

AMERICAN BAR ASSOCIATION

ADOPTED BY THE HOUSE OF DELEGATES

FEBRUARY 14, 2011

RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, territorial, tribal and local governments to create and provide appropriate support for Youth or Teen Courts that, through a nondiscriminatory peer-driven restorative justice process involving family members, diverts youth from the formal consequences of juvenile court petitions, proceedings, adjudications, or juvenile justice sanctions by:

- a) Providing civic education for all participants that builds respect for the rule of law and the legal process, including mentorship and community service opportunities;
- b) Permitting program referrals from prosecutors, probation departments and police, as well as from the courts, and not limiting program eligibility to first-time offenders;
- c) Encouraging judges, lawyers, law students, civic organizations and businesses to recruit youth volunteers and to provide training, other assistance and support to create, sustain and promote programs; and
- d) Supporting national, state, and local research and evaluation on all aspects of these programs.

REPORT

Through “youth courts”, also known as “teen courts” or “peer courts”, young people have a chance to directly contribute to the justice system. Youth courts are specialized diversion programs for juveniles who are sentenced by their peers.¹ The primary purpose of youth courts is to offer an alternative to the traditional juvenile justice system.² In these proceedings, adults and young volunteers typically respond to those juveniles who have committed misconduct by devising a disposition or sentence that restores justice to victims, the respondents, and the community.³

The use of youth courts predominantly began in the 1990s, and now has become the most rapidly expanding alternative to the formal juvenile justice system for non-violent offenses.⁴ In 1995, the American Bar Association approved a Resolution encouraging state and territorial legislatures, court systems, and bar associations to support and assist in the formation and expansion of Youth Courts.⁵ At that time, there were approximately 78 youth court programs in operation.⁶ Today, there are more than 1,250 in existence.⁷ Clearly, there has been a national movement for the establishment, expansion, and sustainment of youth courts over the last decade. Now, this new set of recommendations is intended to help refine and further expand the youth court movement.

The American Youth Policy Forum found that youth courts serve an estimated 110,000 to 125,000 youth each year while also offering a multitude of benefits to these respondents, the juvenile justice system, youth volunteers, families, and communities.⁸ Because of the vast benefits for all persons involved with youth court programs, the ABA is both reaffirming its 1995 policy recommendation for supporting and expanding youth courts and now also urging federal, state, territorial, and local legislative bodies, law enforcement agencies, and court systems to provide sustaining support for youth courts in every community in order to continue these advantageous programs.

Youth courts have been established in a variety of ways, and typically are created through local communities or the juvenile justice system.⁹ Therefore, each individual youth court is

¹ JEFFREY A. BUTTS, JANEEN BUCK, MARK B. COGGESHALL, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, *THE IMPACT OF TEEN COURT ON YOUNG OFFENDERS 1* (2002).

² Sarah S. Pearson & Sonia Jurich, AMERICAN YOUTH POLICY FORUM, *YOUTH COURT: A COMMUNITY SOLUTION FOR EMBRACING AT-RISK YOUTH 7* (2005), available at <http://www.aypf.org/publications/Youth%20Court%20-%20A%20Community%20Solution.pdf>.

³ Id.

⁴ Id.

⁵ American Bar Association, *Youth Court Recommendation (1995)*, available at <http://www.abanet.org/crimjust/juvjus/jjpolicies.html>.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ SCOTT B. PETERSON & JILL BERES, *REPORT TO THE NATION 1993-2008 5* (Jennifer Batton & Ed Kraus eds., 2008).

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diverse in structure, operation, caseloads, and characteristics.¹⁰ The ABA's new policy recommendations provide general objectives on the scope of activities for youth courts to follow.

The ABA recommends that teen courts implement a peer-operated restorative justice sentencing mechanism which allows young people to take responsibility, to be held accountable, and to make restitution for their misbehavior.¹¹ Peer pressure is used positively in teen courts by employing pro-social youth volunteers who assume the role of various court players such as the judge, jurors, prosecutor, defense attorney, or bailiff.¹² These volunteers should impose restorative justice sanctions that focus on repairing the harm that was created through the respondent's misbehavior.¹³ Additionally, while providing constructive consequences for juvenile respondents, youth courts offer a civic opportunity for young people in the community to actively participate in the decision-making processes for dealing with juvenile delinquency. Youth courts should also incorporate mechanisms for involving respondent youth in becoming peer volunteers.

A youth court program's success and survival is also partially dependent on programmatic, financial, and moral support of adult individuals and organizations that have an interest or stake in the youth and the youth court program.¹⁴ Therefore, the ABA recommends that youth courts should include opportunities for participation from attorneys, law students, and other adult volunteers, as well as from business and civic groups. These volunteers can assist in recruiting, training, supervising, and supporting the young youth court volunteers.

