to allow youth an opportunity to practice techniques learned (e.g., role plays, mock hearings) and then be critiqued on their performance.

### Rationale

Many youth volunteers are influenced by television and print media as to how they think a respondent, victim, or witness should be questioned. This illusion that being an attorney in youth court is going to be like what they see on television leads some youth volunteers to pursue a line of questioning that relates to whether the respondent is guilty or innocent, rather than one that solicits information on the circumstances of the offense and its effect on the respondent, respondent's family, victim, or community. This may be appropriate for those youth courts who do allow youth to plead not guilty when they are holding a trial (i.e., fact finding youth courts). However, for the vast majority of youth court programs, which serve a sentencing function only, questioning should be directed primarily at discovering mitigating and aggravating circumstances that led up to and occurred during the offense, as well as at the direct and indirect effects of the respondent's actions. For example, the youth defense attorney should not view his or her role as getting the respondent the lightest sentence possible. Rather, they should view their role as one to advocate for the minimum appropriate sentence needed to hold the respondent accountable for his or her actions.

The distinction as to the type of information that should be brought out during the hearings needs to be made clear to those who are training the youth in case preparation, questioning, and sentencing techniques. This distinction starts with the message that the sentencing process should focus on holding youth accountable by increasing their awareness of the consequences and effects of their actions and offering them opportunities to repair the harm they created, as opposed to focusing on merely punishing the respondent. To truly understand this distinction and be able to capitalize on it in hearings, youth volunteers should receive training and information related to the effects of various offenses and problem behaviors on respondents, respondents' families, victims, and the community. Through the volunteers' increased awareness, they should be in a better position to ask more appropriate, relevant, and thought provoking questions of respondents so that those making the sentencing decision have more detailed and individualized information to use during the deliberation process. This will increase the likelihood that sentences recommended will have a greater positive impact on the victims, community, and respondents.

Many times, youth courts hear the same types of cases over and over again. However, each case is unique in some way. It is incumbent on the youth volunteers who are questioning respondents to make an effort to discover what those unique aspects may be. If they are successful, those making the sentencing decisions will have new or different information to consider (even if it is the fourth shoplifting case they have heard that session). This should help alleviate the tendency of fashioning sentences by rote, without considering what was heard in the courtroom.

Helping youth become more effective at case preparation, questioning, and sentencing is not something that is fully achieved during initial or preservice training. However, the groundwork can be laid at that time. Teaching them the philosophy of the program, effects of crime and problem behavior, and allowing them the opportunity to begin using questioning and sentencing techniques is certainly manageable in initial training efforts. However, building skills and becoming competent in these areas takes time, more time for some than for others. Therefore, youth courts will need to develop and implement additional training strategies to assist youth in honing their skills.

### Tips for Implementing the Guideline

- In initial training sessions, offer volunteers an opportunity to practice questioning skills and be critiqued (and to critique others).
- In initial training sessions, have volunteers participate in a mock deliberation process after watching a mock hearing or after being presented with written case scenarios. Have the volunteers state their reasons for the sentence being offered and critique their suggestions.
- Offer refresher courses (in-service training workshops) on case preparation, questioning, deliberation, and sentencing techniques. For youth courts that conduct trials to determine guilt or innocence, refresher courses on rendering verdicts may also be helpful.
- Consider videotaping role plays and mock hearings during training seminars so youth can watch what they are doing and hear what they are saying.
- Have trained adult or youth volunteers sit in on deliberation processes and offer feedback to the coordinator on the effectiveness of the deliberation process for the program.
- Have a trained adult or youth volunteer facilitate a debriefing with jurors, judges, or jury panel members on the deliberation process to (1) determine how the process is working for those involved, and (2) identify issues that need to be addressed and clarified with volunteers. This could be done all the time or periodically as a way to evaluate the effectiveness of the deliberation process and to help promote continued learning among volunteers.
- Many times, questioning skills are developed through experience. Use adults and more seasoned youth volunteers as mentors to offer advice and constructive feedback to youth attorneys, judges, and jury panel members on their questioning techniques after youth court hearings.
- Assess satisfaction of and seek input on areas for improvement from stakeholders such as respondents, respondents' families, victims, and referral sources to

determine their perceptions of the fairness or effectiveness of sentences rendered by the youth court. Report to youth volunteers results of assessment findings and discuss how they can work with the program staff to make needed improvements to practices.

- Invite victims, victim advocates, and/or community members to educate youth on the effect crime has on victims and the community.

**GUIDELINE 5:** Adult volunteers who will be having direct contact with youth need to be oriented on the mechanics of the youth court program, philosophy behind positive youth development, and principles of adult/youth partnerships.

### Rationale

Youth courts should not limit their training efforts to youth volunteers. Adults working with the program also should be oriented to the program before assuming their roles. As in the case of youth volunteers, the more they know about and understand how the youth court program operates and what the expected outcomes for the program are, the more efficient and effective they will be at fulfilling their assigned roles and tasks.

Adult volunteers who will be having direct contact with youth while volunteering with the programs also should receive some instruction or training on the philosophy behind positive youth development. The purpose of positive youth development is to nurture lives, foster self-direction, and generate skills and commitments that enable young people to make positive contributions to society. Youth development work primarily focuses on the development of personal, social and citizenship competencies, and the development of youths' connections and commitments to individuals, families, and the community (Zeldin, 1995). One of the functions of youth court focuses on providing all youth who participate (as volunteers and respondents) is the opportunity to develop and internalize the above mentioned competencies so that they can apply them in their lives now and later in life. By having a working knowledge of the principles and practices of positive youth development, as well as by modeling appropriate adult/youth partnerships, adult volunteers will be in a better position to engage youth in activities that contribute to developing key competencies and connections to individuals, families, and the community.

The concept behind adult/youth partnerships relates to creating relationships that are based on shared power and equal voice among young people and adults in decision-making. This concept embodies a shift in thought and practice from adults doing something for youth to adults doing something with youth. In this model, adults serve as a guide by the side. Youth courts are a youth-driven program that at its basic level is about empowering young people to be responsible leaders in their community. Adults who work with the program need to understand how their actions affect youths' feelings and experiences of empowerment. Adults who

attempt to control the program and force their views and values on youth unnecessarily will inhibit the growth and learning experience youth courts can provide.

Adult/youth partnerships recognize that the partnership is mutually beneficial for the young people and adults involved. That is, adults can learn as much from youth as youth can learn from adults. These partnerships are based on mutual respect that builds upon trust, dignity, and honor, and through this an appreciation emerges that acknowledges each person's perspective as unique and valid. Adult/youth partnerships bring about the opportunity to showcase that youth have the time and talent to make meaningful contributions to their families, schools, and community.

### Tips for Implementing the Guideline

- Develop a brief (e.g., 1-2 hour) orientation session for adult volunteers. Hold the orientation session at a time that is convenient for the majority of adults volunteering for your program. Offer the session more than once to accommodate those adults unable to attend the first session.
- When adult volunteers are unable to attend the formal orientation session, schedule a personal meeting with them to go over the types of issues discussed in the orientation session. In extreme cases, orienting adult volunteers by telephone may be acceptable.
- Implement a special 1-2 hour training class for adult volunteers who will be having more direct contact with youth that covers youth development issues.
- Incorporate a brief role play exercise into the orientation program that has the adult play the role of respondent and youth volunteers involved with the program to begin to develop an appreciation for positions youth hold within the program.
- Orientation sessions, whether in formal classes, personal meeting or by telephone could be facilitated by other volunteers. Experienced, highly competent youth could serve as co-facilitators. This will help increase adult respect for youth.
- Be aware and considerate of time demands on adult volunteers; however, do not fall into the trap of letting this become a reason to avoid requiring them to attend training or orientation.
- Develop a volunteer manual that includes brief information on the issues stressed in this guideline. Written information can be helpful as a supplement to formal training. It also can be an important resource for adults who are unable to attend a formal orientation session or for programs who choose not to provide formal adult volunteer orientation sessions.
- Offer adult volunteers the option of observing youth volunteer training programs. This will increase their understanding of the program and the expectations of the youth participants.
- Offer periodic debriefing sessions for adult volunteers to get their insight and feelings about their interactions with the youth.

**GUIDELINE 6:** Individuals (adult or youth) who will be serving as faculty for formal volunteer training programs or workshops need to have knowledge of the subject they are teaching, as well as a clear understanding of how the youth court operates; its purpose, principles, and the expected outcomes. They need to be proficient trainers who can adapt their training style and methods to the needs and learning styles of the volunteers (i.e., youth and adults). The principles stated in this guideline also apply to youth and adult volunteers who serve in other voluntary roles (e.g., adult mentor paired with a youth attorney, youth attorney serving as a co-counsel with a newer youth attorney, adult or youth jury room monitors).

### Rationale

Facilitators who do not have knowledge of their subject matter will not be respected by youth volunteers. It also will make it difficult for the facilitator to accomplish the learning objectives of the training program if they do not have a good understanding of what they are teaching, how it fits within the overall philosophy of the local youth court program, and what knowledge or skills they are expected to impart to and build in youth. In essence, they will be more likely to meet the program's expectations and training goals if they know what the expectations and goals are. Do not assume that because someone is an attorney, for example, that they automatically are suited to teach youth how to prepare cases and question respondents in the youth court. If the adult volunteer's philosophy does not match the philosophy the program is based upon (e.g., restorative philosophy as opposed to adversarial philosophy), they may not be effective trainers for the program.

The training style of facilitators is also an important consideration when choosing speakers and presenters. The educational experience should be fun as well as informative. Volunteers will avoid training sessions that are boring and irrelevant to their needs. Therefore, it is imperative that facilitators deliver training that meets the needs and maintains the interest of volunteers (Sigler and Leenhouts, 1985). Also, persons tend to retain more information when it is received through more than one sense (Fisher and Cole, 1993).

