

Youth Courts

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Various agencies and schools have recognized the potential value of having children and youth involved in decision making and planning. When youth get in trouble, there may be a two-fold benefit of having youth involved in determining the consequences for the problem behavior. The youth involved in the problem behavior may be more likely to accept and learn from a consequence delivered by his or her peers. Also, the youth making the decisions have the opportunity to learn about social issues, civic responsibility, and justice.

What are Youth Courts?

Youth courts are structured programs where teens are involved in operating a court-like process and make decisions about sentencing their peers involved in “minor delinquent” or problematic behaviors (McDowell Group, 2010; Pearson, 2004). Youth Courts are also known as teen courts, peer courts (Herman, 2002), student courts, youth peer courts (Peterson, 2009), and peer juries (Schneider, 2007).

Most youth courts work together with three community components: the juvenile justice system, the community (including the police department and private or nonprofit organizations), and the schools (Herman, 2002). These groups help run and manage the youth courts (Colydas & Peterson, 2001). Costs are typically covered by the sponsoring public agencies and often involve community or school youth volunteers to operate. Law enforcement agencies, juvenile probation departments, and prosecutor’s offices operate over half of all youth courts. Schools and nonprofit or private organizations run very few youth courts (Butts & Buck-Willison, 2002).



Youth Roles in Youth Courts

There are four types or models of youth courts: adult judge model, youth judge model, tribunal model, and peer jury model. Youth courts following the “adult judge” model employ an adult judge, with youth serving as attorneys, jurors, and clerks/bailiffs. Others use youth judges (youth judge model), or panels of three youth judges (tribunal model). Lastly, a peer jury model consists of a teen jury that determines the offender’s consequence (Garrison, 2001). In most states, the youth courts do not determine the guilt or innocence of the youth. Rather, the youth must admit to the charges against them in order to qualify for youth court (Herman, 2002), but the youth court determines the “sentence” or consequences.

Depending on the model, teens participate as a juror, judge, prosecutor, defender, clerk/bailiff, or jury foreperson (Colydas & Peterson, 2001). Almost all participants in these roles, both adults and youth, are typically volunteers. However, there is usually a staff coordinator for the Youth Court who provides logistics, training and oversight through the sponsoring jurisdiction or organization.

Youth courts can be housed within the local juvenile or family courts, police departments, probation departments, the school or community organizations (Pearson, 2004). Cases are referred to youth court through the district or juvenile court, a juvenile probation officer, the school district, or by local police (McDowell Group, 2010), or in the case of student courts within schools, by school staff.

Youth Courts in Juvenile Justice

Youth courts provide early intervention for teen offenders (Herman, 2002) in a flexible setting (Williamson & Wells, 2004) that is personal and age-appropriate (McDowell Group, 2010) and will provide sanctions without leaving the teen with a permanent record if sentences are completed (Garrison, 2001). Offenders can be seen in youth court up until age 18, but typically youth courts are utilized for younger juveniles (Butts & Buck, 2000). Youth courts are fairly small juvenile diversion programs and the resulting sentences are typically completed within one to three months (Butts & Buck-Willison, 2002; Schneider, 2007). Youth Courts also

prevent many first-time offenders from being involved in the regular court system (McDowell Group, 2010) because offenders are given the option of youth court as an alternative to the juvenile justice system (Herman, 2002). The youth offender and his or her parents have to sign a contract or make a verbal agreement to be involved in youth court. If the teen does not comply with the youth court process, he or she is placed back into the regular juvenile justice system (Butts, Buck, & Coggeshall, 2002).

Minor crimes committed by first-time offenders are not given much attention in the juvenile justice system, but youth courts permit more focused attention on these cases. Each case ends with some type of consequence (Butts & Buck-Willison, 2002). Teen offenders go through a similar process to that in a typical juvenile court; however, in youth court, community youth are involved in the whole court process as described above (Butts & Buck, 2000). The theory behind youth involvement is that consequences given by peers are likely to affect students more saliently than those given by adults (Garrison, 2001). The courts utilize teenagers' intense desire for peer approval to their benefit, which often results in positive changes (Butts & Buck, 2000; Colydas & Peterson, 2001). Positive peer influences such as positive peer modeling, positive expectations, positive identity development have also been linked to favorable outcomes for youth participating in youth court (Smith & Chonody, 2010).

A large number of youth courts have been

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established in recent years (Butts & Buck, 2000). In 1991, there were estimated to be fifty or so youth court programs in America. As of 2007, there were more than 1,250 (Schneider, 2007), with youth courts now in every state except Connecticut (Peterson, 2009). The youth court program is one of the most replicated juvenile justice programs in American history (Eppink & Peterson, 2007) and an example of one of the fastest growing juvenile prevention and intervention programs in America (Herman, 2002; Williamson & Wells, 2004). The Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice has assisted in promoting the development of these programs.