Civic Education for All Participants

Youth courts are designed to promote community cohesion, instill in its participants an early appreciation for the legal system, improve relationships between community members and the court system, and promote civic mindedness and volunteerism.¹⁵ By incorporating service-learning with community service, all participants: learn about their community and its people, processes, and institutions; understand the value of service for the good of themselves and the community; develop critical thinking and ethical skills for decision-making and problem-solving; learn that individual rights and freedoms are balanced by responsibilities; and acquire a sense of personal responsibility as an active citizen.¹⁶

¹⁰ Id.

¹¹ SCOTT B. PETERSON, YOUTH COURTS: A NATIONAL YOUTH JUSTICE MOVEMENT 104, *available at* http://www.globalyouthjustice.org/uploads/SKMBT_C45109091412520.pdf.

¹² Id.

¹³ Tracy M. Godwin, The Role of Restorative Justice in Teen Courts: A Preliminary Look 1 (2001), *available at* http://www.globalyouthjustice.org/uploads/The_Role_of_Restorative_Justice.PDF.

¹⁴ TRACY M. GODWIN ET AL., PEER JUSTICE AND YOUTH EMPOWERMENT: AN IMPLEMENTATION GUIDE FOR TEEN COURT PROGRAMS 15 (1996), *available at* <http://www.ojjdp.gov/publications/peerjustice.html>.

¹⁵ CTR. OF COURT INNOVATION, RECOMMENDED PRACTICES FOR YOUTH COURTS: A MANUAL FOR NEW YORK COURT COORDINATORS AND PRACTITIONERS 51 (2010), *available at* http://www.courtinnovation.org/_uploads/documents/Youth_Court_Manual.pdf.

¹⁶ Sarah S. Pearson, *Youth Court: Path to Civic Engagement*, NATIONAL YOUTH COURT CENTER POLICY BRIEF, September 2003, at 4.

Community Service and Mentorship Opportunities

Youth courts should engage both respondents and young volunteers in a curriculum of community service and service learning.¹⁷ Youth volunteers should participate in service-learning, as they apply their training in due process to prosecute or defend a peer in a court proceeding.¹⁸ Respondents should perform community service to give their time and energy in service to others for the betterment of the community.¹⁹ By creating opportunities for respondents and young volunteers to work together, both groups will develop critical thinking and problem-solving skills, understand causes and effects of community problems, form meaningful working relationships with others outside of their comfort zone, and recognize the need for involvement.²⁰ In particular, group projects help respondents feel less ashamed of performing sanctions in public and gain a sense of accomplishment, closure, and community recognition.²¹ Additionally, group projects provide guidance and mentoring opportunities for all participants.²²

Mentoring relationships are crucial for youth court programs because they increase accountability while reinforcing court and community investment in participants' experiences.²³ Some programs encourage different mentoring relationships between staff and respondents, respondents and adult volunteers, respondents and peer volunteers, and adult and young volunteers.²⁴ Nationally, only 13% of youth court sanctions include a mentoring component.²⁵ For example, youth court programs in Salt Lake City, Utah, require a jury panelist to serve as a peer mentor to a respondent as he or she completes the court-assigned sanction.²⁶

Engagement of Family Members

Youth courts should also engage family members, throughout the entire process, because encouragement from family members can play a vital role in a youth's completion of any imposed disposition. The Center of Court Innovation found that by engaging families, youth courts could assist in developing parental support for their child's participation in the program.²⁷ Parents can play major roles in supporting their child's completion of youth court sanctions.²⁸ For example, the Rochester Teen Court conducts a brief orientation session for parents before hearings where youth court staff describe the youth court process and answer any questions a parent may have.

¹⁷ Id. at 4.

¹⁸ Id.

¹⁹ Id.

²⁰ HAMILTON FISH INST., YOUTH COURTS: AN EMPIRICAL UPDATE AND ANALYSIS OF FUTURE ORGANIZATIONAL AND RESEARCH NEEDS 16 (2008), available at <http://www.ncjrs.gov/pdffiles1/ojjdp/grants/222592.pdf>, at 11.

²¹ CTR. OF COURT INNOVATION, *supra* note 15, at 33.

²² Id.

²³ Id.

²⁴ Id. at 32.

²⁵ Id.

²⁶ Id. at 32-3.

²⁷ CTR. OF COURT INNOVATION, *supra* note 15, at 16. Note, "Parent" includes legal guardian or custodian.

²⁸ Id.

