

An Update on Teen Court Legislation

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Youth courts, teen courts, student courts and peer courts (hereafter collectively referred to as “teen courts”) have rapidly spread across the nation in the past 10 years. From rather humble beginnings, current data indicates that 1,128 teen court programs are present in 49 states and the District of Columbia.¹ They provide an opportunity for youth to appear before their peers for resolution of delinquent, status, or other problem behavior. As a natural progression of this growth, and in an effort to provide guidance and set parameters for teen courts, legislation has been passed in several states.

Both the student of teen courts and the teen court practitioner will benefit from an understanding of teen court legislation. Legislation sets legal parameters, knowledge of which is an absolute necessity for practitioners. An analysis of teen court legislation also paints a picture of teen courts nationally, providing an understanding of practices deemed universal enough to be mandated. This bulletin provides an overview of teen court legislation in the United States to 1) provide a resource for states interested in reviewing or drafting their own legislation, 2) identify those states where legislation is present, and 3) review and discuss the common components of existing teen court legislation across the nation.

Research

Research was completed by conducting a Lexis/Nexis search in the statutes for each state and the District of Columbia for the terms “youth court,” “teen court,” “peer court,” or “peer jury.” Legislation that fit the criteria was then analyzed

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and categorized. At the beginning of 2006, 25 states had taken some form of action related to teen court programs. The extent of the legislation varies considerably and is placed into the following three categories for purposes of this bulletin: appropriations and dispositional only (Table 1), limited legislation (Table 2), and comprehensive legislation (Table 3). The content of these tables is addressed beginning on page 3.

Why Have Teen Court Legislation

States legislate teen courts for a number of reasons. Teen court leaders may be motivated to introduce legislation to increase consistency and maintain minimal standards within their state. Mandating acceptable standards can increase program effectiveness and thereby protect all programs within a state. State recognition through legislation can help legitimize teen court programs for local community stakeholders. Legislation can also provide funding, mandate state support, and provide limited immunity from civil liability. It can provide a resource for referrals and dispositional options. Further, if regulation is imminent in a state, teen court

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leaders may be motivated to introduce their own legislation in an effort to shape the regulation that will govern their activities.

There are also arguments against legislation. The flexibility of teen court programs to meet the needs of their particular areas is a strength and should be protected. For example, what works in urban areas of a state may not work as well in rural areas. In addition, some proponents like the flexibility to fashion their own programs without the constraints of mandates. It may be difficult to anticipate how teen courts may change and evolve. If states pass legislation, they should ensure that that teen courts will maintain their individuality, while providing broad mandates to help all teen court programs maintain acceptable standards.

Considerations for Teen Court Legislation

The overall goal of any legislation should be to maximize the effectiveness of teen court programs for the benefit of the youth. States considering teen court legislation have several initial considerations before they get to the point of drafting legislation.² Assembling a legislative committee to discuss the need for and content of proposed legislation is an essential component of successful legislation. A good legislative committee will bring together divergent views and a broad base of experience to achieve this goal. Considerations for the composition of a legislative committee minimally including the following, all of which are discussed further below:

- Who will be impacted by the legislation?
- Whose approval or assistance is necessary for the success of teen courts?
- Who should be chosen to represent the entities or groups on the committee?
- Who has experience drafting legislation and with the legislative process?

Who will be impacted by the legislation?

Teen court legislation sets mandates for all teen courts within the state. The legislative committee should represent the type of teen courts operating within the state to assure that the legislation is compatible with existing or anticipated programs. Some issues to consider include:

- Whether the programs in the state are adjudicatory or dispositional only.
- The type of program model different teen courts use.³
- The type of agencies that administer the teen courts in the state (e.g., Are the programs school-based, justice system-based, or community-based?)

Legislation should not restrict the ability of teen courts to operate unless it is an intentional, reasoned decision to do so. Those chosen to represent existing teen court programs should be well experienced with the program they represent.

Whose approval or assistance is necessary for the success of teen courts?

Consideration should be given to the groups or entities to include on the legislative committee who have the power to authorize or legitimize local programs, as well as those whose assistance is needed for the program to operate efficiently and effectively. Persons in these positions are a valuable resource for teen courts and should be involved from the beginning. By doing so, legislation may provide them a comfort level with teen courts that results in their endorsement and utilization of the programs.

Most teen courts handle cases that are or could become court-involved. Therefore, in many areas, teen court programs will encounter difficulties in establishing and operating programs without the approval of a juvenile, family, or municipal court judge. Other important stakeholders include representatives from agencies that provide referrals to teen court programs and agencies that deal with the education of youth and have expertise in dealing with juvenile delinquency. These may include law enforcement, prosecutors, defense attorneys, juvenile probation, schools, juvenile/family and municipal courts, and private non-profit organizations.

If approval and support is garnered for teen courts on a state level, it is easier to introduce the programs on a local level. For example, if the state school board is involved on the legislative committee, endorsing teen courts, and promoting school credit for teen court involvement, local schools may be more receptive to support the programs. If state leaders in the law enforcement and prosecution community endorse the program, local officials are more likely to become involved.

It is also important to consider involving a youth representative. A youth representative can help the committee understand what will appeal to youth volunteers and offenders in the programs. They bring a fresh and different perspective to the committee and help keep the committee focused on the ultimate goal of the legislation: the youth. Once the legislation is drafted, youth become an indispensable part of the process in assuring that the sponsored legislation passes. The youth get to participate in hearings and see firsthand how laws are enacted. Their impact on legislators is also very positive.

