



The Sudden Popularity of Teen Courts

By Jeffrey A. Butts and Janeen Buck

Advocates believe teen courts reduce recidivism and increase young people's respect for the law by tapping the power of peer influence. Skeptics worry that teen courts foster net widening and mislead the public with a false aura of legal authority. Nevertheless, state and local jurisdictions throughout the United States seem to be rushing to set up teen courts (also known as peer courts or youth courts). These programs have obvious appeal for parents and neighbors of troublesome youth. Young people arrested the first time for a minor offense such as vandalism or shoplifting typically receive little attention from the regular juvenile justice system—often nothing more than a warning letter. Teen courts ensure that youth face memorable, albeit unofficial, consequences the first time they are caught breaking the law.

Young offenders who appear for hearings in teen court find the lawyer, prosecutor, and jury members are all teenagers. The judge or judges may be young, and teenagers may manage much of what happens in the courtroom. Young offenders rarely get off with a warning in teen court—almost every case ends with some type of sanction or penalty. Defendants may be required to repair vandalized property, replace stolen goods,

perform community service, or write apology letters to their victims and/or parents. Some may have to return to teen court to serve on juries.

The dominant youth presence in teen court is meant to demonstrate to young offenders that most young people are law abiding, that breaking the law has consequences, and that law breakers are not "cool." When the teen court process moves quickly and decisively—and it is much more capable of doing so than a traditional juvenile court—it sends a clear message to juveniles that even minor transgressions of the law will not be tolerated by the community.

Origins

Precursors to today's teen courts appeared at least fifty years ago. In the 1940s, for example, teens in Mansfield, Ohio, served as judges and attorneys in a "Hi-Y" bicycle court, which heard cases involving minor traffic violations committed by bike-riding juveniles. Infractions like violating the stop sign ordinance or riding at night without reflectors often were punished by requiring offenders to write 300-word essays about traffic laws.

The modern idea of teen courts began to take shape in the 1970s, although they remained relatively obscure and few in number until the mid-1990s. According to some estimates, only eighty teen courts existed in the country as recently as 1993.¹ During the late 1990s, the number of teen courts swelled, in part due to active financial support from the Justice Department's Office of Juvenile Justice and Delinquency Prevention (OJJDP), which funded the National Youth Court Center (NYCC). There now are more than 800 operating teen courts, with more in planning stages.

Legitimacy

Are teen courts really courts? Although they use courtlike procedures, they are essentially juvenile diversion programs, not courts. They provide a voluntary alternative for young offenders charged with less serious law violations like shoplifting, vandalism, and disorderly conduct. Proceedings in teen court mirror those of the traditional justice system, but youths, not adults, are in charge

of the courtroom, serving as judges, prosecuting attorneys, defense lawyers, jurors, bailiffs, and clerks. They are responsible for much of the key decision making in each case, weighing the severity of charges and determining the sanctions.

The majority of programs (about 90 percent) require defendants to admit to the charges against them in order to participate in teen court. The court hearings then review the facts of each case, consider mitigating or aggravating circumstances that may be involved, and impose sentence.

In some programs, defendants may dispute the allegations. In these cases, the teen court holds a "trial" to consider the evidence—although the volunteers are not authorized to make findings of legal culpability. When a defendant is able to create sufficient doubt about a case, however, the teen court might be authorized to waive sentencing; in such a case, the youth's participation in teen court would be considered complete. Few jurisdictions provide this option; those that do (e.g., Anchorage, Alaska, and Independence, Missouri) report that youths rarely choose it. Charges are disputed in less than 1 percent of teen court cases.²

How They Work

The teen court process itself is similar to that of a traditional juvenile court. Defendants typically go through an intake process that includes an interview with an adult program worker. A parent often is required to be present during the intake interview, so this step sometimes occurs just prior to the teen court hearing. The worker explains the teen court process to the offender and parent and ensures that both understand that their participation is voluntary. In most jurisdictions, teen court proceedings and all program records are confidential.