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Evaluating the Impact of Youth Courts

In order to gauge the overall effectiveness of the youth court program that is implemented, it is important to conduct and participate in evaluations. Most evaluations that have been done thus far focus on counting clients and events rather than the success of the program or a program's specific component.²⁹ Therefore, the ABA also recommends the collection of data to help evaluate the effectiveness of these programs. The evaluations should be taken from the vantage point of young volunteers' participation, youth respondent outcomes, program cost-effectiveness, and the engagement of participating attorneys, law students, and judges.

Studies evaluating evidence on recidivism outcomes and cost-effectiveness of youth courts have not been completely conclusive. Although both seem quite promising, more studies need to be completed. Therefore, the ABA also recommends the support of national and statewide research on the cost-effectiveness of youth court programs, and their ability to reduce recidivism.

While there are many theories on the effectiveness of youth courts, there is very little information based on research.³⁰ Most program evaluations that have been done focus on counting clients and events rather than the success of the program or a program's specific component.³¹ Data collection is crucial to gauging program effectiveness because it provides specific information for adjustments and enhancements. Although each youth court program should carefully determine what information is needed for planning and improvement, each should, at a minimum, look at youth participation, youth respondent outcomes, and engagement of participating adult volunteers.

Youth Participation

The immediate effectiveness of a youth court program can only meaningfully be determined if youth are, in fact, attending the program's different events and activities.³² It is important to examine all possible reasons for low attendance.³³ For example, absences could be due to lack of transportation, interest in the activity, communication between youth court volunteers and defendants, or basic refusals to attend.³⁴ Whatever the issue, it must be addressed, because improved attendance rates improve participation.

In order to examine the intermediate effectiveness of a youth court program, it is necessary to monitor youths' extent of knowledge gains.³⁵ Pre and post assessment instruments are excellent methods of surveying what the young participants learned (e.g. role-playing, informal peer critiques at mock hearings or trainings).³⁶ Modifications of instructional techniques, lesson plans, or entire program components must follow when stated program objectives are not met.³⁷

²⁹ PEER JUSTICE AND YOUTH EMPOWERMENT, *supra* note 14, at 148.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*, at 161.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 162.

³⁶ *Id.*

³⁷ *Id.*

Changes in youth participants' skill levels are strong indicators of their engagement with the program.³⁸

A youth court program's ultimate effectiveness is clearly portrayed by its young participants' completion of imposed sanctions. According to an Office of Juvenile Justice and Delinquency Prevention (OJJDP) funded national study on the status of youth courts in 2008, 86.3% of youth whose referrals were accepted and heard by youth courts completed their imposed sanctions.³⁹ A youth court program's proximity to achieving the national program completion rate demonstrates its effectiveness in deterring/reforming teenagers with risky behaviors.⁴⁰

Youth Outcomes

Two of the main reasons why youth courts have become such popular interventions are because of their cost-effectiveness and purported abilities in reducing recidivism. Communities across the nation continue to demand better information and assistance with which to start or enhance their own youth courts. As a response, the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) has funded 3 national studies of youth courts over the years: a 2002 study conducted by the Urban Institute ("The ETC Project"); a 2005 study conducted by the American Youth Policy Forum ("AYPF Study"); and a 2008 study conducted by the Hamilton Fish Institute ("HFI Study").⁴¹ However, many questions regarding effective youth court practices, particularly regarding program operations and impact on re-offending, remain unanswered.⁴²

Evidence on recidivism outcomes for youth courts is currently not very clear; research results thus far have been inconclusive.⁴³ First, youth courts do not have adequate resources to habitually follow-up on cases to properly determine recidivism rates.⁴⁴ Even if they were to have sufficient resources, most youth courts have not existed long enough to know what happened to youth after their sentence completions.⁴⁵ Second, youth courts tend to deal with young people before the juvenile court for the first time charged with relatively minor crimes.⁴⁶ Therefore, it would be inaccurate to compare youth court recidivism rates with those of the normal juvenile justice system.⁴⁷ Third, studies on youth courts vary in duration and how they measure recidivism.⁴⁸ Lastly, different court models and the types of accepted cases make comparisons among youth courts and comparison groups exceedingly difficult.⁴⁹

³⁸ Id.

³⁹ HAMILTON FISH INST, *supra* note 20, at 46.

⁴⁰ YOUTH COURT, *supra* note 2, at 16.

⁴¹ HAMILTON FISH INST., *supra* note 20, at 5.

⁴² CTR. OF COURT INNOVATION, *supra* note 15, at 54.

⁴³ Id. at 47.

⁴⁴ HAMILTON FISH INST., *supra* note 20, at 23.