Youth bring a variety of cognitive information-processing habits or preferences to new learning situations (Curry, 1990). Cognition refers to the way people acquire and process knowledge. It occurs through perception, reasoning, or intuition. According to Piaget's classifications, youth think in concrete terms. They learn to deal with the properties of real objects and the relationships among them. Adolescents move from concrete thinking to the stage of formal operational thinking, which includes the ability to think hypothetically and reason deductively. As these cognitive skills increase, adolescents can think in terms of possibilities and can approach problem-solving in a more logical way, thus increasing their imaginations and flexibility (Conger and Peterson, 1984, as cited in Crowe and Schaefer, 1992).

Cognitive development during adolescence also includes maturation of a future time perspective. For younger children, and often for those in early adolescence,



imagining a future that is very different from the present is difficult. However, as they develop, an adolescent's orientation toward future events becomes more pronounced, often resulting in contemplation of careers and future relationships (Conger and Peterson, 1984, as cited in Crowe and Schaefer, 1992).

Cognitive development in adolescents varies greatly from one individual to another. It does not occur suddenly, as physical growth often appears to do. Rather, it may take several years for some adolescents to achieve mature cognitive development; others may never reach a maximum level of development (Crowe and Schaefer, 1992).

At times, the objective of the training may be to pass on knowledge about a particular subject (e.g., the structure of the juvenile justice system, the philosophy of the youth court program). Other times, training may be aimed at teaching a new skill, a new behavior, or assisting volunteers in changing attitudes or opinions. For example, the focus may be on teaching the volunteers how to perform a particular task (e.g., clerk's duties, bailiff's duties). Or, the focus may be on teaching a volunteer to think critically about information that has been provided to determine an appropriate and constructive sentence. There are a variety of methods of teaching that can be used to bring about particular kinds of learning (Joyce and Weil, 1986). Suffice it to say that youth court program organizers and staff should understand that youth will vary considerably in the ways and speeds at which they learn and process information. It is important that facilitators be sensitive to and be able to adapt and use a variety of training styles and techniques that provide opportunities for both individualized and group learning experiences (Fisher and Cole, 1993).

### Tips for Implementing Guideline

- Have potential facilitators provide a description of their expertise and training or teaching background. Choose facilitators for their knowledge, not just their political position.
- Use youth and adults as training facilitators.
- Design or follow a training curriculum that incorporates a variety of training techniques. Seek input from youth and adult volunteers on content for training curriculum.
- Orient facilitators on the training curriculum being used by the youth court program. Make sure they understand what the expectations of the program staff are.
- Give facilitators an opportunity to offer feedback on the curriculum being used prior to the training and allow them to offer suggestions on how they can augment or modify their sections to make it easier for them to teach.
- Have youth volunteers complete an evaluation form on the training event. Use their comments to revise and modify the curriculum.
- Debrief with facilitators after the training is complete to evaluate what worked and what did not work during the training event. If needed, make modifications to the training curriculum before the next training event.
- Review training curriculum periodically to ensure inclusion of new materials and practices.

- Have trainers emphasize interactive and active learning methods. This type of learning methods tend to yield more positive results.
- Have youth report out to the larger group at the end of interactive exercises. This will give trainers insight into what skills, ideas or concepts still may need to be worked on.
- Encourage trainers not to rush youth through the training program. Training agendas can be adjusted to meet the needs of the group being trained.
- Have facilitators adapt their teaching strategies according to what the purpose of the lesson is (e.g., deliver information or teach a skill).

### Expected Outcomes

Youth court programs can reasonably expect the following outcomes if they implement a solid volunteer training program that adheres to recommendations in the guidelines:

- More proficient youth volunteers.
- Increased satisfaction with the program among youth volunteers.
- Increased level of commitment and follow through among youth volunteers with the program's expectations.
- More effective and efficient youth court hearings.
- Sentences that are more restorative in nature.
- More satisfaction with the youth court program from respondents and parents or guardians.
- More satisfaction with the youth court program from victims and community members.
- Increased confidence in the program's abilities by judges, juvenile probation officers, law enforcement officers, and other justice system personnel.
- Increased knowledge of the legal and judicial system by youth court volunteers.
- Increase in listening and critical thinking skills among youth volunteers.
- Reduced instances of discord among youth volunteer and respondent jurors in deliberation processes.
- More empowerment of youth within the program.
- More effective training facilitators.

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**CHAPTER 9**

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**YOUTH COURT OPERATIONS AND CASE MANAGEMENT****Introduction**

Developing effective youth court operation and case management practices is essential to ensuring program accountability and integrity. Successfully managing a youth court requires that staff and volunteers have a solid understanding of what the program's premise is (i.e., youth accountability and youth empowerment) and balance how they maintain the integrity of that premise with the myriad administrative functions and tasks associated with operating a youth court.

The following guidelines will assist program organizers and staff in operating and managing effective and efficient youth courts. Each guideline will be discussed in more detail later in the chapter.

**GUIDELINE 1:** Each youth court program model should be youth-focused and youth-driven and be implemented and operated in a manner that empowers the youth who are participating in the hearing.

**GUIDELINE 2:** Youth courts should conduct hearings in a setting that is conducive to the seriousness of the proceedings. Safety, security, and accessibility issues for staff and volunteers also need to be addressed with respect to the program and hearing location(s).

**GUIDELINE 3:** Thorough program and individual case files should be kept on all respondents and volunteers involved in the youth court program. Youth courts should develop a method for systematically collecting and recording information while allowing for controlled access to or sharing of confidential information. Time frames for how long information is maintained and how information is disposed of also should be addressed.

**GUIDELINE 4:** Youth court staff (or their designee) should conduct an intake interview with respondents and their parent or guardian prior to the case being heard by the youth court.

**GUIDELINE 5:** Youth courts should implement a procedure for recording or documenting events and results that occur during each youth court hearing.

**GUIDELINE 6:** Youth court programs should ensure that youth attorneys or jury panel members are given adequate time and access to information needed to prepare for their cases.

**GUIDELINE 7:** Youth courts should have a written policy that identifies the major tasks and procedures to be conducted by program staff.

**GUIDELINE 8:** Youth courts need to outline a policy for how cases will be monitored for compliance. This policy should address issues such as:

- how referrals will be made to agencies, organizations, or individuals providing services to and for youth court respondents (e.g., community service sites, counseling agencies);
- the type and frequency of communication that should occur between youth court program staff and these outside agencies and how the communication will be documented;
- how completion of a respondent's obligations monitored by an outside agency or organization will be verified and documented;
- how completion of a respondent's obligations monitored by the youth court will be verified and documented;
- the type and frequency of communication that program staff (or their designee) should have with respondents and how this communication should be documented;
- the procedure for terminating cases (successfully and unsuccessfully) and who gets discharge or completion information; and
- the type of information that should be provided to the appropriate entities at the time of discharge or completion.

**GUIDELINE 9:** Youth courts should implement a process for formally recognizing respondents who complete the program successfully.

The following section provides a brief overview of why these guidelines are important and offers practical ideas and suggested (not required) strategies for how youth courts can work toward meeting the recommendations outlined in each guideline.

**GUIDELINE 1:** Each youth court program model should be youth-focused and youth-driven and be implemented and operated in a manner that empowers the youth who are participating in the hearing.

### Rationale

The central tenant of the youth court concept is youth empowerment — giving youth ownership of the program and facilitating their development of skills to enable them to be responsible leaders in their community. Therefore, adults need to

understand how their actions affect youths' feelings and sense of empowerment. Adult staff and volunteers should be a guide by the side to youth volunteers involved in the program. Youth courts that operate program models and practices in which adult volunteers or staff assume formal roles in hearing processes (e.g., Adult Judge Model, Peer Jury Model with an adult judge or monitor, adult jury room monitors) need to be especially cognizant that they guard against adults intervening or dominating proceedings unnecessarily. Adults who control the program or force their views and values on youth volunteers or exert too much power during youth court proceedings will inhibit the growth and learning experience that youth courts can provide.

For example, in an Adult Judge Model youth court, the role of the adult judge is to preside over the hearing; not to take questioning and decision-making power away from the youth attorneys and jurors. If, during hearings, an adult judge consistently asks multiple questions of the respondent after the youth attorneys have questioned him or her, the youth attorneys may feel they do not have to take responsibility for asking all the right questions, because the adult will always be there to address anything they leave out. Likewise, if an adult judge consistently modifies portions of a jury's recommended sentence in open court, jurors will not see the importance of their responsibility to consider all the facts to make individualized sentences. These types of adult intervention negate youth volunteers' motivation to learn or enhance their skills. Also, in the end, the respondent may feel that he or she is being lectured by the adult as opposed to feeling influenced by his or her peers.

### Tips for Implementing Guideline

- Effective adult/youth partnerships should be stressed and practiced throughout all aspects of the youth court program. Collaboration and inclusion of youth in various processes (e.g., volunteer training, administrative duties, court proceedings, marketing and public relations, fund raising, advisory group, or board of directors) will strengthen the youths' skills and knowledge, as well as the adults' and youths' respect for each other.
- Remember that training and skill development for youth volunteers is an ongoing process. Be cognizant of what is happening during hearings and sentence deliberations and use these real life experiences and observations as a teaching tool.
- Conduct pre- and post-hearing debriefing sessions with volunteers. Trained volunteers or staff can facilitate these debriefing sessions.
- It is preferable to debrief with youth volunteers after hearings and sentence deliberation processes are over, as opposed to intervening during the processes. In extreme cases it may be necessary to intervene instantly to protect the integrity of the program, but staff and adult volunteers should be clear of what constitutes immediate intervention. When debriefing, provide constructive feedback that focuses on positive aspects of their performance, as well as on areas for improvement. Give specific examples and have youth help identify solutions when providing feedback. (e.g., When you were questioning the respondent you said, "Would you say you learned from this experience?" The respondent said "yes.")