Levels and types of offenses. Most youth courts only serve youth for their first offense (Williamson & Wells, 2004). For most youth courts, the case information and records are kept confidential (Butts & Buck-Willison, 2002) as with other juvenile records. Furthermore, youth courts will typically only serve first-time offenders charged with specific types of offenses, and only when guilt has been established. These include misdemeanor offenses such as theft or vandalism, possession of alcohol or drugs, and status crimes such as curfew violations, truancy, and school offenses (McDowell Group, 2010). Because youth courts are not equipped to handle psychological, sexual, or violent offenses (Schneider, 2007), policies typically prevent these types of cases from being seen in youth court (Butts & Buck-Willison, 2002).

Sanctions. Youth courts almost always determine the sanction for the offending youth using a restorative justice model [see strategy brief on restorative practices] based on the concept of repairing damage caused to the victim and the wider community (Doroski & Burke, 2007). The most frequent sentences include community service (Butts & Buck, 2000), letters of apology, essays, youth court jury duty, drug/alcohol classes, and/or monetary restitution. (Colydas & Peterson, 2001). Other sentences may include counseling, (Garrison, 2001), curfew, drug testing, or peer discussion groups (Nessel, 2000). Youth courts do not have the authority to incarcerate a youth offender (Colydas & Peter-

son, 2001). When youth court sentences are not complied with, the case may revert to the Juvenile Court for further sentencing.

Volunteer training. The teens serving the various roles volunteer and undergo training before participating in the program. Many youth court defendants must eventually serve on the youth court jury themselves after they have successfully completed the mandatory consequences delivered to them (Weisz, Lott, & Thai, 2002). While most youth courts don't have strict requirements, some programs suggest that teenagers participate in twenty hours of training before volunteering. Other youth court programs have youth pass a written exam or shadow a veteran teen lawyer before serving (Butts & Buck-Willison, 2002).



Photo courtesy of the Center for Court Innovation, New York, NY. <http://www.courtinnovation.org/topic/youth-court>

Youth or Student Courts in Schools

When a school runs a youth court, it is often identified as a "student court". When run by schools, this type of student court may serve as a school disciplinary diversion option. The student courts only accept referrals from school staff. In some schools, certain types of violations of the school code of conduct might routinely come before the student court for assigning disciplinary consequences instead of a building administrator making these decisions. In other schools, students can choose between student court and traditional disciplinary methods (Vickers, 2004).

Once established, a student court could serve a whole group of elementary and secondary schools on a district-wide or regional basis, or, could serve only one school, typically a large secondary school (Nessel, 2000). In each case the student court would determine each student's disciplinary consequence for violating the school disciplinary code.



Student courts may take place during the school day, after school, or in the evenings either at the school, or another location such as at the courthouse (Nessel, 2000). The main people involved in student courts beyond the student volunteer court roles are school principals and administrators, teachers, school counselors, student offenders, and their parents or guardians (Vickers, 2004).

Student courts in schools would typically not be responsible for deciding on suspension or expulsion but instead would employ alternative disciplinary consequences. Offenses seen in student court often involve "tobacco use, truancy, school-based thefts, vandalism, and trespassing" (Nessel, 2000, p. 5). Student courts are likely to handle status offenses and offenses without a specific victim such as truancy, tardiness, homework disputes, etc. If a victim is involved, the case may be handled by peer mediation (Nessel, 2000). Common sanctions include community service (which may be limited to the school property), detention, in-school suspension, fines, tutoring and Saturday School (Nessel, 2000), but may also include creative consequences specific to the situation. Student court is a positive alternative to traditional discipline methods because the "sentences" of the court typically would not involve loss of learning time

(Vickers, 2004). Students are able to reflect and coordinate different perspectives regarding the nature of their offense. As mentioned earlier, almost always these school-based youth courts work from a restorative justice model [See the briefs on "Restorative Practices, Restitution and Family Group Conferencing for examples of school based applications of these principles.

The number of schools implementing Student Courts is relatively small (Vickers, 2004). This may be due to the logistics, and organizational resources that might be required to implement and operate these courts.

What Do We Know About Youth Courts?

There does not appear to have been large scale independent controlled evaluation research on the outcomes of youth courts. Although most youth courts are similar in overall concept, there has been significant variability in the details of the implementation. This is based on the level of training provided to youth staff, on the sources of funding and support, on the types of youth served, and on the types of consequences assigned. As a result, evaluation across settings and jurisdictions has been difficult.