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Jeffrey A. Butts & Janeen Buck, *Teen Courts: A Focus on Research*, JUVENILE JUSTICE BULLETIN, October 2000, available at <http://www.ncjrs.gov/pdffiles1/ojjdp/183472.pdf>, at 9.

⁴⁹ Id.

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Considering how many criminal justice programs focus on recidivism rates for marking their success, youth court programs should note that reduced recidivism should not be the sole outcome measure.⁵⁰ Although research results have been promising, they are not conclusive.⁵¹ Not only is recidivism a measure of post-program behavior of which youth courts have little control over, but there are other influential internal and external factors that affect its accuracy in determining a program's effectiveness (see *Determining Youth Court Cost-Effectiveness and Abilities in Reducing Recidivism* for further discussion).⁵²

Furthermore, recidivism takes a youth court program from point A to Z without much consideration of what occurs in between.⁵³ It is extremely difficult for a program to take responsibility for, and be judged by, a single outcome.⁵⁴ However, this does not mean recidivism should be ignored altogether, for it could be helpful in improving services to youth if programs commit to incorporating rigorous experimental designs in evaluations and examining recidivism within the context of changes in program practices and policy shifts within a jurisdiction.⁵⁵

There are numerous alternative outcome measures that more accurately portray the nature and value of youth court program activities and components. For example, a number of studies have looked at participants' satisfaction levels and perception of fairness in their youth court experience, improved attitudes toward authority figures, greater knowledge of the legal system, feelings of efficacy, motivation toward academics and future goals, and progress on responsible social behavior.⁵⁶ Measuring intermediate outcomes (such as the ones mentioned) makes recidivism rates more meaningful within the context of youth court activities designed to meet different goals.⁵⁷

Engagement of Participating Adult Volunteers

As discussed previously, ensuring the engagement of participating adult volunteer not only exposes young members to new adult role models, but also builds partnerships between youth court programs and local community stakeholders.⁵⁸ By inviting and considering these stakeholders' input, youth court programs can identify process and outcome measures that reflect legitimate values, purpose, goals, and objectives.⁵⁹ Providing stakeholders an evaluation plan that shares feedback on matters important to them gains their commitment to necessary data

⁵⁰ CTR. OF COURT INNOVATION, *supra* note 15, at 47.

⁵¹ *Id.*

⁵² PEER JUSTICE AND YOUTH EMPOWERMENT, *supra* note 14, at 156-7; CTR. OF COURT INNOVATION, *supra* note 15, at 47.

⁵³ PEER JUSTICE AND YOUTH EMPOWERMENT, *supra* note 14, at 156.

⁵⁴ *Id.*

⁵⁵ *Id.* at 157.

⁵⁶ *Teen Courts*, *supra* note 48, at 11; CTR. OF COURT INNOVATION, *supra* note 15, at 50.

⁵⁷ PEER JUSTICE AND YOUTH EMPOWERMENT, *supra* note 14, at 159.

⁵⁸ CTR. OF COURT INNOVATION, *supra* note 15, at 19.

⁵⁹ TRACY M. GODWIN ET AL., NATIONAL YOUTH COURT GUIDELINES 128 (2000), *available at* <http://www.youthcourt.net/wp-content/uploads/2010/09/guidelines.pdf>.

collection and compilation.⁶⁰ Most importantly, it will secure their dedication to and ownership of the youth court program's expected results.⁶¹

Key Elements of Youth Courts

Peer Driven Sentencing Mechanisms Using Properly Supervised and Supported Diverse Volunteers for Youth Civic Engagement

Teen courts should implement a peer-operated sentencing mechanism that allows youth to take responsibility, to be held accountable, and to make restitution for their misbehavior.⁶² Peer pressure operates as an effective tool in youth courts because respondents are exposed to “pro-social peer influence.”⁶³ The idea is that if peer pressure can play a major role in propelling juvenile delinquency, it can also influence juveniles into becoming law-abiding citizens.⁶⁴ By having youth volunteers clearly tell a respondent that his or her behavior was wrong, the respondent is better able to understand the harm he or she caused to an individual or community.⁶⁵ Through this procedural justice, youth courts are likely to see reductions in recidivism.⁶⁶ Peers implement a disposition or sentence based upon a respondent's needs that is geared towards rehabilitating and building the youth's strengths and skills.⁶⁷

Teen courts can attract a group of diverse volunteers of youth civic engagement. Youth may avoid illegal behavior as they develop effective life skills, including conflict resolution, interpersonal communication, public speaking, and group problem solving.⁶⁸ Youth courts also provide many benefits to youth volunteers who are not involved in the criminal justice system.⁶⁹ Teen courts offer a safe place for all of the youth to serve, learn, and develop leadership skills.⁷⁰ These courts give the youth an opportunity to further their social development by making a difference for others, learn about law-related careers, and practice their public speaking skills.⁷¹

Depending on the individual youth court structure, an adult volunteer, attorney, or court official oversees young volunteers who assume the roles of the judge, prosecutor, defense, attorney, community advocate, defense advocate, juror, presiding juror, bailiff, or clerk.⁷² In the “youth judge model”, youth assume all the court staff positions, and an adult youth coordinator or adult volunteer is present in the courtroom to oversee the process and procedure.⁷³ In an “adult judge model,” an adult attorney or court official presides to rule on court procedures.⁷⁴

⁶⁰ Id.