What question could you have asked that would have required the respondent to explain what he or she learned? How can a response to that type of question give better information to those making sentencing recommendations?).

- Consider using down time during hearings (while the jury deliberates — if not holding another hearing), for staff or volunteers to offer constructive feedback to youth attorneys. Do not, however, critique their performance in front of the respondent and his or her guardian.
- Choose adult volunteers — who will be interacting with youth and performing formal roles in court proceedings — that understand the principles of adult/youth partnerships and positive youth development.
- Train adult volunteers not to intervene unnecessarily. Outline instances in which it would be appropriate for them to intervene (e.g., question a respondent or witness, modify a sentence condition). Give them instruction on appropriate methods for intervening (e.g., call a recess and have attorneys approach the bench to discuss a line of questioning being pursued, have jurors return to the jury room to reconsider a portion of the sentence that may need more emphasis, specify an appropriate community service work assignment that is tailored to the offense, reconsider a restitution order).
- When adult volunteers or staff do not adhere to guidelines established by the program to avoid unnecessary intervention, discuss it with them. If they continually refuse to abide by program guidelines or rules, consider not using their services.
- Remember that inappropriate and unnecessary intervention by adults is not limited to youth court hearings and proceedings. It also can occur in training sessions and in other daily interaction with youth involved in the program.

**GUIDELINE 2:** Youth courts should conduct hearings in a setting that is conducive to the seriousness of the proceedings. Safety, security, and accessibility issues for staff and volunteers also need to be addressed with respect to the program and hearing location(s).

### Rationale

Youth courts hear real cases and make dispositional recommendations that respondents are required to carry out. Therefore, the tone of youth court hearings should reflect the seriousness of the responsibility that is being given to youth volunteers. Physical surroundings play a part in setting a serious tone. The more the location of the hearing resembles a formal court setting, the more apt the volunteers will treat the proceeding with due respect. Likewise, respondents and guardians are more likely to respond reverently to a setting that establishes a formal and serious tone.

Staff and adult volunteers also contribute to helping ensure the atmosphere is conducive to the seriousness of the proceedings. There is a time and place for youth volunteers to joke around, be loud, laugh and have fun; however, youth court

sessions should not be dominated by that type of behavior. Adult staff and volunteers should model and reinforce the need to behave appropriately so that respondents, their guardians, and visitors will feel as if they are participating in or witnessing a quality program.

Safety and court security are important issues for youth courts to address. Youth court staff or program organizers need to develop and maintain an environment that is as safe as possible for staff, volunteers, respondents, their families, victims, witnesses, and observers — both inside and outside of the courtroom. Youth courts also should ensure they comply with American Disability Act requirements and are physically accessible to volunteers and clients.

### Tips for Implementing Guideline

- Whenever possible, hold youth court hearings in an actual courtroom. An official courtroom automatically helps invoke a serious atmosphere. City council or school board hearing chambers are also good locations because they are typically already set up in a formal hearing format. When these locations are not accessible or feasible, contact high schools and universities to see if they have rooms set up to resemble courtrooms (e.g., some high school magnet programs and law schools may have courtrooms on their premises for students that could be used by youth court).
- Ensure there is adequate space for the program to function smoothly and offer privacy. For example, youth courts should have access to a separate room for sentencing deliberation. Because deliberations can sometimes be noisy, it is recommended that the deliberation room be located in an area where the respondent and his or her guardian cannot hear the discussions.
- Arrange for separate and private rooms in which volunteer attorneys can meet with respondents, guardians, victims, and witnesses prior to hearings to prepare cases. Many youth courts have volunteer attorneys meet with the respondent and his or her family in the hallway. There are many distractions in hallways that can hamper the ability of the volunteer to adequately prepare and can also make the respondent and his or her guardian uncomfortable.
- When separate and private rooms are not available, make other provisions that offer privacy to youth attorneys, respondents, respondents' parents or guardians, victims, and witnesses.
- Consider the comfort and privacy issues of respondents, guardians, victims, and witnesses. Look for ways to physically separate people who are likely to be in conflict. Separate waiting rooms for respondents and victims/witnesses is optimal. For safety and security, when waiting rooms are used, they should be monitored by a staff member or trained adult or youth volunteer.
- Implement a clear set of rules and policies relative to safety and security issues.
- Prepare respondents, respondents' families, victims, and witnesses who may be concerned about security issues on how to handle themselves in a manner that may prevent problems.
- Train adult and youth volunteers on how to prevent and handle themselves in situations of conflict. Whenever possible, verbal intervention is preferred to

physical intervention. A verbal style that is calming is the most helpful along with offering information that presents the person involved in the conflict with behavioral options that are more acceptable (National Center for Juvenile Justice, 1991).

- Have the program's location inspected to ensure compliance with American Disability Act requirements. Include information about program's accessibility in marketing and public relations materials.

**GUIDELINE 3:** Thorough program and individual case files should be kept on all respondents and volunteers involved in the youth court program. Youth courts should develop a method for systematically collecting and recording information while allowing for controlled access to or sharing of confidential information. Time frames for how long information is maintained and how information is disposed of also should be addressed.

### Rationale

Developing effective case management practices and designing an efficient system for maintaining information can help assure program accountability and integrity. Maintaining records on respondents and volunteers allows staff to track the type of contact they have had with individuals to ensure they are monitoring respondents' sentence completion and managing the program's volunteer force effectively and efficiently. Maintaining case files is also helpful when there is staff turnover or when other situations arise that necessitate someone else assuming responsibility for monitoring respondents and managing volunteers. Maintaining accurate records on respondents and volunteers also provides a means for tracking data that can be useful in program evaluation efforts — see Chapter 10, Program Evaluation, Guideline 5.

At some point, youth court files will need to be purged or destroyed. The time frame and manner in which records should be disposed will vary from jurisdiction to jurisdiction. Programs should get input from key stakeholders (e.g., county attorney, juvenile/municipal court judge, school administrator) to assure they are keeping records for an adequate length of time and that they are disposing of them in the proper manner.

### Tips for Implementing Guideline

- Computerized systems make managing information more efficient and convenient and make evaluation efforts easier. Computerized records also decrease the need for excessive paperwork and filing space.
- In respondent case files, include copies of all forms signed by the respondent and guardian, copies of correspondence sent to or received from respondent or guardian, verification forms for completion of various sentencing components (e.g., community service, educational workshops, counseling), and chronological case notes of all contact (e.g., personal, telephone, electronic) with the respondent. Case notes should be specific to the respondent's behavior and actions, as



well as to the youth court staff or volunteers' efforts and results when managing and monitoring cases. Extraneous detail is not often helpful.

- In youth volunteer case files, include a copy of the volunteer application, signed oath of confidentiality statement and code of conduct, record of when and what the volunteer has done for the program (e.g., on June 22 the volunteer served as a prosecuting attorney, on July 4 the volunteer performed five community service hours at the Independence Day Community Fair, on July 23 the volunteer made a presentation to the rotary club for fund-raising), copies of release forms (e.g., for pictures taken), and other notes related to special provisions needed or made for the volunteer (e.g., volunteer is not available to work for the program during football season).
- Ensure that all case files document and collect information that will be needed for program evaluation efforts. Ensure the format that the information is collected in will be useful for program evaluation efforts. See Guideline 5 of Chapter 10, Program Evaluation, for more information on data collection.
- Store paper files in a locked filing cabinet.
- Consider locking office spaces that contain confidential information. Do not leave case files laying out on desks and other office spaces — return files to the locked filing cabinet when leaving the office for any reason.
- Control who has access to files and office spaces that contain confidential information.
- Create password protected files on automated systems.
- When case files are given to volunteers, remove information that is not relevant or needed for their case preparation efforts. Make sure volunteers understand the need to respect confidentiality of the information in their possession. Train them on how they are to protect the information.

**GUIDELINE 4:** Youth court staff (or their designee) should conduct an intake interview with respondents and their parent or guardian prior to the case being heard by the youth court.

### Rationale

The youth court intake interview is a crucial point in the youth court process. The youth court intake interview is specific to the youth court program. The young person and his or her guardian may have already attended other intake sessions (e.g., with the referral source); however, those intake sessions should not preclude a separate intake session with the youth court staff person or his or her designee.

The purpose of the youth court intake interview is for the coordinator and the respondent and his or her guardian to make a final determination as to whether the case is appropriate for youth court. It occurs before a case is docketed for and heard by the youth court. It is an essential information sharing juncture — it ensures that all involved understand the youth court process and agree to participate. Youth court staff have an opportunity to explain the program's purpose/mission, goals,

objectives, expectations, and expected outcomes. This can help eliminate confusion and conflict during youth court hearings and once a sentence is pronounced. Staff also have the opportunity to obtain and verify factual information on the respondent and the offense or problem behavior that caused him or her to be referred to youth court. Much of this information can be provided to volunteers to assist them in preparing for and carrying out their roles in the respondent's hearing. The intake interview also is a way to ensure that youth and their legal guardian have been advised of their legal rights and have the information they need to make an informed decision prior to giving consent to participate. See Chapter 4, Legal Issues, for more information.

When conducting intake interviews, youth court staff need to balance the need for information with the family's desire to avoid unnecessary invasions of privacy (NCJJ, 1991). Information should be gathered that will assist staff and volunteers in understanding facts and circumstances to help them present a thorough case and make a decision about the most appropriate way to respond to the individual respondent's situation.