The legal community is an important part of the legislative committee. Prosecutors, defense counsel and other interested members of the bar can mentor, teach and participate in teen court programs. Also consider including representatives from entities that have been, or may be, critical of teen courts. Healthy criticism and discussion are important. For example, if law enforcement agencies have expressed concerns that teen courts are soft on juvenile offenders, seek out a well respected law enforcement representative for the committee. It will provide an opportunity to educate them and win over important support.

Who should represent the entities on the committee?

Once the groups or entities have been identified, specific individuals representing those groups must be identified and invited to participate on the legislative committee. State and local agencies will often have a representative in mind. For instance, if school support is needed, the state school board may have an existing liaison who could be assigned to the legislative committee. State prosecution councils, sheriffs’ and police associations, state attorney general’s office, and the administrative office of the courts are examples of groups that would likely appoint representatives for their group. If a specific individual is sought for the legislative committee, the teen court should request the group appoint that person.

Representatives should be selected for their experience and leadership ability in their respective group. They should be dependable and available to attend and participate in the discussions. The representative must speak their mind and be able to bring to the discussion the views of the group they represent. There tends to be a healthy competition between teen court programs and an allegiance to the model they represent. Therefore, seek diversity regarding viewpoints and people who are open and fair minded. Committee members should also be able to solicit the respect of the group they represent so their respective group support and endorsement will follow.

Who has legislative experience?

Teen court legislation should be compatible with existing law. Therefore, the legislative committee needs someone who is familiar with drafting legislation and familiar with existing laws that may impact procedure and the types of cases that teen courts may handle. It is also helpful to have someone who is knowledgeable about the way that cases are handled through a referral to a traditional juvenile, family, or municipal court. Finally, selecting an appropriate sponsor of the legislation may be the most important part of the process. The very best legislation will fail without the support of someone who is familiar with, and willing to guide the legislation through, the legislative process.

Identifying Teen Court Legislation

The legislative committee’s first step is identifying existing teen court legislation. Tables 1 through 3 list the states with teen court legislation and provide statutory references. Table 1 sets forth those states with only brief references to teen courts. In the most recent legislative sessions, two states⁴ provided only appropriations for teen courts. Four states⁵ refer to teen courts as dispositional options for other formal courts, but no other legislation exists. No restrictions nor guidance is provided for these programs from the legislatures, but they have been officially recognized as an option.

Table 2 (see page 4) lists seven states with limited legislation. In these states, legislation addresses five or fewer different areas of regulation. Brief references to the statutes are also included. This type of legislation officially acknowledges teen court programs and provides limited guidance and restriction on their activities.

Finally, Table 3 (see page 6) lists 12 states where statutes provide more comprehensive legislation (hereafter “comprehensive legislation”). This is defined as legislation addressing six or more areas of regulation. This legislation ranges from states with statutes that officially acknowledge teen courts and provide some guidance and regulation⁶ to states that have formal teen court acts.⁷

This bulletin makes no recommendation regarding the extent of legislation that is appropriate. States must assess their particular needs to determine the type of legislation, if any, that will best suit their programs. Rather, information contained in this bulletin provides guidance to make the assessment and gives examples for statutory regulation where it is deemed appropriate. It should be noted that legislation will change, so the tables should be used as a starting point and updates checked for the most current statutes.

Because teen courts are known by several different names, the researcher should determine what the programs are called in the area to be researched and search for legislation under all of the available names. The researcher should also be careful that the terms they use don’t refer to another type of program or court. For example, although five states use the term “youth court,” that term presents problems in Mississippi and Montana where the traditional juvenile or family court is also called “youth court.” Therefore, researchers in Mississippi and Montana must exclude “youth court” from their search.

Table 4 (see page 7) identifies how states with legislation refer to their programs. The fact that statutes refer to a particular title for teen courts does not necessarily mean that all programs within the state will use that title, but it shows at least a legislative preference for the title.

Regulation of teen courts may also occur through means other than state statutes; therefore, researchers should not limit their searches to formal legislation. While not statutory

TABLE 1	
<i>Appropriations Only</i>	<i>Disposition or Diversion Option Only</i>
2006 Ida. Ch. 387; 2006 Ida. SB 1460	Ark. Code § 9-27-323 (2006)
2006 N.M. Laws 110; 2006 N.M. SB 415	Kan. Stat. Ann. § 38-1635 (2005) La. Ch.C. Art. 839 & 896 (2006) (Diversion and assess fee) Minn. Stat. § 299A.296 (2005) (Community Crime Prevention Program)

mandates, discretionary “guidelines” may be promulgated by national, state or local teen court organizations, or sponsoring entities that operate teen court programs. The Office of Juvenile Justice and Delinquency Prevention funded the development of and widely disseminated the *National Youth Court Guidelines*.⁸ These set forth nationally recognized best

practices for teen courts and should be consulted. State teen court associations and networking groups may also have established state standards or guidelines that set forth regionally recognized best practices. Finally, programs may search for articles and published research in their areas to determine policies and practices that exist in the absence of