⁶¹ Id.

⁶² PETERSON, *supra* note 11 at 104.

⁶³ CTR. OF COURT INNOVATION, *supra* note 15, at 3.1

⁶⁴ PETERSON, *supra* note 11 at 104.

⁶⁵ CTR. OF COURT INNOVATION, *supra* note 15, at 3.1.

⁶⁶ OFFICE OF JUVENILE JUSTICE, *supra* note 1, at 9.

⁶⁷ Id.

⁶⁸ Id.

⁶⁹ HAMILTON FISH INST, *supra* note 20, at 7

⁷⁰ Id. at 5.

⁷¹ Id.

⁷² Id.

⁷³ Id.

⁷⁴ Id.

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Youth volunteers staff court positions such as the defense attorney, prosecutor, jurors, bailiff and clerk.⁷⁵ A “youth court tribunal model” does not have a peer jury, but rather youth prosecutors and defense attorneys present the case to a panel of juvenile judges with adult supervision.⁷⁶ The “peer jury model” is comprised of teen jurors who question the youth respondent directly without a juvenile prosecutor or defense attorney.⁷⁷ The judge is usually an adult volunteer who watches over the procedure.⁷⁸

Young people often also participate in decision making and policy setting on youth court boards and in associations.⁷⁹ They may also assist in the training, mentoring and recruiting throughout the youth court process.⁸⁰ Youth volunteers are typically highly involved in the fundraising and outreach to promote youth court programs, as well as in any efforts to work with the legislature in support of youth courts.⁸¹

Peer Restorative Justice Focus and Use of Youth Respondent Peer Volunteers

Restorative justice focuses on “repairing harm and rebuilding relationships.”⁸² Unlike many traditional courts that concentrate on responding to a crime or problem behavior by punishing the individual, youth courts strive to focus on the harm that was created by the crime or problem behavior.⁸³ By doing so, youth courts can assist young people in making amends for their behavior and resulting harm.⁸⁴ Common restorative elements in youth courts are “a focus on the fact that harm has been done to a person or the community, rather than the fact that the law was broken; a focus on repairing the harm done to the victim and community, rather than the punishment; and an emphasis on dialogue and understanding during youth court hearings, rather than procedure and evidence; and options for victim involvement.”⁸⁵

Restorative dispositions focus on accountability, competency development, and community protection.⁸⁶ Dispositions in youth courts are aimed at increasing a juvenile’s awareness of the effect of their actions on others, and offer them an opportunity to repair the harm they caused.⁸⁷ They can also try to help youths establish relationships with a positive adult or peer, increase respondent’s skills, and create ties between the juvenile and his or her community so that they are less likely to harm the community in the future.⁸⁸ Typical dispositions utilized by existing youth courts are community service (99%), oral/written apologies (94%), essays (92%), educational workshops (73%), jury duty (73%), restitution (61%), alcohol/drug assessment (57%), curfew (46%), tutoring (37%), counseling (37%), drug testing (31%), victim awareness classes (29%),

⁷⁵ Id. at 7.

⁷⁶ Id. at 7.

⁷⁷ Id. at 7.

⁷⁸ Id. at 7.

⁷⁹ Id.

⁸⁰ Id.

⁸¹ Id.

⁸² NATIONAL YOUTH COURT GUIDELINES, *supra* note 59, at 62.

⁸³ The Role of Restorative Justice, *supra* note 13, at 3.

⁸⁴ Id.

⁸⁵ Id.

⁸⁶ Id.

⁸⁷ Id.