### Tips for Implementing Guideline

- At the beginning of intake interviews, make appropriate introductions to the respondent and his or her parent or guardian and explain the purpose of the interview and how the information gathered will be used (NCJJ, 1991).
- Never assume that the respondent and his or her parent or guardian already are familiar with the program and its expectations. Always approach the intake interview as if they have never heard anything about youth court.
- In addition to providing verbal information on the program during the intake, provide the respondent and his or her parent or guardian with written information on the program as well (e.g., fact sheet, brochure).
- Allow time during the intake for (and encourage) the respondent and his or her parent or guardian to ask questions.
- Take time to explain legal rights and ensure that the respondent and his or her parent or guardian understand the rights they are waiving to participate. If the respondent or parent or guardian express hesitation or reluctance to participate in the program, do not discount their feelings or try to pressure them into participating in the program. Respect their right to pursue alternative case processing (e.g., formal court, meetings with school administrator).
- Consider developing an intake interview form to guide questioning and discussion during the intake session. Issues to discuss during the intake session include the specific details of the offense or action; any action that has been taken by parents or other authority figures to address the problem behavior (e.g., punishment, school disciplinary measures); any gestures taken by the respondent to remedy the problem (e.g., apology to victim, restitution); and problems, issues, and circumstances of the youth's family, school, or peer relationships that lead up to the incident (e.g., substance abuse, poor grades, poor school attendance) and may have contributed to the youth engaging in the problem behavior. Also, ensure that information needed for program evaluation efforts is documented accurately.

- Review information received prior to and during intake interview and determine which information is most pertinent for use of volunteers involved in the case. If necessary, develop a separate form for providing information to volunteers.
- Other forms to be completed during intake sessions include oath of confidentiality forms, release of information forms, waivers and liability forms, and waiver and parental consent forms.
- Recognize the strengths and limitations of the program to address issues that arise in the intake session. Make appropriate referrals for additional services for the respondent and his or her family if needed (e.g., drug or alcohol assessment, family counseling).

**GUIDELINE 5:** Youth courts should implement a procedure for recording or documenting events and results that occur during each youth court hearing.

### Rationale

How hearings are conducted and how youth and adult volunteers perform during hearings are the most visible ways of assessing what is working well with the hearing process and what needs to be improved upon. However, most of the time, staff are conducting other tasks and are not able to observe youth court hearings in their entirety. Therefore, they must rely on others to inform them of what goes on in the courtroom during each case. Information obtained can be valuable in continual efforts to improve the program and enhance the skills of the youth volunteers, as well as for creating an official record of overall decisions and actions taken during hearings.

Being aware of what happens in individual cases is also important for staff in case there is a complaint or question by a respondent or parent or guardian about the outcome of the case or as to how something was handled during the hearing process. Information from neutral sources can help prepare staff to respond to issues raised more knowledgeably and effectively.

### Tips for Implementing Guideline

- Consider taping or recording sessions (audio or video). However, check with local regulations and state statutes to see if there are provisions against taping or recording proceedings. Also, make sure to get permission from the respondent and his or her parent or guardian prior to recording proceedings by audio or videotape. Review tapes and make notes of strengths and areas of concern.
- Have trained volunteers monitor court proceedings and report to staff after each hearing positive things that occurred, as well as identify areas that may need to be improved. When reporting back information, volunteers should be specific with what they saw and heard.
- Have youth volunteers take written notes of actions taken and turn them in at the end of each hearing. If this information will be used for program evaluation efforts, make sure it is documented accurately.

- For youth courts that include an appeals process, make sure to save the record and notes of the hearing for the appropriate time period for appeal before disposing of this information.
- Ask the respondent and his or her parent or guardian during the interview immediately following the hearing about their impressions and observations of the hearing.
- Respond to feedback and address issues with volunteers in a timely manner (immediately, whenever possible). Make an effort to praise or reward those who received positive feedback (e.g., tell the prosecuting attorney that you understand he or she did a very good job that evening of asking open-ended questions, tell the jurors you understand they were doing a very good job of listening attentively or that you are impressed by the portion of their sentence that showed they had tailored it to the offense and individual's circumstances). Likewise, address areas that need improvement. If circumstances are limited to specific volunteers, one-on-one discussion may be appropriate (e.g., "Tom, I understand that you were not very well prepared for the case and that you didn't ask some pertinent questions. Here are some suggestions..."). More general observations of how volunteers can be dealt with in a group setting (e.g., group debriefing, in-service volunteer training workshop).

**GUIDELINE 6:** Youth court programs should ensure that youth attorneys or jury panel members are given adequate time and access to information needed to prepare for their cases.

### Rationale

Youth court attorneys or peer jury panel members need adequate time to prepare for their cases to maximize their personal effectiveness, as well as maximize their ability to facilitate a process that will reasonably meet the respondent's, respondent's family, victim's, and community's needs. As discussed in Chapter 8, Volunteer Training, youth volunteers are tasked with ensuring that a constructive, fair, and restorative sentence can be determined. This necessitates gathering and synthesizing information on the impact the respondent's behavior had on themselves, family members, victims, and the community.

Also, it is important that respondents and their parents or guardians feel they received adequate representation and a fair judgment by the youth court. Youth who are prepared will perform with more confidence and elicit more positive feelings of satisfaction from respondents and parents.

### Tips for Implementing Guideline

- Provide youth volunteers with ongoing access to legal advice from qualified program staff or adult volunteer attorneys, as needed, to ensure effective legal representation for respondents. This is particularly important for those youth courts that conduct trials to determine guilt and innocence (i.e., fact finding youth courts).

- Offer volunteers an opportunity to talk with respondents, guardians, victims, and witnesses in a relaxed and unhurried manner (via phone or in-person).
- Train volunteers on how to communicate effectively and sensitively with respondents, parents or guardians, victims, and witnesses.
- Consider giving volunteers case information one to two weeks in advance. Encourage them to contact respondents, victims, guardians, and witnesses prior to the hearing to gather information and to prepare their opening and closing remarks and questions. They can use the time immediately before the hearing to review with the respondent the information they have gathered and make final preparations.
- Use adult and youth mentors to help youth volunteers prepare cases.
- If youth volunteers are not provided case information until the night of the hearing, ensure that gather appropriate impact information from victims and witnesses (e.g., victim impact statement) is gathered and provided to volunteers. Allow adequate time on the night of the hearing for volunteers to review the information gathered and to interview anyone who will be testifying during the hearing (e.g., respondents, guardians, victims or witnesses). Do not rush youth volunteers and those with whom they are interviewing and speaking.

**GUIDELINE 7:** Youth courts should have a written policy that identifies the major tasks and procedures to be conducted by program staff.

### Rationale

Youth court staff are responsible for coordinating a multitude of diverse tasks in the day-to-day operations of a youth court program. Multi-tasking and remembering details are easier for some personality types than for others. Having a written policy that identifies major tasks to be conducted by staff helps clarify staff and volunteer expectations and provides staff with a blueprint to follow in managing the operations of the program. It is also helpful for these tasks to be outlined so that when there is staff turnover or other situations arise that result in staff persons needing someone to fulfill their duties unexpectedly or temporarily, it does not disrupt the ability of the program to function smoothly.

### Tips for Implementing Guideline

- Develop a policy and procedure manual for program staff that outlines all major tasks performed by staff and volunteers. Be sure to specify and identify who is typically responsible for completing each task, the time frame attached to particular tasks, and appropriate resources, when applicable (e.g., Within 48 hours of receiving a referral to the program, the coordinator is responsible for opening a respondent case file, logging the case into the computer, and initiating phone or written contact with the respondent and his or her parent or guardian to schedule an intake interview).

- Typical tasks performed in operating a youth court include (this is not an exhaustive list):
  - reviewing referrals sent to the program,
  - scheduling and conducting intake interviews,
  - docketing cases and assigning volunteers,
  - gathering and providing information to volunteers related to the case,
  - organizing and conducting preservice or initial volunteer training sessions,
  - managing and monitoring youth court hearing proceedings,
  - conducting exit interviews with respondents and their parent or guardians,
  - monitoring respondents' compliance with sentence and program requirements,
  - recruiting and managing volunteers,
  - grant writing and fund raising,
  - marketing the program,
  - representing the program on community boards and coalitions,
  - terminating cases, and
  - supervising or coordinating community service work projects.
- Review staff policy and procedure manual (or tasks) periodically and make revisions as needed.

**GUIDELINE 8:** Youth courts need to outline a policy for how cases will be monitored for compliance. This policy should address issues such as:

- how referrals will be made to agencies, organizations, or individuals providing services to and for youth court respondents (e.g., community service sites, counseling agencies);
- the type and frequency of communication that should occur between youth court program staff and these outside agencies and how the communication will be documented;
- how completion of a respondent's obligations monitored by an outside agency or organization will be verified and documented;
- how completion of a respondent's obligations monitored by the youth court will be verified and documented;
- the type and frequency of communication that program staff (or their designee) should have with respondents and how this communication should be documented;
- the procedure for terminating cases (successfully and unsuccessfully) and who gets discharge or completion information; and
- the type of information that should be provided to the appropriate entities at the time of discharge or completion.

## Rationale

Monitoring cases for compliance is an important element for both respondent and program accountability. The responsibility for working with a respondent does not end at the youth court hearing. The hearing process is just the beginning. Direct and consistent contact with respondents and their parents or guardians is important. How carefully and responsively an individual case is monitored can often determine whether a youth is compliant. Often, if staff intervene early with corrective actions when respondents begin to show early signs of noncompliance, respondents will come back into compliance with program requirements. Ultimately, this reduces the need to terminate youth from the program unsuccessfully. Conversely, the longer youth are able to avoid completing provisions of their sentence without detection, the harder it will be to get youth to be successful.