**TABLE 2
LIMITED REGULATION LEGISLATION WITH FIVE OR LESS COMPONENTS**

<i>State</i>	<i>Statute</i>	<i>Comments</i>
California	Cal R. Ct., Div I R 6.56 (2006) Cal Educ. Code §§51220.2 & 32295.5 (2006) Cal El Dorado Super. Ct. L.R. 1.00.03 (2006)	Committee to make recommendations about teen court Defines program, parent/youth consent, may satisfy educational requirements Juvenile traffic charges
Florida	Fla. Stat. §§938.19 & 939.185 (2005) Fla. Stat. §943.0582 (2005) Fla. Stat. § 985.21 (2005)	Assessment of adult fines Expunction of records Juvenile probation diversionary program
Illinois	55 Ill. Comp. Stat. § 5/5-1101 (2006) 703 Ill. Comp. Stat. § 115/1 (2006) & 705 Ill. Comp. Stat. §§ 405/1-12 & 405/5-160 (2006) 705 Ill. Comp. Stat. § 405/5-301 (2006) 705 Ill. Comp. Stat. § 405/5-315 (2006) 730 Ill. Comp. Stat. § 110/16.1 (2006)	May assess \$5 Liability May be condition of station adjustment County or municipality may contract for teen court Teen court—program to restore offender to community
New York	N.Y. Crim. Proc. § 380.90 (2006) N.Y. Educ. § 2801-a (2006) N.Y. Fam. Ct. Act § 301.2 (2006) NY CLS Jud Appx Code Jud Conduct CANNON 100.2 (2006) Op. Att’y Gen. 87 Inf. Op. No. 84-12 (1984) 2006 N.Y. Laws 50; 2006 N.Y.S.N. 6450	Reporting sent to schools School safety plans Records Judges involvement in teen court Use of term “court” in “youth court” discussed Teen court appropriations
Oregon	Or. Rev. Stat. §§ 419c.225 & 419c.226 (2006)	Diversion program, operate w/agreement of county juvenile department, written agreement of cases, protocol, data collection and outcome reporting
Rhode Island	R.I. Gen. Laws §8-10-23.1 (2006)	State hearing board coordinator to provide support & set community service program. No felonies without consent
Wisconsin	Wis. Stat. § 118.16 (2006) Wis. Stat. § 118.163 (2006) Wis. Stat. § 938.34 (2006) Wis. Stat. § 938.342 (2006) Wis. Stat. § 938.343 (2006) Wis. Stat. § 938.344 (2006)	Referral by school attendance officer Municipal truancy & school drop out. Opt. as disposition in Juvenile Court. Approved program & youth, misdemeanor or ordinance violation, admission with parents, no teen court for 2 years. Opt. as above for truancy and school drop out violations. Opt. as above for civil law or ordinance violation. Opt. as above for certain intoxicating liquor, beer and drug violations.

formal legislation. These non-legislative resources can help legislative committees consider local customs and practices as well as nationally recognized practices in drafting their legislation. Non-legislative resources may also point out inconsistencies between practices and provide valuable discussion for the committee regarding areas that should, or should not, be legislated.

Common Components of Teen Court Legislation

Components that appear frequently in teen court legislation provide an understanding of important program practices. Those contemplating legislation, or reviewing their own, can learn from the mandated practices of other states. Common components of teen court legislation include whether the program is adjudicatory or dispositional only, the types of cases the programs may handle, dispositional options, and funding options.⁹ These, along with additional components, are discussed below.

Dispositional or Adjudicatory

Teen courts are traditionally dispositional in nature and an admission by the offending youth of their involvement in the behavior that brings them before the court is generally a prerequisite to participation in the program. In these programs, the purpose of the teen court is to determine a fair and appropriate disposition for the youth respondent. Adjudicatory programs are those where the youth is allowed to enter a not guilty plea and have the facts of their case heard to determine their responsibility for the offense. In adjudicatory programs, extensive training and expertise is required of volunteer participants who act as fact finders.

According to the National Youth Court Center's database,¹⁰ less than 8% of teen courts are adjudicatory and allow youth to plead not guilty. Alaska is unique as its statutes specifically identify the teen court system as adjudicatory.¹¹ Only two other states have references that arguably would allow adjudication of facts. North Carolina refers to the teen court jury making sanctions after the finding of the commission of a delinquent act.¹² California refers to adjudication, albeit briefly.¹³ A statute that allows for adjudication is arguably less restrictive of programs than one that specifically designates its programs as dispositional. For instance, a North Carolina program could apparently engage in a fact finding dispositional stage or it could only take cases that are dispositional.

Dispositional programs are far more common than adjudicatory programs, and within the comprehensive legislation states (Table 3), dispositional programs are overwhelmingly required. Statutes in Colorado,¹⁴ Mississippi,¹⁵ Tennessee,¹⁶ Texas,¹⁷ Utah,¹⁸ Vermont,¹⁹ Washington,²⁰ Wisconsin²¹ and Wyoming²² all require dispositional programs.

Programs in these states do not have the adjudicatory option. Of the comprehensive legislative states, only West Virginia is silent. West Virginia refers to dispositional requirements,²³ which could be imposed after adjudication or an admission. This statute has a unique provision indicating that "in no case may the court require a juvenile to admit the allegation against him or her as a prerequisite to participation in the teen court program."²⁴ This provision leaves open the potential need to adjudicate the youth's involvement in the offense that brings him before the teen court, and to treat the program as adjudicatory.

Some states provide teen courts as an option for juvenile court intake officers. If used as a juvenile probation intake option, it would generally anticipate the youth's admission to the conduct that brought them before the juvenile intake officer, making the teen court dispositional. It does not, however, necessarily mandate that all teen court proceedings in the state are dispositional only. Silent statutes leave open both the adjudication and dispositional options. For instance, New York statutes are silent, but in describing the practice of teen courts, a state attorney general's opinion clearly describes an adjudicatory process.