Community Benefits. Participation in youth courts may be linked to low recidivism rates (Butts & Buck, 2000; Garrison, 2001; Peterson, 2009). While some of the data on recidivism is anecdotal, it shows a lower rate of reoffending (Butts & Buck-Willison, 2002; Forgays, 2008; Forgays & Demilio, 2005) as compared with other consequences (e.g., diversion). On the other hand, it has been argued that youth courts select offenders who are not likely to re-offend. Thus lower recidivism rates may have more to do with selection biases than the effectiveness of these programs (Weisz et al., 2002). Despite debate over the effectiveness of youth courts, it has been reported that defendants and their parents are satisfied by their youth court experience and pursue continued involvement with youth court sessions (Forgays, 2008; Weisz et al., 2002).

In general, by aiming to reduce recidivism, youth courts save communities money (Wil-

liamson & Wells, 2004), which is considered one of the most appealing benefits (Pearson, 2004). According to Peterson (2009), youth courts are the least expensive juvenile justice and community youth program in existence in the United States. Due to the high number of teen and adult volunteers, the annual cost of a typical youth court in the juvenile justice system is below \$40,000 (Eppink & Peterson, 2007) with coordination and administration being the primary costs.

Youth courts also keep teens away from the juvenile justice system, which tends to be overly busy and crowded (Colydas & Peterson, 2001). When youth courts take many first-time offenders who commit less-serious crimes away from the juvenile justice system, there is more opportunity for the juvenile justice system to focus on serious offenders, processing them appropriately and quickly (Pearson, 2004). While traditional courts may sometimes take months to deliver a punishment to the offender (Pearson, 2004), youth courts save time by quickly processing cases and delivering sanctions (Butts & Buck, 2000).

Communities are also benefited by youth courts through community engagement. Youth are becoming educated through volunteering in youth court, writing, participating in service learning (Pearson, 2004), and community service. Participation in youth courts may encourage youth to participate in other civic duties (Pearson, 2004). In addition to youth's community participation, adults can also play a role in youth justice and restoration (McDowell Group, 2010).

Individual benefits. Youth court programs offer youth offenders chances to increase their social skills (Colydas & Peterson, 2001; McDow-

ell Group, 2010) coping skills (Herman, 2002), articulation (Colydas & Peterson, 2001), and maturity (McDowell Group, 2010). According to Doroski and Burke (2007), youth participation in youth court is positively associated with engagement in school activities, helping with chores at home, and declining drugs and/or alcohol. In addition, parents of teens who participated in youth court acknowledged their teenager's improvements in "choosing friends, impulse control, communicating at home, showing more interest in school, and volunteering" (Doroski & Burke, 2007, p. 5). Through the youth court process, youth receive experiential education (McDowell Group, 2010). They develop an understanding of the judicial process, law, and society through first-hand experience (Garrison, 2001; McDowell Group, 2010). The youth court process teaches youth about the justice system and about how to prevent delinquency (Doroski & Burke, 2007).

In Tucson, Arizona a middle school had 46 cases heard in their youth court in one year and only two became repeat offenders. After completing the Youth Court in the Schools Program in Tucson, 73% of the defendants had no additional referrals (Office of Juvenile Justice and Delinquency Prevention, 2013). In Wisconsin, school staff reported a dramatic decrease in the number of behavior incidents committed by either jurors or youth referred to the youth court after they have participated in the program. Also, the number of students involved in fighting, drug and alcohol possession and insubordination have all decreased in one school by 20-40% after implementing their youth court. The number of tickets given at one school has decreased from 150 per school year to less than 30 (Office of Juvenile Justice and Delinquency Prevention, 2013).

However, there have been some research studies that have found some problems with youth courts. For example, the stigma and labeling associated with youth courts has been found to mitigate their effectiveness, particularly for adolescent males in some cases (Wilson, Gottfredson, & Stickle, 2009). Additionally, regarding older adolescents, delinquency has been reported at higher levels for youth that participate in youth courts versus other diversion programming (Stickle, Connell, Wilson, & Gottfredson, 2008). Although youth courts have often produced posi-



tive outcomes, it is necessary to be aware of the potential drawbacks associated its use with certain populations or circumstances.

Through youth courts, adolescents also have the opportunity to learn life lessons (Herman, 2002) and grow personally (McDowell Group, 2010). Youth courts require youth to reflect on their behavior (Garrison, 2001), be held accountable, and make up for their misbehavior in constructive and positive ways (Colydas & Peterson, 2001). In a study by Doroski and Burke (2007), 97 percent of parents whose teenager went through youth court agreed that it had a positive influence on their child. Youth courts tend to run smoothly and are viewed positively by communities (McDowell Group, 2010). Other studies show that youth courts may help support self-esteem and positive views of authority figures among delinquent youth (Peterson, 2009).

We could not identify any evaluative studies of the use of youth courts in school settings, although many of the potential benefits and potential problems could be similar to those run in the community. The primary advantage in the schools would be the learning experience for all the students involved, and the shared responsibility by both adults and students for enforcing standards and ensuring consequences for violations of the code of conduct.