Effective and ongoing communication with other agencies and individuals who are providing services for the respondent (e.g., community service sites, educational workshop providers, counselors) also is essential for case monitoring and management. Regular contact with them helps facilitate the communication process and strengthens coordination and collaboration efforts. Youth court staff are able to identify issues of concern early (e.g., a community service site that is having difficulty with respondents not showing up or not performing assigned tasks) and work with the respondent and agency to rectify the situation before it gets out of control and causes the agency to want to sever ties with the youth court. Also, where appropriate, youth court staff and service providers can work more effectively as a team to address and strategize solutions for noncompliance of individual respondents.

Ensuring that cases are terminated properly — successfully or unsuccessfully — is the final element in case monitoring and management process. It is important that youth courts provide referral sources the information they need to close their case file on the individual or to take subsequent action (e.g., send case to juvenile/municipal court, send case to school disciplinary system). In addition, if formal action needs to be taken on the case (e.g., dismissal of charges, expungement), then youth court staff need to ensure that complete information is provided to the entities responsible for ensuring that result (e.g., county attorney, law enforcement agency, court).

## Tips for Implementing Guideline

- Do not view or perform the task of monitoring cases as a police officer. Rather, approach this role as a provider, broker, organizer, and advocate for services on behalf of the respondent and the community.
- Be proactive, preventive, and regular when monitoring cases. When working with respondents after the youth court hearing, be accessible to the respondents and give them regular feedback on their performance — accentuating the positive, yet responding appropriately when youth show signs of noncompliance.
- Make collateral contacts (contacts with outside service providers) on a regular basis to verify a respondent's compliance with his or her sentence. Document this contact in the respondent's case file.

- Make sure pertinent information needed for program evaluation is documented accurately.
- If a respondent is not in compliance, assess the situation to determine possible reasons for noncompliance and determine if there are strategies that can be employed to motivate or assist the individual in becoming compliant (e.g., change the community service location to a place closer to the respondent's home).
- Reward respondents for compliance. Providing periodic incentives and rewards for completing various components of their sentence encourages good behavior and accentuates consequences for bad behavior.
- Do not make idle threats to respondents — always follow through.
- Check with state law and referral agencies to ascertain the legal diversionary time limit (i.e., the time frame from which a youth is charged to when his or her sentence or disposition must be completed). Diversionary time periods vary from state to state. Be aware of these time limits when monitoring cases to avoid losing jurisdiction over a case before a respondent has completed his or her requirements. Once the diversionary time limit has expired, there is little to no recourse that can be offered by the formal juvenile justice system.

**GUIDELINE 9:** Youth courts should implement a process for formally recognizing respondents who complete the program successfully.

### Rationale

It may be of little significance to staff, or the system in general, when a case is successfully completed; however, it may be very significant to the respondent and his or her family. Formally recognizing when a respondent completes his or her sentence brings the process full circle and provides the ultimate opportunity to reward or praise the respondent for his or her accomplishment. Having a formal process also offers programs an opportunity to discover how respondents and their parents or guardians perceived the services they received. Their immediate feedback can be helpful for program improvements and enhancements (NCJJ, 1991).

### Tips for Implementing Guideline

- Conduct an exit interview with the respondent and his or her family after the sentencing requirements have been fulfilled. Praise respondents for their successful completion and encourage them to come back to the program as a volunteer. Also, use the interview as a means for soliciting feedback from respondents and guardians on their experiences and satisfaction with the program.
- Have respondents come back before the youth court for a formal hearing. Have the youth volunteers offer words of praise and encouragement for the successful completion once they complete their sentence requirements.
- Provide the respondent with a certificate of completion.



- Send the respondent a letter that recognizes his or her successful completion and extends an invitation to return to the youth court as a volunteer. Send more than one letter — one written by staff and one written by a youth volunteer.

### Expected Outcomes

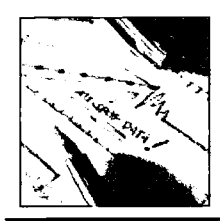
Youth court programs can reasonably expect the following outcomes if they adhere to the guidelines recommended in this chapter:

- Enhanced feelings of empowerment by youth.
- More effective adult/youth partnerships.
- More realistic and wholistic view by staff of how the program and volunteers are functioning.
- More effective volunteers.
- Increased satisfaction with the youth court process by respondents and their parents or guardians.
- Higher level of respect for the hearing process by volunteers, respondents, and parents or guardians.
- Safer youth court environment for staff, volunteers, respondents, respondents' families, victims, and other observers.
- More efficient and effective transition periods when there is staff turnover.
- More efficient and effective case management practices that promote program accountability and integrity.
- Easier access to data needed for program evaluation efforts.
- More informed respondents and guardians and reduced chances of retaliation by respondents and their family members.
- More extensive information for use by the court in determining appropriate and individualized sentences.
- Enhanced partnerships with outside service providers.

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**CHAPTER 10**

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**PROGRAM EVALUATION****Introduction**

Youth court programs will get what they measure; therefore, evaluation is the primary way to assure program accountability. Youth courts need to devise a framework for systematically monitoring and evaluating program activities and outcomes to ascertain program effectiveness. Although evaluation is often viewed as the final phase in program development, it should not be confused with the end. When evaluation results are used to guide program improvements and modifications throughout the life of the youth court, programs will be in a better position to justify and sustain their existence. The following guidelines will assist program organizers and staff in developing an evaluation plan for local youth court programs. Each guideline will be discussed in more detail later in the chapter.

**GUIDELINE 1:** Youth courts should periodically implement an evaluation that examines both process measures (what did the program do?) and outcome measures (what effect did it have?). Monitoring process and outcome measures should be an ongoing activity that enables youth court programs to assess their performance at any time. At a minimum, however, evaluation data should be analyzed at least yearly (more often during a program's first few years of operation).

**GUIDELINE 2:** Youth court staff and key stakeholders should be involved in selecting process and outcome measures for the local program.

**GUIDELINE 3:** While it should not be the only definition of program success, recidivism should not be ignored as an outcome measure in program evaluation of youth courts.

**GUIDELINE 4:** Youth courts should carefully consider the type of results they desire before investing in a particular method of evaluation. Youth courts also should differentiate evaluation tasks that can be managed within the program itself and tasks that should be performed by evaluation specialists. For critically important evaluation questions that may have an impact on future funding and local support, youth courts should use an outside evaluator whenever possible.

**GUIDELINE 5:** Youth courts should create a method of data collection that supports the evaluation plan.

The following section provides a brief overview of why these guidelines are important and offers practical ideas and suggested (not required) strategies for how youth courts can work toward meeting the recommendations outlined in each guideline.

**GUIDELINE 1:** Youth courts should periodically implement an evaluation that examines both process measures (what did the program do?) and outcome measures (what effect did it have?). Monitoring process and outcome measures should be an ongoing activity that enables youth court programs to assess their performance at any time. At a minimum, however, evaluation data should be analyzed at least yearly (more often during a program's first few years of operation).

### Rationale

Monitoring program performance and youth court outcomes is a basic ingredient to accountability. Evaluation creates a learning environment and contributes to program growth while demonstrating a commitment to improving practices. It highlights positive outcomes, uncovers ineffective practices, and guides agencies to explore alternative methods for achieving program goals. Also, since one of the first considerations of politicians and policy-makers often relates to program costs and the return on their investment in a program, evaluation improves the capacity of youth courts to demonstrate results and successfully compete for limited public funds and support (Boone, Fulton, Crowe, and Markley, 1995).

Both process and outcome measures are necessary to adequately evaluate a program. Process measures help programs obtain fundamental feedback on whether the program is being implemented or operated according to specifications (i.e., What did the program do?). Examining process measures helps to explain why particular effects were produced and identify how processes can be modified to produce desired outcomes (Blalock, 1990). By controlling process, programs can control outcomes. Outcome measures are needed to assess a program's immediate, intermediate, and ultimate effects (i.e., What effect did the program have?). By measuring outcomes, youth courts can better assess the effectiveness of various activities and program components, learn from successes, and fine tune the program (Boone, Fulton, Crowe, and Markley, 1995).

Evaluation efforts need to be ongoing because program evaluations only provide outcomes for a specified period of time. To use evaluation as a framework for continual program improvements, periodic evaluations are necessary (as opposed to single-point-in-time assessments). More frequent evaluations during the first year or so of program development can be especially helpful as programs transition from a conceptual framework into actual program practice. Evaluation can provide critical feedback to assist young programs in making mid-course corrections in practices or procedures necessary due to unexpected challenges.

### Tip for Implementing Guideline

- Consider using an evaluation task force to examine and determine process and outcome measures that will be assessed for the program.
- If the program is trying to prioritize its evaluation resources, focus first on process measures to obtain feedback on whether the program is functioning as it was designed.
- Example process measures for youth courts include:
  - characteristics of youth referred to the program;
  - the degree to which youth volunteers fulfilled their responsibilities (e.g., how many volunteers participated in hearings, the extent to which youth volunteer attorneys focused more on harm caused by the respondent's actions than on guilt, the extent to which sentences focused more on repairing harm and rebuilding relationships than on punishment);
  - the rate of referral and participation of respondents in educational workshops to which they were sentenced;
  - the number of respondents who were sentenced to perform community service; and
  - the extent to which the youth court engaged victims, respondents, and their families and supporters actively in the youth court process.
- Example outcome measures for youth courts include:
  - the average time between when a youth is charged with the offense and when his or her case is heard in youth court;
  - the average time between when respondents are sentenced and when their sentences are completed;
  - the percentage of restitution ordered and collected;
  - the extent of victim, parent or guardian, respondent, and volunteer satisfaction with the program;
  - the extent to which the youth court educates youth volunteers about the legal system;
  - the percentage of respondents who completed their sentences as ordered;
  - the measured effect the youth court program has on the juvenile or municipal court docket;
  - the measured effect a school-based youth court program has on the percentage of students disciplined or suspended from schools;
  - the measured effect that participation in the youth court has on youth volunteers and respondents' attitudes towards law-breaking and problem behaviors (e.g., substance abuse, shoplifting, truancy);
  - the measured effect that volunteer training has on youth volunteers' ability to think critically and solve problems more effectively;
  - the defined recidivism rate for the program; and
  - the extent to which the youth court has on engaging youth in positive youth development activities (e.g., asset building).