"Under the program, a case is diverted to the program upon the consent of the accused minor, his or her parents, and the complainant, where it is 'adjudicated' by the accused's peers, who serve as judge, jury, prosecution and defense. Procedure in 'Youth Court' is patterned after formal judicial procedure. Thus, a defendant may plead guilty and be 'sentenced,' or may plead innocent and face a jury trial. If 'convicted,' a minor may be 'sentenced' to perform restitution or community service work. Appeals are heard by a panel of peers. Participants in the program receive training from local members of the legal profession."²⁵

In summary, being aware of whether state legislation mandates that a teen court must or can be dispositional or adjudicatory is clearly important to any teen court in the development stage. However, it can also be helpful for active programs to review their legislation to see if their state addresses this issue specifically. There are states where some teen courts operate as an adjudicatory program while others operate as a dispositional program. In those states, it is important for practitioners to be aware of current or pending legislation that may affect the viability of different programs' practices.

Types of Cases

Where statutes are available, they overwhelmingly specify the type of cases that teen courts can handle. Misdemeanors and ordinances are the most common offenses, and some of those states limit the type of misdemeanors that can be handled. For instance, Texas limits the misdemeanors to "fine only."²⁶ Utah excludes class A misdemeanors and a number of specific offenses that are gang related or require

**TABLE 3
COMPREHENSIVE LEGISLATION**

<i>State</i>	<i>Statute</i>	<i>Title</i>
Alaska	Alaska Stat. §§ 4.16.050, 47.12.040 & 47.12.400 (2006) Alaska Bar R. 65 (2006)	
Colorado	Colo. Rev. Stat. §§ 19-2-1101 to 1105 (2005)	
Mississippi	Miss. Code Ann. §§ 43-21-751 to 755; and 43-21-151 (2006)	Teen Court Pilot Program Act
North Carolina	N.C. Gen. Stat. §§ 7B-1501, 7B-1706 & 143B-520 (2006)	
Oklahoma	Okla. Stat. tit. 10, §§ 7302-3.1, 7303-1.3 & 7303-4.6 (2005)	
Tennessee	Tenn. Code Ann. §§ 37-1-701 to 706; 39-17-1505(c) (2005)	Tennessee Teen Court Program of 2000
Texas	Tex. Fam. Code § 54.032 (2005) Tex. Gov't Code § 103.021 (2005) Tex. Code Crim. Proc. 45.052 (2005)	
Utah	Utah Code §§ 78-57-101 to 110 (2006)	Utah Youth Court Diversion Act
Vermont	Vt. Stat. Ann. tit. 12 §§ 7101 to 7111 (2006)	Windsor County Youth Court
Washington	Wash. Rev. Code §§ 3.72.005 to 050 (2006) (Youth Court) §13.40.020, 13.40.080, 13.40.250 & 13.40.580-640 (Juvenile Court) §28A.320.520 (Common Schools) §46.63.040 (Motor Vehicles)	
West Virginia	W. Va. Code § 49-5-13d (2006)	
Wyoming	Wyo. Stat. §§ 7-13-1201 to 1205 (2006) Wyo. Stat. §§ 14-3-306 & 14-6-247 W.R. Gov. Teens Cts. Rules 1-4 (2005) W.R. Gov. Teens Cts. Appx., Forms A-C (2005)	Wyoming Teen Court Program

mandatory dispositions if they were before the juvenile court.²⁷ Wyoming limits the misdemeanors to those punishable by not more than six months or \$750.²⁸ Oregon requires teen courts enter into an agreement with the juvenile court that sets forth the cases to be handled by the program.²⁹ The Washington teen courts are specifically authorized, along with other things, to handle first time traffic offenders not under the jurisdiction of any court.³⁰

In Florida and Illinois offenses may be handled as part of a non-judicial “station adjustment,”³¹ or juvenile court intake procedure.³² Those procedures limit the offenses that can be handled to broad categories of lesser offenses, generally falling into the “misdemeanor” category. Washington allows the juvenile court to use the teen court for cases it would otherwise have diverted.³³ Some states give broad dis-

cretion to established referral sources in the types of cases that may go to teen courts. Mississippi juvenile courts³⁴ have the discretion to refer any appropriate case to teen courts.³⁵ Vermont vests authority in the Windsor County court diversion program or state’s attorney to refer appropriate cases.³⁶ Although limiting teen court cases basically to B and C misdemeanors with restrictions, Utah also vests authority in an independent decision maker, allowing teen courts to handle any offenses with the permission of the juvenile court and prosecutor that would otherwise have jurisdiction over the offense.³⁷ Rhode Island would also allow felony offenses to be handled by teen courts but only with written consent from the chief justice of the family court.³⁸

While Kentucky does not have statutes that legislate teen court procedure, at least one authority describes Ken-

tucky courts as being unique in the cases they handle.³⁹ They indicate teen courts operate under the jurisdiction of the Administrative Office of the Courts and only judges can refer cases to teen courts in Kentucky after a plea or finding of guilt in the juvenile court. As a result, teen courts handle cases of low to moderate seriousness, including less serious felonies. While most referrals lack extensive prior records, a “considerable number” have been previously adjudicated.⁴⁰

Tennessee’s legislation is unique in specifying offenses that could be handled by teen courts, which include, *inter alia*, offenses such as burglary, theft and forgery.⁴¹ It also includes violations of several specific sections of the Tennessee Drug Control Act,⁴² offenses which, in Utah and North Carolina, were specifically excluded.⁴³

New York does not set forth the offenses teen courts could handle. A comprehensive study completed in 1998 of all known New York teen courts found them processing a variety of misdemeanors, as well as tobacco, alcohol and minor drug violations.⁴⁴ Twenty-six percent accepted some felonies (nonviolent, property-related), and over half accepted school rule and truancy violations. Fifty-seven percent allowed youth with prior records.⁴⁵