Conclusions about research. Although there have been local studies generally suggesting positive outcomes of these youth court programs, there have been some potential negative outcomes as well. There has been insufficient overall outcome evaluation across these programs and across sites to establish them as an evidence-based practice. Their use in schools has had almost no evaluative research. Nevertheless, there is sufficient evidence to suggest that they hold promise as being potentially useful to improve youth behavior both in justice and in school settings.

Implementing Youth Courts

Successful youth court programs require a full or part-time staff person to provide coordination for the program, to monitor referrals, and

to provide case management. Programs in other settings, such as schools, would also require such coordination, with at least some staff time assigned. Access to training at various locations, related training materials, and an annual conference are accessible through the National Youth Court Center (<http://www.youthcourt.net/>).

In the beginning stages of a youth court, it is important to have a meaningful intake process. During this time the teen will admit guilt and learn about youth courts. Not every youth will respond well to youth courts; some youth may benefit more from the traditional juvenile justice setting. Because of this, it is important to explain youth courts thoroughly to the youth offender (McDowell Group, 2010). Other obvious, yet very important factors in youth courts are the involvement of peers and the focus on restorative practices (McDowell Group, 2010). These characteristics form the backbone for youth courts.

Other important factors include ample training for volunteers and practice sessions. All participants in the youth court procedure should display professionalism by fully focusing on the case, displaying positive attitudes, (Williamson & Wells, 2004), and showing cultural awareness (McDowell Group, 2010). Youth volunteers should be given appropriate independence and influence over decisions within youth courts.

The youth court process and procedures should include structure, formality, and organization (Williamson & Wells, 2004). Sentences should be fair and reflect restorative principles (McDowell Group, 2010). Each case should be given sufficient time for issues to be shared and decided upon (Williamson & Wells, 2004). Defendants should be involved and monitored through the whole process (McDowell Group, 2010), including a debriefing at the end of the case. Follow up should be done with all involved parties to review the results and findings of the case (Williamson & Wells, 2004).

In a school setting, some of the administrative time freed up by not having to deal directly with offenders might be allocated to

helping to organize and maintain the school based youth court. Additionally student councils, or student advisory groups might assist in logistics along with community organizations, particularly the juvenile justice community.

Conclusion

Youth courts represent a promising approach to developing youth involvement in diminishing juvenile delinquency and substance abuse, and as such, represent a useful approach to crime and violence prevention. As with conflict resolution education and peer mediation programs, the potential benefit of youth

courts is two-fold. First, it has the possibility of diminishing youth crime and recidivism directly through the sanctions imposed and restorative practices used. Secondly, it may affect a wider group of teens through the skills, training and experiences of the youth volunteers. Based on the evaluation data to date, the youth court program appears to be a promising alternative for youth justice, and may have applications in the school setting, but there has been insufficient research to be able to draw strong conclusions about their impact.



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Recommend Resources

Center for Court Innovation <http://www.courtinnovation.org/topic/youth-court>

This website is a wealth of information on youth courts. It has webinars for youth court practitioners, PowerPoint presentations of trainings, several different publications on how to set up a youth court, lessons learned from other youth courts, a youth court planning guide and how to create a youth court operations manual.

National Association of Youth Courts <http://www.youthcourt.net/>

This website also has information including a map showing all the locations of youth courts in the United States, including courts in Lincoln and two in Omaha. The website has links for the websites for these different youth courts. There are also partnership links, resources and publications about youth courts, how to run them and helpful advice on restorative justice and how to set up a youth court and the training needed to run a youth court. Finally, there is a news section about legislation related to youth courts and the challenges and successes of other youth courts.

Webinar: Using Youth Courts as a Supportive School Discipline Practice www.juvenilejustice-tta.org

This webinar can be accessed through the archived webinars in the Supportive School Discipline series presented by the U.S. Departments of Justice, Education and Health and Human Services. This webinar is about one and a half hours long. It is the sixth webinar in the series and provides knowledge about how to use and set up youth courts in schools. There were three featured speakers. The first was Nancy Fishman, Project Director for the Center for Court Innovation's Youth Justice Programs, who introduced the concept of youth courts and discusses different models of youth courts. The second speaker was Lorrie Hurckes, Assistant Director and Youth Court Coordinator with the Dane County Timebank, who discusses Madison, Wisconsin's unique approach to youth courts by using the timebank model which is a national program used for exchanging time and services in a community. The final speaker is Kate Spaulding, who oversees the Pima Prevention Partnership's (Tucson, Arizona) Teen Court in the Schools (TCIS) program, which use peer-led court proceedings and has had considerable success in the high schools in that area.

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