**GUIDELINE 2:** Youth court staff and key stakeholders should be involved in selecting process and outcome measures for the local program.

### Rationale

Staff and programs have a natural tendency to resist evaluation measures that are threatening or represent change. Evaluation in any form can cause discomfort. After the fact, favorable evaluations are warmly received, but few see negative feedback as an opportunity to learn. Involving a representative cross section of staff and stakeholders in selecting process and outcome measures helps decrease normal fears and resistance to evaluation.

Of critical significance is the involvement of program staff and volunteers, as well as members of a program's advisory committee or board of directors in this developmental process. It is staff and volunteers who are responsible for performing the activities designed to achieve program goals, and often the advisory committee or board of directors who are responsible for providing resources or support needed for the program to achieve its goals. Involving staff and volunteers can change their perceptions of the evaluation process from one that is threatening to one that offers opportunity. By inviting and valuing stakeholder input (especially advisory committee and board of directors members), programs can identify process and outcome measures that truly reflect their values, purpose, goals, and objectives. Also, an evaluation plan that provides stakeholders with information and feedback on matters important to them will gain their commitment to the necessary practices of data collection and compilation. Most importantly, it will gain their commitment to and ownership of the program's expected results.

Also, there is rarely enough time or resources to answer all the questions that stakeholder and staff would like addressed in an evaluation. Working together, staff and stakeholders can prioritize research questions to help reach a consensus on which questions the evaluation should focus.

### Tips for Implementing Guideline

- Devote time during advisory committee or board of director's meetings to discuss evaluation goals and objectives.
- Understand that stakeholders' definitions of success may include measures beyond the staff's interests. By measuring what is important to stakeholders, youth courts demonstrate their commitment to the community and sustain community interest and involvement.
- Establish an evaluation task force comprised of stakeholders to plan and implement the evaluation in conjunction with the evaluator.
- Share evaluation results, good or bad, with stakeholders, particularly volunteers. Stakeholders may have insights into why the desired objectives were not achieved, or have ideas for program improvements. Also, if stakeholders and volunteers see the positive results of their time and energy, they will be more motivated to stay involved.

**GUIDELINE 3:** While it should not be the only definition of program success, recidivism should not be ignored as an outcome measure in program evaluation of youth courts.

### Rationale

There is general agreement that recidivism as the sole measure of program success has its limitations. First, there are numerous definitions for and time variances in reported recidivism rates. Second, Petersilia (1993) points out that recidivism is a measure of post-program behaviors over which programs or the juvenile justice system have little or no control. A third problem is that recidivism rates are influenced by many internal and external factors (Waldo and Griswold, 1979; Maltz and McCleary, 1977), such as increased or decreased activity by law enforcement agencies or a change in judicial philosophy that may make it difficult to determine the reason why recidivism rates increase or decrease. Finally, recidivism is often viewed as an all-or-nothing measure that does not allow for partial successes and incremental improvements in behavior (Godwin, Steinhart, and Fulton, 1998).

However, notwithstanding its limitations, discounting recidivism ignores the importance of the ultimate goal of any juvenile justice program — public safety. Reduction in recidivism is a critical component toward achieving the goal of public safety. It also is often an essential measure from the perspective of taxpayers, juvenile justice practitioners, academicians, legislators, and judges (Godwin, Steinhart, and Fulton, 1998).

In addition, the fact is that youth courts can and do have a significant influence on whether a young person chooses to live a law and rule abiding life. Although youth courts are not solely responsible for a young person's success or failure, they can provide the youth with the tools and resources needed to support his or her choice. Therefore, reducing recidivism is a responsibility that youth courts should assume a role in and a program outcome they should measure. Measuring recidivism, along with other program outcomes, also can help youth courts improve the services it provides to young people (Carey, 1995).

### Tips for Implementing Guideline

- There is no one best way to define and measure recidivism. Explore several options for tracking and selecting the measure(s) best suited for local needs. The following include sample definitions of recidivism used by youth courts:<sup>1</sup>
  - Respondents who re-offended (were arrested or cited) within one year of the offense for which they went through youth court.
  - Respondents who have no additional charges from the time of arrest through their 18<sup>th</sup> birthday.

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<sup>1</sup>Information obtained from the National Youth Court Center's youth court database (May, 2000).

- Respondents who were detained by the police within one year of their completion of the youth court program.
- Respondents who receive an adjudication of delinquency within one year of completing the program.
- Respondents who have charges brought against them by the prosecution within one year of their completion of the program.
- Respondents who are suspended from school within the academic year (for school-based youth courts).
- If youth courts are organized on a state level (e.g., statewide youth court association), consider adopting a standard definition of recidivism that programs throughout the state can use.
- Respect the limitations of recidivism, but do not drop recidivism as a measure of success because of its limitations.
- When reporting recidivism results for the program, always include information on the definition used (including the time frame).
- When possible, examine recidivism rates within the context of changes in program practices and policy shifts within the jurisdiction. Internal and external threats to validity can be reduced with a commitment to incorporating rigorous experiential designs into the evaluation process. Nevertheless, rigorous experiential designs may not be feasible for local programs to undertake without adequate financial resources and evaluation expertise or adequate number of subjects and cooperation from other system stakeholders.
- Recidivism rates will be more meaningful if they are balanced with other outcome measures known to be predictive of long-term reductions in recidivism (e.g., academic improvement; increased bonds to school, parents, and other adults; completion of restitution; completion of community service).

**GUIDELINE 4:** Youth courts should carefully consider the type of results they desire before investing in a particular method of evaluation. Youth courts also should differentiate evaluation tasks that can be managed within the program itself and tasks that should be performed by evaluation specialists. For critically important evaluation questions that may have an impact on future funding and local support, youth courts should use an outside evaluator whenever possible.

### Rationale

Evaluation studies may vary in complexity and configuration. Some focus on just one or two critical questions, and thus are able to provide specific results concerning cause and effect. Others cover a broad range of issues and can only provide general indicators or trends.

Youth courts need to balance their desire for information that an evaluation can produce with the feasibility of conducting the evaluation. Designing and

conducting a high-quality evaluation is a special skill; it can also be costly. Time and cost must be considered when selecting a research design. Therefore, it is critical that youth courts avoid promising more in an evaluation plan than they can deliver. Limiting the scope of the evaluation plan will help reduce time and financial resources needed to complete the evaluation and protect the program from setting itself up for failure.

Evaluations that are perceived to be unbiased and objective will be seen as more credible. Individuals conducting evaluations on a youth court need to be as objective as possible, both in collecting data and in asking probing questions about information and its meaning. High levels of objectivity can be particularly important when evaluation results are used to make tough decisions about limited financial and public resources available in a community for youth courts. Outside evaluators may offer specialized skills and also lend a level of objectivity to the evaluation results.

### Tips for Implementing Guideline

- Discuss and clearly state the purpose of the evaluation.
- A key to successful evaluation is to design a program with a set of clear, measurable, and realistic objectives. If objectives are unrealistically optimistic, a program may not be able to demonstrate that it has been successful even if it has done a good job.
- Limit the scope of the evaluation to no more than four to six well defined research questions. Questions should encompass a reasonable balance between process and outcome measures.
- One way to prioritize research questions when making a final selection of what the evaluation will cover is to ask, "I need to know \_\_\_\_\_, because I need to decide \_\_\_\_\_."
- Create a step-by-step work plan for conducting the evaluation. (This can be an activity of the evaluation task force.) The work plan should include information on the research questions being examined, data elements needed to address the research questions, methodology or techniques needed to answer the question, how data will be collected and analyzed, who is responsible for performing specific evaluation tasks and for collecting and analyzing data, and target dates for milestones in the evaluation plan.
- To minimize the risk of bias, use an objective evaluator. However, an outside evaluator is not essential and should not deter programs from conducting their own evaluation. Local colleges and universities are potential sources for outside evaluators.
- Rather than arranging for an outside evaluator at the last minute or when an urgent need arises, try to anticipate the need for future evaluations and develop ties with potential evaluators and researchers in the local area. Faculty members at local and regional universities are excellent resources for evaluation and research expertise and may welcome the opportunity to design and conduct a program evaluation for little or no cost. Other potential evaluators include someone with research experience who works within the same governing agency



as the youth court (e.g., city, county or state government) and volunteers with research experience.

- When an outside evaluator is used, view the youth court as a customer with certain needs and expectations. Recognize that outside evaluators may also have specific needs and expectations related to the evaluation process. Communicate and work together to specify what information is hoped to be gained from the evaluation, identify resources available for the evaluation, and address potential barriers or obstacles to evaluation efforts.
- Ask for outside evaluators to design the evaluation that will ensure the integrity of the information within the identified program constraints.

**GUIDELINE 5:** Youth courts should create a method of data collection that supports the evaluation plan.

### Rationale

For evaluation efforts to be successful, it is critical that youth courts determine what type of data is needed (qualitative and quantitative) and how it will be collected to address the questions they want answered in the evaluation plan. The accessibility of data is an essential question to address early in the program development stage. Considerable time and money can be saved if forms, automated systems, and/or other program documentation methods are streamlined and simplified at the outset.