A national study completed by the Urban Institute for the Office of Juvenile Justice and Delinquency Prevention’s Youth Court Project, found that in practice, 39% of teen courts accepted only first-time offenders and 48% reportedly “rarely” accepted youth with prior offenses.⁴⁶ Almost all

(98%) reported they “never” or “rarely” accepted youth with prior felony arrests and 91% indicated they “never” or “rarely” accepted youth with prior juvenile court referrals.⁴⁷ The offenses most often heard, in descending order of frequency, were minor assault, disorderly conduct, possession or use of alcohol and vandalism.⁴⁸

In summary, the offenses that teen courts handle are an important part of state legislation and should be part of the discussion within the legislative committee. Existing statutes overwhelmingly include the lesser offenses of misdemeanors, infractions, status offenses, school rule violations and ordinances. A number of statutes specifically limit even these lesser offenses. Tennessee specifically provides teen court authority for more serious offenses. Other states give authority to a referral entity to determine what offenses may be handled by the teen court. It appears that as teen court programs are regulated more by existing traditional courts, more authority is given to the programs regarding the types of offenses they handle. Of course states without legislation or those with legislation that are silent regarding the offenses that teen court can handle have more flexibility in the types of cases they can accept. Restrictions for teen courts in these states would come from referring agencies and their comfort level with the appropriate cases that teen courts should handle. Existing research regarding the types of cases that teen courts handle is consistent with the legislative findings.

**TABLE 4
STATUTORY PROGRAM NAMES**

<i>Teen Court</i>	<i>Youth Court</i>	<i>Multiple References</i>
Ark. Code § 9-27-323 (2006) Colo. Rev. Stat. § 19-2-1101 (2006) Fla. Stat. § 985.21 (2005) Minn. Stat. § 299A.296 (2005) Miss. Code Ann. §§ 43-21-751 (2006) 2006 N.M. Laws 110; 2006 N.M. SB 415 N.C. Gen. Stat. § 7B-1501 (2006) Okla. Stat. tit. 10, § 7302-3.1 (2005) R.I. Gen. Laws §8-10-23.1 (2006) Tenn. Code Ann. § 37-1-701 (2005) Tex. Fam. Code § 54.032 (2005) W. Va. Code § 49-5-13d (2006) Wis. Stat. § 118.16 (2006) Wyo. Stat. §§ 7-13-1201 (2005)	Alaska Stat. § 47.12.400 (2006) 2006 Ida. Ch. 387; 2006 Ida. SB 1460 Kan. Stat. Ann. § 38-1635 (2005) N.Y. Crim. Proc. § 380.90 (2006) Utah Code §§ 78-57-101 (2006)	Cal. Educ. Code § 32295.5. (2006) Teen or Peer 55 Ill. Comp. Stat. § 5/5-1101 (2006) teen court, peer court, peer jury, or youth court La. Ch.C. Art. 839 & 896 (2006) Or. Rev. Stat. §§ 419c.225 & 419c.226 (2006)

Dispositional/Sentencing Option

Several specific sentencing or dispositional options are found in many state statutes, although they are generally non-exclusive lists. In Mississippi, offenders may be ordered to perform up to 112 hours of community service, make a personal apology to a victim, submit a research paper on any relevant subject, attend counseling and make restitution or any other disposition authorized by the juvenile court.⁴⁹

The Tennessee teen court legislation specifies that the program has no authority to recommend transfer of temporary legal custody or to require placement or treatment in any specific program. It may, however, recommend restitution; performance of community service work; limitations upon driving privileges; participation as a teen court member; attendance at court-approved education workshops on subjects such as substance abuse, safe driving, and victim awareness; curfew limitations; school attendance; or essay writing or similar research or school projects.⁵⁰

Utah teen courts may order community service; participation in law-related educational classes; participation in appropriate counseling, treatment, or other educational programs; provision of periodic reports to the teen court; participation in mentoring programs; participation by the youth as a member of the teen court program; and submission of letters of apology, and essays; and any other disposition considered appropriate by the teen court and adult coordinator. Imprisonment and fines are not an option.⁵¹

Vermont disposition alternatives include community service, restitution, and a recommendation for participation in counseling or programs as appropriate.⁵² In West Virginia, participating youth agree to serve at least twice as a teen court juror,⁵³ and may be ordered to participate in an education program and perform between 16 and 40 hours of community service.⁵⁴

Teen courts in Washington specify a lengthy list of conditions or sanctions that may be imposed by a teen court.⁵⁵ Washington juvenile courts may also use teen courts as a diversion for offenses otherwise diverted by it. For cases diverted from the juvenile court, teen courts may use the same sanctions available to the juvenile court as part of their diversion efforts⁵⁶ as well as additional sanctions of participating in law-related education classes; appropriate counseling, treatment, or other educational programs; providing periodic reports to the teen court; participating in mentoring programs; serving as a participant in future teen court proceedings; or writing apology letters and essays.⁵⁷ Restitution, if any, must be completed before the case is sent back to the juvenile court referral authority.⁵⁸

Wyoming sentencing alternatives include community service; mandatory participation in law-related education classes; appropriate counseling, treatment or other education programs; participation as a juror or other teen court

member in proceedings involving youth defendants; and fines (not to exceed a statutory amount).⁵⁹ Teen courts may not impose a term of imprisonment.⁶⁰