⁸⁸ Id.

victim/offender mediation (28%), peer mediation (23%), jail tour (22%), observe teen court (14%), mentoring (13%), and suspend driver's license (9%).⁸⁹ Failure to complete the youth court's imposed disposition usually results in the referral back to the original agency.⁹⁰

Many youth court dispositions require respondents to participate in a certain number of youth court cases, especially in a "jury model" teen court.⁹¹ The respondents are often required to be part of the peer juries.⁹² In communities using the youth court "tribunal model," the respondent may be ordered to serve as the bailiff.⁹³ Both roles allow the respondents to participate on the other side of the program and work towards becoming a law-abiding member in the community.⁹⁴

Program Availability for Different Types of Cases and Not Limited to First-Offenders

The types of cases youth courts handle vary from state to state. Some states have legislation which specifically lists the types of offenses youth court may hear, while others have a more informal, discretionary approach. It is important to determine whether a particular state permits the types of offenses that the youth court program wishes to hear.⁹⁵ In either case, the offenses accepted among the identified respondent populations should fulfill the youth courts' mission, goals, and objectives for the program.⁹⁶ It is also important to not limit access to youth court programs to only those charged with a first offense.

In order to carry out the youth court's mission, program organizers must know the juvenile misconduct issues facing their particular community.⁹⁷ Once program organizers are aware of the specific needs of the at-risk youth within their community, they need to evaluate their teen court's ability and capability to provide effective services for those particular offenses.⁹⁸ Because a youth court should not accept any cases in which they cannot meet the young person's needs, there are certain crimes that should probably be avoided within youth court programs. Such crimes would involve cases with sexual or psychological issues where further interventions beyond the available resources are necessary.⁹⁹ However, youth courts should be prepared to help young people with mental or physical disabilities through appropriate referrals to services and assuring that those services were actually provided.

⁸⁹ National Youth Court Database (2006), available at <http://www.youthcourt.net/content/view/35/49/>.

⁹⁰ The Role of Restorative Justice, *supra* note 13 at 3.

⁹¹ Pearson, *supra* note 2, at 12.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ American Bar Association, Youth Cases for Youth Courts Desktop Guide: A Guide to the Typical Offenses Handled by Youth Courts 11, available at http://www.abanet.org/publiced/youthcases_youthcourts.pdf.

⁹⁶ *Id.*

⁹⁷ PEER JUSTICE AND YOUTH EMPOWERMENT, *supra* note 14, at 55.

⁹⁸ *Id.*

⁹⁹ American Bar Association, *supra* note 95.

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Adult Volunteer Recruitment

A very large part of a youth court program's survival and success is dependent on the financial, programmatic, and moral support of individuals and organizations that have an interest or stake in the program.¹⁰⁰ Not only does their participation establish a sense of ownership for important stakeholders in the community, but they also are low or no-cost resources from the local community that fill gaps in staffing needs.¹⁰¹

Professionals or students in the legal field, particularly those involved in the juvenile justice system, have valuable knowledge about youth and their delinquency issues that are of primary concern in the community.¹⁰² Their familiarity with the internal operations of the local justice system can help youth court program developers understand the juvenile justice process and practices and assist in referrals.¹⁰³ Organizations, businesses and civic groups can provide potential volunteers from diverse social, economic, and ethnic backgrounds from which to pull assistance for recruiting, training, supervising, and mentoring support.¹⁰⁴ They can share valuable educational, professional, and personal experiences with youth court participants.¹⁰⁵

Adult volunteers are excellent sources for recruiting. They have networks of colleagues, family, and friends they can access for further external resources or recruitment as volunteers. As trainers, adult volunteers bring a plethora of talents and experiences to the table that will aid young participants in learning not only about the legal and judicial system, but various methods for developing and enhancing life and coping skills.¹⁰⁶ Adult volunteers are useful courtroom or jury room supervisors that can maintain order or answer any questions during proceedings or deliberations.¹⁰⁷ As monitors, they are also insightful observers and can identify areas that may need to be addressed by program staff to improve program functioning.¹⁰⁸ Furthermore, adult volunteers can be a supportive person or mentor to turn to for advice and assistance in preparing and presenting youth court cases.¹⁰⁹

Program Referrals from Several Sources

A local referral committee's primary job is to make decisions about what cases the youth court should accept and make arrangements with referring agencies to get cases sent over to the youth court.¹¹⁰ The members of the local referral committee can also assist in regularly reviewing referral sources, eligible offenses, and case screening processes.¹¹¹ The Center for Court Innovation found that increasing referral sources creates additional opportunities for funding and in-kind support from those referring agencies.¹¹² Over half of all New York youth

¹⁰⁰ PEER JUSTICE AND YOUTH EMPOWERMENT, *supra* note 14, at 15.

¹⁰¹ CTR. OF COURT INNOVATION, *supra* note 15, at 32.

¹⁰² PEER JUSTICE AND YOUTH EMPOWERMENT, *supra* note 14, at 16.

¹⁰³ *Id.*

¹⁰⁴ CTR. OF COURT INNOVATION, *supra* note 15, at 17.