Data needed will not be limited to information obtained and maintained directly by the youth court program. Therefore, program organizers and staff will need to work with stakeholders to develop a plan for collecting needed information from collaborating agencies (e.g., juvenile/municipal court, law enforcement agency, school). Broad-based involvement and streamlined procedures will increase buy-in and commitment to the data collection process (Godwin, Steinhart, and Fulton, 1998).

### Tips for Implementing Guideline

- Determine data elements needed to assess identified process and outcome measures. Ensure that data is collected from the beginning of program development and implementation. This will require the program to think hard and logically about how the program activities they are planning or engaging in will relate to their expected program outcomes. Developing a “program theory” is critical in a useful evaluation process. See Guideline 5, Chapter 2, Program Planning and Community Mobilization, for more information on developing a program purpose/mission, goals, and objectives.
- Develop case management practices that will make data collection easier. Data collection can be streamlined and simplified if forms and methods of program documentation (including automated systems) are devised up front. Only collect data that will be analyzed, used to modify and improve program operations, or reported.

- Gather both qualitative and quantitative data. Qualitative data is information that is obtained to assess people's opinions about the program (e.g., results from a satisfaction survey sent to youth court respondents). Quantitative data is information that can be quantified in the form of numbers (e.g., the number of referrals to a youth court program, the number of youth and adult volunteers).
- Develop concise policies and procedures for data collection and analysis and update them as program needs and responsibilities change. Incorporate these policies and procedures into the program's case management and monitoring policies (see Chapter 9).
- Example data sources include referral forms, intake and assessment information, standardized pre- and post-test instruments, surveys, teen court dockets, case documentation forms, and juvenile/municipal court and law enforcement records.
- Form partnerships and collaborative relationships with agencies that have access to data needed for evaluation efforts (e.g., juvenile court, schools, law enforcement agencies).
- States may have laws that regulate the collection, maintenance, and use of data. Also, some states have laws that regulate the sharing of data between collaborating agencies. Research and comply with these laws.
- Automated information systems can make conducting evaluations more efficient by reducing paperwork, maintaining data in an organized fashion, and providing quick access to information and results. When developing an automated management information system:
  - consider establishing a committee to guide its implementation;
  - consult a computer systems expert to examine agency needs, assist with preparation of a request for proposals, and review vendor bids;
  - carefully evaluate a number of management information system hardware and software options;
  - if finances and expertise allow, develop a program- or agency-specific management information system; and
  - evaluate management information system capabilities periodically to ascertain if new hardware or software purchases can make the system more effective and efficient.
- An ideal management information system allows for collaborating agencies to share information. However, if a multiuser information system is used, make decisions about ownership of records, confidentiality of information, and responsibilities for updating and maintaining records.

### Expected Outcomes

Youth court programs can reasonably expect the following outcomes if they adhere to the guidelines recommended in this chapter:

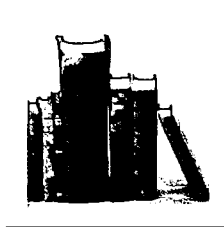
- An ongoing systematic method for assessing program effectiveness.
- Increased buy-in and support for evaluation efforts by staff and stakeholders.

- A balanced and realistic evaluation plan that yields results useful to both the program for improvements and to the community as a justification of resources provided.
- More accessible data for evaluation efforts.
- Evaluation results that can withstand scrutiny from outside entities.

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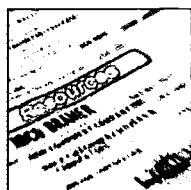
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## RESOURCE INFORMATION

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### ORGANIZATIONS

#### National Youth Court Center

The National Youth Court Center, created by the Office of Juvenile Justice and Delinquency Prevention, is a central point of contact for youth courts in the United States. The National Youth Court Center, operated by the American Probation and Parole Association (APPA), provides training, technical assistance, and resource materials to developing and existing youth courts.

For further information, contact:

National Youth Court Center  
c/o American Probation and Parole Association  
P.O. Box 11910  
Lexington, KY 40578-1910  
Phone: 859-244-8215  
Fax: 859-244-8001  
Email: [nycc@csg.org](mailto:nycc@csg.org)  
Web site: [www.youthcourt.net](http://www.youthcourt.net)

#### Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice, provides national leadership, direction, and resources to assist the juvenile justice community in preventing and controlling delinquency throughout the country. The Special Emphasis Division provides discretionary funds to replicate tested approaches to delinquency and juvenile drug abuse prevention, treatment, and control. The Research and Program Development Division provides demonstration programs. The States Relations and Assistance Division manages OJJDP's Formula Grants, Title V Delinquency Prevention, and State Challenge Grant programs, which provide direct support to state and local governments to prevent and treat delinquency, including drug abuse, and improve their juvenile justice systems. A list of the juvenile justice specialists, who administer OJJDP funds on a state level, and other state resources of OJJDP, may be found on the following link on

OJJDP's Web site: [www.ojjdp.ncjrs.org/resources/asp/search\\_states.asp](http://www.ojjdp.ncjrs.org/resources/asp/search_states.asp).

For further information, contact:

Office of Juvenile Justice and Delinquency Prevention

U.S. Dept. of Justice

800 K. St., NW

Washington, DC 20531

Phone: 202-616-2368

Fax: 202-353-9095

Email: [peterson@ojp.usdoj.gov](mailto:peterson@ojp.usdoj.gov)

Web site: [www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org)

### Juvenile Justice Clearinghouse (National Criminal Justice Reference Service)

OJJDP's information center, the Juvenile Justice Clearinghouse (JJC), provides information and services to juvenile justice professionals and policymakers, produces and distributes the agency's publications, and prepares customized responses to information requests. The Juvenile Justice Clearinghouse is one of the specialized information centers for the National Criminal Justice Reference Service (NCJRS). NCJRS serves as a national and international clearinghouse for the exchange of information in the criminal justice area.

For further information, contact:

Juvenile Justice Clearinghouse (toll-free): 1-800-638-8736

or

National Criminal Justice Reference Service (NCJRS)

P.O. Box 6000

Rockville, MD 20849-6000

Phone: 1-800-851-3420 or 301-519-5500

TTY Service for the Hearing Impaired (toll free): 1-877-712-9279 (local):

301-947-8374

Email: [askncjrs@ncjrs.org](mailto:askncjrs@ncjrs.org)

Web site: [www.ncjrs.org](http://www.ncjrs.org)

### American Bar Association

The American Bar Association has developed a volunteer training/educational package for youth volunteers. This package provides educational resources to train and enhance youth court volunteers' knowledge of the law and the justice system, as well as to prepare youth to serve as prosecutor, defense attorney, jurors, and other court roles. The package includes student volunteer manuals based on the four different youth court program models, and an instructor's guide to assist training facilitators in designing and delivering the training program.

For further information, contact:

American Bar Association

Division of Public Education/National LRE Resource Center

541 North Fairbanks Court

Chicago, IL 60611-3314

Email: [pnessel@staff.abanet.org](mailto:pnessel@staff.abanet.org)

Web site: [www.abanet.org/publiced/youth](http://www.abanet.org/publiced/youth)



**Street Law, Inc.**

Street Law, Inc., of Washington, DC, has developed 10 student-centered, interactive, law-related education lessons that deal with topics for which young people are referred to youth court. These lessons can be used as a sentencing resource for youth court programs.

For further information, contact:

Street Law, Inc.  
1600 K Street, NW, Suite 602  
Washington, DC 20007  
Email: [mmeyer@streetlaw.org](mailto:mmeyer@streetlaw.org)  
Web site: [www.streetlaw.org](http://www.streetlaw.org)

**Phi Alpha Delta Public Service Center**

Phi Alpha Delta of Granda Hills, California, the largest law fraternity in the United States, is promoting youth courts to its members to encourage them to volunteer with local programs.

For further information, contact:

Phi Alpha Delta Public Service Center  
345 North Charles Street  
Baltimore, MD 21201  
Email: [Padpsc@aol.com](mailto:Padpsc@aol.com)  
Web site: [www.pad.org/psc](http://www.pad.org/psc)

**Urban Institute**

The Urban Institute is conducting a Evaluation of Teen Courts Project, funded by the Office of Juvenile Justice and Delinquency Prevention. The evaluation project is assessing the impact of teen courts by collecting data on several types of individual outcomes among 400 youth handled in four different sites. The outcomes being studied include post-program recidivism and changes in the teens' perceptions of justice. The project is also conducting process evaluations in each of the four study sites (i.e., Anchorage Youth Court, Alaska; Teen Court of the Tempe Justice Court, Arizona; Montgomery County Teen Court, Rockville, Maryland; and Independence Youth Court, Missouri) that will explore the legal, administrative, programmatic, and case processing factors that affect the ability of teen courts to achieve their goals. For further information, contact the Urban Institute's Web site ([www.urban.org](http://www.urban.org)) and look under "Centers" and then select "State Policy Center."

**National Highway Traffic Safety Administration**

The National Highway Traffic Safety Administration (NHTSA), an agency of the U. S. Department of Transportation, seeks ways to reduce motor vehicle crashes, injuries, and fatalities and to improve highway safety programs in the United States. Each state has a Governor's Highway Safety Representative who is responsible for administering federal dollars allocated to the state to dispense locally for programs

that address highway safety concerns, such as underage drinking and impaired driving.

For further information, contact:  
National Highway Traffic Safety Administration  
U.S. Department of Transportation  
400 7<sup>th</sup> Avenue, SW  
Washington, DC 20590  
Phone: 202-366-9588  
Fax: 202-366-2766  
Web site: [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)

### Office of Elementary and Secondary Education

The Office of Elementary and Secondary Education is an agency of the U.S. Department of Education. The mission of the U.S. Department of Education is to ensure equal access to education and to promote education and educational excellence throughout the nation. This mission cannot be achieved, however, unless schools are safe, disciplined, and drug-free. OESE, through its Safe and Drug Free Schools Program, helps state and local educational agencies and other public and private nonprofit organizations develop and operate drug and violence prevention programs for students at all grade levels.