New York's statutes are silent regarding dispositions, but Acker found that 45% of courts that use a jury require offenders to participate on future juries as a disposition, although jury service is a sentencing option in 73% of those courts using juries.⁶¹ All of the teen courts relied on community service. Other sanctions used, in descending order of frequency, include apology to victims (86%), essays (83%), classes (57%), restitution (50%), jury duty (38%) and curfews (24%).⁶²

Similar to the statutes, the national survey on teen courts reported using the following sanctions most often: community service was in 99% of the programs, apology letters (86%), written essays (79%), jury duty (74%) drug/alcohol classes (60%), monetary restitution (34%), victim awareness classes (16%) and driving or traffic classes (14%).⁶³

Sanctions used by teen courts should be well thought out and researched to assure they conform with existing state statutes, sentencing guidelines and other regulations that may govern their sanctions. As set forth above, statutes across the country provide a broad range of sanctions for teen courts, with community service hours being the common denominator in most every court. Although beyond the scope of this bulletin, programs are encouraged to continually assess the effectiveness of their sanctions in meeting their objectives.

Teen Court and School Partnerships

Legislation in several states specifically anticipates educational components. Participation in a teen court in California satisfies state curriculum requirements for "instruction in our American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the State and Federal Constitutions."⁶⁴

New York has reporting requirements to school officials when a student under 19 is sentenced for a crime, which may include involvement in teen court programs. A New York statute recognizes teen courts as a prevention and intervention strategy to be used when considering policies and procedures for responding to acts of violence in the schools.⁶⁵

Tennessee specifically anticipates inclusion of students as volunteers in their programs, requiring that a juvenile court judge choose volunteer youths from local public and private high schools or middle schools.⁶⁶ The statutes further provide that "[e]very juvenile court judge, whether or not such judge establishes a teen court, may hold juvenile court proceedings at a public high school or middle school in the county of the court's jurisdiction for at least one day

per year. Such court proceedings are publicized in cooperation with the local school authorities in a manner to encourage youth observation and, where appropriate, participation.”⁶⁷

In Utah and Washington local school boards may provide school credit for participation in a teen court program.⁶⁸ Mississippi likewise anticipates involvement of schools and allows them to credit the time teachers and students spend participating in teen court as instructional time.⁶⁹ Utah and Vermont also include education officials on their teen court advisory boards.⁷⁰

A Washington statute specifically authorizes teen courts to be established by schools, upon prior approval and under the supervision of juvenile court.⁷¹ While teen court programs may not need to include truancy and other school based violations specifically in statutes in order to handle them, these offenses are sometimes specifically incorporated in the statutes.

In Wisconsin and Tennessee, teen courts are specifically listed as an option for the school attendance officer.⁷² Teen court is also listed as an option for municipal truancy and school dropout ordinances.⁷³

Truancy, daytime curfew, and violations of laws and school rules are all offenses and behaviors that may result in referral to teen court. Several states have specifically included the schools in their legislation, recognizing the strong partnerships that can be formed.⁷⁴

Funding of Teen Court Programs

Funding is a continuous concern for teen court programs. Three different forms of funding provisions were found in the state statutes researched: line item appropriations, fees charged for teen court participation, and continuous funding from municipalities and counties through criminal adult fine assessments.

Appropriations for the most recent year were found in Idaho,⁷⁵ New Mexico⁷⁶ and New York.⁷⁷ In Idaho, the appropriation was to the Idaho Supreme Court for funding of its teen courts. In the other states, appropriations were for individual teen court programs. In past years, line item funding has been found in Georgia and Kentucky. Because of the difficulty in researching line item funding, there may be other appropriations made that were not found.

Several statutes specifically authorize the collection of fees from individual teen court participants. These states include Louisiana,⁷⁸ Mississippi,⁷⁹ Oklahoma,⁸⁰ Texas,⁸¹ Utah,⁸² Washington⁸³ and Wyoming.⁸⁴ Fees range from \$5 in Mississippi to up to \$30 in Utah and Washington. These fees may be waived in the event that youth are not capable of paying the fee.

Florida,⁸⁵ Illinois⁸⁶ and West Virginia⁸⁷ have legislation that allows their municipal and county governments to make an assessment on convicted adult defendants that goes

directly to the funding of teen court programs. This provides a steadier source of funding for programs than a line item appropriation that must be addressed with the legislature every budget cycle. It is advisable, however, regardless of the funding type, to review the legislative funding on at least an annual basis. New legislation may change or eliminate the appropriation. Tight budgets may lead to the elimination of the appropriation.

With legislative funding also comes responsibility and accountability. Teen courts must be vigilant. Current assessments and accurate record keeping will help maintain legislative funding. A lack of accountability could have devastating effects on current, as well as future legislative funding for teen court programs.

Miscellaneous Considerations

Statutes commonly describe who may administer the teen court programs and the role of other traditional courts, most frequently the juvenile or family court. The age and prior offenses of offending youth are often included. Other items that are sometimes included in teen court legislation include waiver of constitutional and statutory rights, consent for involvement in the program, mandatory involvement of parents, and mandatory requirements of restitution for victims. Some statutes describe the volunteer roles that will be assumed in teen court, and require adult involvement in teen court judge positions. Other states leave this open to allow programs to assume different program models. Limiting the civil liability of teen court programs and individuals participating in the programs has also been addressed by some states.

Conclusions

This bulletin has provided an overview of teen court legislation in the United States. There are also information and resources provided (e.g., tips for establishing a legislative committee, statutory references for teen court legislation) to guide those who are interested in reviewing existing or drafting new legislation. The information in this article, coupled with information gleaned from further research into this topic, can provide a starting point for local and state-level discussions about the need for or parameters of teen court legislation. It also can assist teen court practitioners in knowing whether they are operating within the bounds of existing laws.