¹⁰⁵ PEER JUSTICE AND YOUTH EMPOWERMENT, *supra* note 14.; CTR. OF COURT INNOVATION, *supra* note 15, at 15.

¹⁰⁶ PEER JUSTICE AND YOUTH EMPOWERMENT, *supra* note 14, at 99.

¹⁰⁷ *Id.* at 101.

¹⁰⁸ *Id.* at 102.

¹⁰⁹ *Id.*

¹¹⁰ CTR. OF COURT INNOVATION, *supra* note 15, at 13.

¹¹¹ *Id.*

¹¹² *Id.*

courts received referrals from police department arrests, departments of probation, and criminal courts.¹¹³ Other common referrals include schools, family courts, and police department referrals other than arrests.¹¹⁴ Permitting referrals from various resources can increase funding and in-kind resources for youth courts.

Use of Online Social Networking to Publicize Programs, Recruit New Volunteers, and Continually Engage Program Alumni, and Involve Family Members in the Process, Both Prior to, During, and After Hearings

Youth courts are often challenged with maintaining a consistent group of youth volunteers.¹¹⁵ By expanding their recruitment methods, youth courts could engage a more diverse group of youth volunteers especially among those who are not otherwise engaged in extracurricular activities.¹¹⁶ The Center for Court Innovation urges youth courts to take advantage of online social networking to recruit new members, publicize their programs, support member participation, and engage alumni.¹¹⁷ Through the use of Facebook, MySpace, Twitter etc., youth courts can communicate with current members between sessions, stay connected to program alumni, and recruit new volunteers through their member/alumni social networks.¹¹⁸ Capitalizing on their members' technical knowledge and frequent use of these websites, youth courts should have their current members continually developing and maintaining the websites.¹¹⁹ Program directors could create these online accounts and generally maintain and oversee that they are being used properly, effectively, and efficiently.¹²⁰

Social networking is free. It can save youth courts expenses that would be spent on large mailings.¹²¹ Youth courts that utilize online social networks are also provided access to an enormous number of young people, and it allows for timely sharing of information, events, and creative message delivery to a diverse youth audience.¹²² Through online social networking, youth courts can reach out to young people's social networks that extend to other schools and communities, and to young people who are not currently youth court members.¹²³

Conclusion

The growing interest in youth courts as innovative crime-prevention programs is due to a number of reasons. Not only do these programs hold youth accountable for their actions, they do so in a cost-effective, community-based and community-operated way. By investing in youth – those involved in the juvenile court and the volunteers alike – youth courts help prepare all participants to become responsible citizens through exposure to the dispositional process, as well

¹¹³ Id.

¹¹⁴ Id.

¹¹⁵ CTR. OF COURT INNOVATION, *supra* note 15, at 12.

¹¹⁶ Id.

¹¹⁷ Id.

¹¹⁸ Id.

¹¹⁹ Id.

¹²⁰ Id.

¹²¹ Id.

¹²² Id.

¹²³ Id.

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as opportunities to exercise and increase important life skills and practice stewardship of the community. For all these reasons, youth courts will continue to assist many young individuals in better understanding the justice system and preventing and reducing crime in their communities.

Respectfully submitted,
Laura Viviana Farber, Chair
Commission on Youth at Risk
February 2011

GENERAL INFORMATION FORM

Submitting Entity: Commission on Youth at Risk

Submitted by: Laura V. Farber

1. Briefly Summarize the Recommendation.

This calls for sustained support of Youth or Teen Courts (these programs are known by different names in various states) that can divert youth from the formal consequences of juvenile court involvements through participation in a volunteer program of youth civic engagement and peer restorative justice, and it outlines key provisions of and best practices for such programs.

2. Indicate whether the Recommendation was approved or when it will be considered by the governing body of the submitting entity, which has or will approve, and the date of such action. If the vote was taken other than at a regularly scheduled meeting of the governing body, describe the procedure.

This Recommendation was approved during the November 12, 2010 meeting of the Commission on Youth at Risk. .

3. If this or a similar Recommendation has been submitted previously to the House of Delegates or the Board of Governors, please include all relevant information – summary of the recommendation, when and before what group the Recommendation was considered, and what action or position was taken on the matter.

Neither this, nor a similar, Recommendation have been previously submitted to the House of Delegates or Board of Governors.

4. Are there any existing Association policies which are relevant to this Recommendation, and if so, how would they be affected by the adoption of this Recommendation?