For further information, contact:  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, DC 20202  
Phone: 202-401-0113  
Phone: 202-260-3954 (for information on the Safe and Drug Free Schools Program)  
Web site: [www.ed.gov/offices/OESE](http://www.ed.gov/offices/OESE)

### Substance Abuse and Mental Health Services Administration

The Substance Abuse and Mental Health Services Administration (SAMHSA) is one of the operating divisions of the U.S. Department of Health and Human Services (HHS). HHS is the federal government's principal agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. SAMHSA works to improve the quality and availability of prevention, treatment, and rehabilitation services in order to reduce illness, death, disability, and cost to society resulting from substance abuse and mental illness.

For further information, contact:  
Substance Abuse and Mental Health Services Administration  
U.S. Department of Health and Human Services  
Room 12-105 Parklawn Building  
5600 Fishers Lane  
Rockville, MD 20857  
Email: [info@samhsa.gov](mailto:info@samhsa.gov)  
Web site: [www.samhsa.gov](http://www.samhsa.gov)

## IMPLEMENTATION GUIDE

### Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs.

This manual, published by the National Highway Traffic Safety Administration (NHTSA) with support from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and Substance Abuse and Mental Health Services Administration (SAMHSA), provides program organizers with baseline information on developing, implementing, and enhancing teen court programs within their jurisdictions. Rather than endorsing one particular model of teen court, this manual provides program organizers with a general overview of issues to consider and guides them through a decision-making process for the implementation of a teen court program that fits local needs. Sample forms and other helpful resources also are included as supplementary materials. Available free by calling the Juvenile Justice Clearinghouse at 1-800-638-8736. Portions of the document are available at the following Web site: [www.ncjrs.org/peerhome.htm](http://www.ncjrs.org/peerhome.htm).

## VIDEOTAPES

### Youth Court Video

Eastern Kentucky University (Richmond, KY), in collaboration with the National Youth Court Center, has produced a two-part video on youth court. The video is a valuable tool both for individuals wishing to implement a program, and for youth courts that are already up and running. The first part of the video discusses the youth court concept in general, and is suitable to use as a promotional tool when speaking with community groups or potential funding sources. The second part of the video discusses the national guidelines for youth courts that the NYCC has developed and would be appropriate for existing programs to view with their staff and volunteers. For further information, contact the National Youth Court Center at phone: 859-244-8215, fax: 859-244-8001, or email: [nycc@csg.org](mailto:nycc@csg.org). Cost: \$10.

### Youth Court: A National Movement (1988 - 2 hours)

Hosted by former OJJDP Administrator Shay Bilchik, this tape of a satellite videoconference provides an overview of the teen court concept and examines three teen court programs: Colonic Youth Court, Latham, NY; Odessa Teen Court, Odessa, TX; and Donald P. McCullum Youth Court, Oakland, CA. To order call OJJDP's Juvenile Justice Clearinghouse at 1-800-638-8736 (reference NCJ #171149). Cost \$17.

### Odessa Teen Court (1993 - 11 minutes)

Describes the Adult Judge Model teen court used in Odessa, Texas. To order, contact Odessa Teen Court, Municipal Court, 201 N. Grant Ave., Odessa, TX 79761; phone: 915-335-3352. Cost \$25.

**Beaverton Youth Peer Court (1996 - 16 minutes)**

This video, written and produced by youth volunteers and staff of the Beaverton Youth Peer Court, highlights their program. To order, contact Beaverton Youth Peer Court, Beaverton Police Department, Attn: Gary Dodson, P.O. Box 4755, Beaverton, OR 97076; phone: 503-526-2267; email: [gdodson@ci.beaverton.or.us](mailto:gdodson@ci.beaverton.or.us). No cost, limited quantities.

**Kentucky Teen Court (1993 - 13 minutes)**

This video gives an overview of the teen court system in Kentucky as operated by the Kentucky Administrative Office of the Courts. To order, contact Teen Court Program Manager, 100 Millcreek Park, Frankfort, KY 40601; phone: 502-573-2350. Cost: \$5.

**How Teen Court Gave Me Another Chance (1998 - 26 minutes)**

Describes the Knox County Teen Court (Adult Judge Model) and documents how two high school students created their award winning teen court Web site ([library.thinkquest.org/2640](http://library.thinkquest.org/2640)). To order, contact Knox County Teen Court, 55 W. Tompkins St., Galesburg, IL 61201; Cost \$25.

**World in Action: Boys and Girls of the Jury (1996 - 25 minutes)**

A British television program that examines an Adult Judge Model teen court in Sarasota, Florida, and considers whether teen courts would be effective in Great Britain. To order, contact Sarasota Teen Court, PO Box 48927, Sarasota, FL 34230; phone: 941-951-4278. Cost \$12.

**WEB SITES**

The following are links to Internet sites featuring information about youth court programs. The National Youth Court Center is not responsible for the content or upkeep of any of the following sites (other than its own), nor does it necessarily endorse the content of these sites.

**National Youth Court Center**

[www.youthcourt.net](http://www.youthcourt.net)

**American Bar Association**

[www.abanet.org/publiced](http://www.abanet.org/publiced)

**Street Law, Inc.**

[www.streetlaw.org](http://www.streetlaw.org)

**Phi Alpha Delta Public Service Center**

[www.pad.org/psc](http://www.pad.org/psc)

**Office of Juvenile Justice and Delinquency Prevention**

[www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org)

**National Highway Traffic Safety Administration**

[www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)

**Office of Elementary and Secondary Education**

[www.ed.gov/offices/OESE](http://www.ed.gov/offices/OESE)

**Substance Abuse and Mental Health Services Administration**

[www.samhsa.gov](http://www.samhsa.gov)

**Urban Institute**

[www.urban.org](http://www.urban.org)

**Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs**

[www.ncjrs.org/peerhome.htm](http://www.ncjrs.org/peerhome.htm)

**Belknap County Teen Court, Laconia, NH**

[www.angelfire.com/biz2/ysb/teen.html](http://www.angelfire.com/biz2/ysb/teen.html)

**Cass County Youth Court, Fargo, ND**

[www.cassyouth.org](http://www.cassyouth.org)

**Charlotte County Teen Court, Punta Gorda, FL**

[www.charlotte-florida.com/community/teen.htm](http://www.charlotte-florida.com/community/teen.htm)

**City of Holland Teen Court, Holland, MI**

[www.macatawa.org/org/holland/communhr/teencrt.htm](http://www.macatawa.org/org/holland/communhr/teencrt.htm)

**Denton County Teen Court, Denton, TX**

[www.co.denton.tx.us/JJP2/teencourt.htm](http://www.co.denton.tx.us/JJP2/teencourt.htm)

**Grandview Youth Court, Grandview, MO**

[www.grandviewyouthcourt.com](http://www.grandviewyouthcourt.com)

**Knox County Teen Court, Galesburg, IL**

[library.thinkquest.org/2640](http://library.thinkquest.org/2640)

**Lake Forest/Lake Bluff Police Department, Round Lake, IL**

[www.citylf.lfc.edu/police/programs/teencrt.htm](http://www.citylf.lfc.edu/police/programs/teencrt.htm)

**Maricopa County Teen Court, Phoenix, AZ**

[www.maricopa.gov/juvenile/TeenCourtWeb/teencourt.htm](http://www.maricopa.gov/juvenile/TeenCourtWeb/teencourt.htm)

**Monongalia County Teen Court, Morgantown, WV**

[www.pinnaclemall.com/teencourt](http://www.pinnaclemall.com/teencourt)

**Nassau County Teen Court, Yulee, FL**

[www.nassaucountyfl.com/CLERKSITE/clerkweb/teen\\_court/teen\\_court.htm](http://www.nassaucountyfl.com/CLERKSITE/clerkweb/teen_court/teen_court.htm)

**Orange County Juvenile Peer Court, Irvine, CA**

[www.crfoc.com/courtfr.html](http://www.crfoc.com/courtfr.html)

**Oregon Teen Courts**

[members.home.com/teencourt/index.html](http://members.home.com/teencourt/index.html)

**Pima County Teen Court, Tucson, AZ**

[pcteencourt.com](http://pcteencourt.com)

**Teen Court of Chaves County, Roswell, NM**

[www.roswell-usa.com/teencourt](http://www.roswell-usa.com/teencourt)

**Teen Court of Collier County, East Naples, FL**

[www.naplesnews.com/community/government/teencourt](http://www.naplesnews.com/community/government/teencourt)

**Teen Court of Hernando County, Brooksville, FL**

[www.co.hernando.fl.us/cccl/teencrt.htm](http://www.co.hernando.fl.us/cccl/teencrt.htm)

**Teen Court of Socorro County, Socorro, NM**

[www.sdc.org/~saracino/groups/tc/index.html](http://www.sdc.org/~saracino/groups/tc/index.html)

**Teen Court of Texarkana, Texarkana, TX**

[www.txkusa.org/teencourt/main.htm](http://www.txkusa.org/teencourt/main.htm)

**Teen Court Program, Bismarck, ND**

[www.teencourt.com/index.html](http://www.teencourt.com/index.html)

**Trial By Peers, Las Vegas, NV**

[www.ccba.net/trial\\_by\\_peerstm.htm](http://www.ccba.net/trial_by_peerstm.htm)



Resource Information

National Youth Court Guidelines

# Notes





**U.S. Department of Education**  
**Office of Educational Research and Improvement (OERI)**  
**National Library of Education (NLE)**  
**Educational Resources Information Center (ERIC)**



## NOTICE

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