While teen court legislation across the United States varies widely in scope, a great deal can be learned about teen courts from studying those legislative components deemed so universal to be mandated by states. Most importantly, it can also lead to a thoughtful discussion about teen courts; their place in the community (on a local and state level); and how to recognize, promote, and shepherd their growth.

Endnotes

- ¹ National Youth Court Center National Listing, Retrieved July 2006 from http://www.youthcourt.net/national_listing/overview.htm.
- ² Heward, M. (2001). *Youth Court Enabling Legislation: One Perspective on Utah's Experience*. Retrieved May 15, 2006 from <http://www.youthcourt.net/Publications/Legislation.htm>.
- ³ Godwin, T.M., (with Fulton, B.F. and Steinhart, D.J.). (1998). *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs*. Washington, DC: National Highway Traffic Safety Administration, U.S. Department of Transportation; and Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. Retrieved May 15, 2006 from <http://ojjdp.ncjrs.org/publications/peerjustice.html>.
- ⁴ Idaho and New Mexico.
- ⁵ Arkansas, Kansas, Louisiana and Minnesota
- ⁶ For example, see Oklahoma and North Carolina.
- ⁷ Such as Tennessee, Utah and Wyoming.
- ⁸ Godwin, T.M. (with Heward, M.E. and Spina, T. Jr.). (2000). *National Youth Court Guidelines*. Lexington, KY; National Youth Court Center. Retrieved August 25, 2006 from <http://www.youthcourt.net/Publications/General.htm>
- ⁹ Heward, M.E. (2002, Winter). The Organization and Operation of Teen Courts in the United States: A Comparative Analysis of Legislation, *Juvenile and Family Court Journal*, pp. 19-35.
- ¹⁰ National Youth Court Center. (2006, June). National Youth Court Center Database. Lexington, KY: American Probation and Parole Association. Unpublished data.
- ¹¹ Alaska Stat. § 47.12.400(c)(1) (2006).
- ¹² N.C. Gen Stat. §143B-520(a) (2006).
- ¹³ Cal Ed. Code § 51220.2(b)(1) (2006), Teen court programs shall include various components, including adjudication of “nonviolent misdemeanor offenses committed by pupils...”
- ¹⁴ Colo. Rev. Stat. § 19-2-1103(2)(a)(2005).
- ¹⁵ Miss. Code Ann. § 43-21-753 (2006).
- ¹⁶ Tenn. Code Ann. § 37-1-702 (c)(3) & (d)(1) (2005).
- ¹⁷ Tex. Fam. Code Ann § 54.032(a)(2) (2005).
- ¹⁸ Utah Code § 78-57-103(1) (2006).
- ¹⁹ Vt. Stat. Ann. Tit. 12 § 7104 (2006).
- ²⁰ Wash. Rev. Code § 3.72.005 (2006) defines “youth court” as an “alternative method of hearing and disposing of traffic offenses for juveniles age 16 or 17,” although subsequent statutes appear to anticipate a dispositional option. Wash Rev. Code §§ 3.72.020, 3.72.030, 13.40.080 13.40.580, and 13.40.600.
- ²¹ Wis. Stat. § 938.245(8)(c) (2006).
- ²² Wyo. Stat. § 7-13-1202(iv)(2006).
- ²³ W.Va. Code § 49-5-13d(b)(4).
- ²⁴ W.Va. Code § 49-5-13d(c).
- ²⁵ 1984 Op. (Inf.) Atty Gen.N.Y. 87.
- ²⁶ Tex. Fam. Code § 54.032 (2005).
- ²⁷ Utah Code § 78 57-102(3) (2006).
- ²⁸ Wyo. Stat. § 7-13-1202(a)(I) (2006).
- ²⁹ Or. Rev. Stat. § 419C.226 (2006) However, a youth court in existence on January 1, 2002, may continue to operate in the form in which it exists on January 1, 2002.
- ³⁰ Wash. Rev. Code § 3.72.010 (2006).
- ³¹ Fla. Stat. § 405/5-301 (2006).
- ³² 705 Ill. Comp. Stat. §405/5-301 (2006).
- ³³ Wash. Rev. Code § 13.40.080 (2006).
- ³⁴ “Youth court” is the name of the traditional family or juvenile court in Mississippi.
- ³⁵ Miss. Code Ann. § 43-21-753 (2006).
- ³⁶ Vt. Stat. Ann tit. 12 § 7103 (2006).
- ³⁷ Utah Code § 78-57-103(5) (2006).
- ³⁸ R.I. Gen. Laws § 8-10-23.1 (2006).
- ³⁹ Kevin I. Minor, et al., *Sentence Completion and Recidivism Among Juveniles Referred to Teen Courts*, 45 Crime and Delinquency 467-480 (1999).
- ⁴⁰ Id. at 470.
- ⁴¹ Tenn Code Ann. § 37-1-702 (c)(1) (2005).
- ⁴² Tenn Code Ann. § 37-1-702 (c)(1)(Q) (2006) [specifically allowing the following sections of the Tennessee Drug Control Act: § 39-17-418(a) or (b), relative to simple possession or casual exchange of a controlled substance; § 39-17-422(a) or (b), relative to smelling or inhaling fumes of any glue, paint, gasoline, aerosol, chlorofluorocarbon gas or other substance containing a solvent having the property of releasing toxic vapors or fumes, or possessing any glue containing a solvent having the property of releasing toxic vapors or fumes for the purpose of smelling or inhaling fumes or vapors; or § 39-17-426, relative to possession of gentiana lutea, also known as jimsonweed, on the premises or grounds of any school.]
- ⁴³ N.C. Gen. Stat. § 7B-1706 (c)(4) (2006); and Utah Code § 78-57-102(3)(d)(iii)-(v) (2006).
- ⁴⁴ James R. Acker, et al., *Building a Better Youth Court*,” 23 Law and Policy 197-215 (2001).
- ⁴⁵ Id. at 202.
- ⁴⁶ Butts, J.A. and Buck, J. (2000, October). Teen Courts: A Focus on Research, *Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention. [NCJ183472] 3]. Retrieved on August 25, 2006 from <http://www.ncjrs.gov/pdffiles1/ojjdp/183472.pdf>.
- ⁴⁷ Id. at 3-4.
- ⁴⁸ Id. at 4.
- ⁴⁹ Miss. Code Ann. § 43-21-752 (2006).
- ⁵⁰ Tenn. Code Ann. § 37-1-703(a) (2005).