The House of Delegates, in August 1995, approved a broad, general endorsement of Youth or Teen Courts, reading as follows: *RESOLVED, That the American Bar Association encourages state and territorial legislatures, court systems, and bar associations to support and assist in the formation and expansion of diversionary programs, known as Youth Courts, where juvenile participants, under supervision of volunteer attorneys and advisory staff, act as judges, jurors, clerks, bailiffs, and counsel for first time juvenile offenders who are charged with misdemeanors and consent to the program.*

5. Explain what urgency exists which requires that action on this matter be taken at this meeting. If deferral is acceptable, note the time by which action is necessary.

The Youth or Teen Court movement has been, in recent years, rapidly expanding. The Commission members believe this new Recommendation, with its additional provisions that build upon the 1995 policy, can help guide this expansion, as well as encourage lawyers and

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judges to provide more active and sustained support for these programs. Also note that this new Recommendation does not limit, as did the 1995 policy, youth participation in teen courts to only first time juvenile offenders or those only charged with misdemeanor offenses.

6. If the Recommendation is a legislative resolve, indicate the current status in the Congress.

This Recommendation does call upon legislatures to establish and sustain Youth or Teen Court programs, but no legislation addressing this topic is pending in Congress

7. If adoption of the Recommendation would result in expenditures, estimate the funds necessary, suggest the anticipated source for funding, and list proposed direct and indirect costs. Indirect costs include those such as staff time or administrative overhead.

No ABA funds would be necessary for the implementation of this Recommendation.

8. Review the background of the proponents of the Recommendation to determine if there are potential conflicts of interest. If one is found, list by name those proponents who have a material interest in the subject matter of the Recommendation because of specific employment or representation of clients. Note all individuals who abstained from discussing or voting on the Recommendation because of a conflict of interest.

No conflicts of interest have been identified.

9. List the sections, committees, bar associations or affiliated entities to which the Recommendation has been referred, the date of the referral, and the response of each group, if known.

This Recommendation has been referred to the following ABA entities on November 16, 2010:
Standing Committee on Public Education; Commission on Civic Education in the Nation's Schools; Criminal Justice Section; Family Law Section; Individual Rights and Responsibilities Section; Commission on Homelessness and Poverty; Coalition on Racial and Ethnic Justice; Judicial Division; Commission on Domestic Violence, Commission on Mental and Physical Disability Law, Commission on Sexual Orientation and Gender Identity, Litigation Section, GP Solo Division, Commission on Women in the Profession, Commission on Racial and Ethnic Diversity in the Profession, TIPS, Standing Committee on Pro Bono and Public Service, and the Young Lawyers Division.

Discussions with the Criminal Justice Section have led to a redrafting of the Resolution.

10. Indicate the name, address and telephone number of the person who should be contacted prior to the meeting concerning questions about the report.

Howard Davidson, Acting Director, Commission on Youth at Risk, American Bar Association, 740 15th Street, NW, Washington, DC 20005 (202) 662-1740 davidsonha@staff.abanet.org

11. Indicate the name of the person who will present the report to the House and who should be contacted at the meeting when questions arise concerning its presentation and debate. Please be sure to include email addresses and cell phone numbers for your on-site contacts.

Laura Viviana Farber, Chair, Commission on Youth at Risk
Hahn & Hahn LLP, Fl. 9, 301 E. Colorado Blvd., Pasadena, CA 91101-1915(626) 796-9123
(818) 516-8621 (cell) lfarber@hahnlawyers.com

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EXECUTIVE SUMMARY

1. Summary of the Recommendation.

This calls for sustained support of Youth or Teen Courts (these programs are known by different names in various states) that can divert youth from the formal consequences of juvenile court involvements through participation in a volunteer program of youth civic engagement and peer restorative justice, and it outlines key provisions of and best practices for such programs.

2. Summary of the issue which the Recommendation addresses.

In these programs, young people have a chance to directly contribute to the justice system. They are specialized diversion opportunities for juveniles sentenced by their peers. Their primary purpose is to offer an alternative to the traditional juvenile justice system. In these proceedings, adults and young volunteers typically respond to those juveniles who have committed misconduct by devising a disposition or sentence that restores justice to victims, the respondents, and the community. The ABA is suggesting the appropriate parameters for these rapidly expanding alternatives to the formal juvenile justice system for non-violent offenses, given that there are now more than 1,250 such programs. This new set of recommendations is intended to help refine and further expand the youth court movement.

3. An explanation of how the proposed policy position will address the issue.

This policy will provide legislators, judges, attorneys, and others with the ABA's support of establishing and sustaining Youth or Teen Courts with certain essential key elements of, and best practices for, these programs. For example, the policy stresses the importance of providing a civic education opportunity for all program participants, the involvement of family members, and the importance of data collection and analysis to help measure youth outcomes and volunteer engagement.

4. A summary of any minority views or opposition which have been identified.

We are unaware of any minority views or opposition to this Recommendation