- ⁵¹ Utah Code § 78-57-105 (2006).
- ⁵² Vt. Stat. Ann. tit. 12 § 7104(a) (2006).
- ⁵³ W. Va. Code § 49-5-13d(b)(2) (2006).
- ⁵⁴ W. Va. Code § 49-5-13d(b)(4) (2006).
- ⁵⁵ These conditions include community service not to exceed 150 hours, not to be performed during school hours if the juvenile is attending school; attendance at defensive driving school or driver improvement education classes or, in the discretion of the court, a like means of fulfilling this condition. A monetary penalty, not to exceed \$100; remaining at home, school, or work during specified hours; restrictions on leaving or entering specified geographical areas; participating in law-related education classes; providing periodic reports to the youth court or the court; participating in mentoring programs; serving as a participant in future youth court proceedings; writing apology letters; or writing essays. Wash. Rev. Code § 13.40.630 (2006).
- ⁵⁶ Wash. Rev. Code § 13.40.080(2) (2006).
- ⁵⁷ Wash. Rev. Code § 13.40.630 (2006).
- ⁵⁸ Wash. Rev. Code § 13.40.610 (2006).
- ⁵⁹ While “fees” for teen court participation are common, it is unusual for teen courts to impose “fines.” Fines and imprisonment deprive participants of property and liberty, potentially involving constitutional due process concerns. They are discouraged in teen court legislation without a legal opinion providing appropriate statutory process to satisfy due process concerns.
- ⁶⁰ Wyo. Stat. § 7-13-1204(viii) & (ix) (2006) and W.R. Gov. Teen Cts. Rule 2(b) (2005).
- ⁶¹ Acker at note 45, 209.
- ⁶² *Id.* at 210.
- ⁶³ Butts at note 33, 4 & 6.
- ⁶⁴ Cal. Educ. Code § 51220.2 (2006).
- ⁶⁵ N.Y. Educ. § 2801-a (2006).
- ⁶⁶ Tenn. Code Ann. § 37-1-704(a) (2005).
- ⁶⁷ Tenn. Code Ann. § 37-1-705(b) (2005).
- ⁶⁸ Utah Code § 78-57-110 (2006) and Wash. Rev. Code § 28A.320.520 (2006).
- ⁶⁹ Miss. Code Ann. § 43-21-755 (2006).
- ⁷⁰ Vt. Stat. Ann. tit. 12 § 7109 (2006) (Superintendents of the Hartford, Springfield and Windsor southeast supervisory union school districts or their designees are members); Utah Code § 78-57-108 (2006) (State superintendent of education or his designee is a member of the Utah Youth Court Board).
- ⁷¹ Wash. Rev. Code § 13.40.590(2) (2006).
- ⁷² Wis. Stat. § 118.16 (2006) and Tenn. Code Ann § 37-1-702(c)(1)(N) (2005).
- ⁷³ Wis. Stat. §§ 118.163 and 938.342 (2006).
- ⁷⁴ California, New York, Mississippi, North Carolina, Tennessee, Utah, Vermont, Washington, and Wisconsin have all included schools in their legislation.
- ⁷⁵ \$270,000 to the Idaho Supreme Court for teen courts, 2006 Ida. Ch. 387; 2006 Ida. SB 1460.
- ⁷⁶ \$20,000 for a teen court in Hobbs in Lea county, and \$85,000 for a teen court in Santa Fe County, 2006 N.M. Laws 110; 2006 N.M. SB 415.
- ⁷⁷ Appropriations made to Putnam County, Six Towns and Niskayuna youth courts; 2006 N.Y. Laws 50; 2006 N.Y.S.N. 6450.
- ⁷⁸ La. Ch.C. Art. 839 (2006).
- ⁷⁹ Miss. Code Ann. § 43-21-753 (2006).
- ⁸⁰ Okla. Stat. tit. 10, § 7303-4.6 (2006).
- ⁸¹ Tex. Fam. Code § 54.032 (2005).
- ⁸² Utah Code § 78-57-107 (2006).
- ⁸³ Wash. Rev. Code § 3.72.050 (2006).
- ⁸⁴ Wyo. Stat § 7-13-1204 (2006).
- ⁸⁵ Fla. Stat. §§ 938.19 & 939.185 (2005).
- ⁸⁶ 55 Ill. Comp. Stat. § 5/5-1101 (2006)
- ⁸⁷ W. Va. Code § 49-5-13d (2006).

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