Adults are involved in teen courts to varying degrees. Adults usually administer traditional program management functions such as fundraising, budgeting, staffing, and managing grants and contracts. In some programs, adults also supervise the courtroom during teen court proceedings, and they typically coordinate community service placements in which offenders fulfill the terms of their sentences. In about half of all teen courts, adults serve as judges and youths as attorneys, clerks, bailiffs, and jurors.³

The extent of youth responsibility for

teen court hearings depends on the courtroom model used by each program. The NYCC groups teen courts into four basic types: adult judge, youth judge, youth tribunal, and peer jury. The youth judge and youth tribunal models maximize youth involvement because young people perform all courtroom roles, including that of judge. Youth tribunals involve a panel of (usually three) judges that hears cases presented by youth attorneys. The tribunal model eliminates the jury. Hearings following the youth judge model are traditional, with opposing counsel, juries, and a single judge. Adults may assist with courtroom management in these programs, but the teen court hearings themselves are run by youth. [See Table 1 on page 31.]

Adult judge programs, used by nearly half of all U.S. teen courts, function much like the youth judge model, except that the judge is an adult who also manages courtroom dynamics. The peer jury model works much like a grand jury: An adult or youth volunteer presents each case to a jury of teens, which questions the defendant directly. The jury members choose the most appropriate disposition, albeit using the guidance and oversight of the adult judge.

Teen courts usually are administered by or housed within agencies that are part of the traditional juvenile justice system. Law enforcement agencies, juvenile probation, or prosecutor's offices serve as the lead agency for more than half of all teen courts. Only a few are operated by schools, social service agencies, or other private organizations, although the number of school-based programs appears to be growing.

Most teen courts handle relatively few cases. In a recent survey, more than half (59 percent) of teen courts reported handling 100 or fewer cases annually,⁴ and just 13 percent handled more than 300 cases per year. In some communities, however, teen courts have become very large. The Anchorage Youth Court, for example, developed into such a large program during its fifteen-year history that it now handles virtually every first-time juvenile offender charged with a nonserious offense. The Anchorage court deals with an estimated 15 percent of the city's delinquency workload, and local judges credit the program with allowing them to focus more closely on other cases involving serious offenses.⁵

Police, courts, and juvenile probation



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Table 1

Teen Courts: Four Models

Courtroom Models Used by Teen Courts

	Adult Judge	Youth Judge	Peer Jury	Tribunal
Judge	Adult	Youth	Adult	Youth(s)
Youth attorneys included	Yes	Yes	No	Yes
Role of youth jury	Recommend sentence	Recommend sentence	Question defendant, recommend sentence	No jury present

Source: National Youth Court Center.



Table 2

Scope of State Regulation: Teen Court Features Addressed by State Statute

Statutory Provisions	States with Teen Court Statutes as of 2001															
Limiting prior arrests for eligible youth																
Limiting offenses for eligible youth	AK	CA	CO	IA	MS	NC	OK	TN	TX	UT		WA	WV	WI	WY	
Limiting age range for eligible youth			CO	IA	MS							WA	WV		WY	
Admission of guilt by eligible youth		CA	CO	IA	MS		OK	TN	TX	UT	VT	WA		WI	WY	
Parental consent for participation	AK	CA	CO		MS	NC	OK	TN	TX	UT	VT	WA	WV		WY	
Parental attendance at court hearing										UT	VT	WA			WY	
Range of sanctions imposed by court			CO	IA	MS		OK	TN		UT	VT	WA	WV	WI	WY	
Procedures for court case handling	AK		CO				OK	TN		UT		WA		WI	WY	
Adult versus youth roles in court		CA	CO	IA	MS		OK	TN	TX	UT	VT	WA	WV		WY	
Collection of court fees from youth					MS		OK		TX	UT		WA			WY	
Use of court advisory boards				IA						UT	VT					
Confidentiality of court records/hearings	AK						OK	TN			VT				WY	

Source: Urban Institute analysis of state statutes enacted as of January 2001. Statutes were identified using Lexis-Nexis services and codes were searched using two sets of criteria: ("teen court" or "peer court" or "youth court"), or ("diversion" with "youth" or "juvenile" or "teen").

agencies are the primary sources of referrals to teen court. In some jurisdictions, schools also can refer to teen courts, especially individuals with truancy or school behavior problems. All teen courts handle relatively minor law violations—shoplifting, disorderly conduct, minor assaults, and alcohol possession are the most common.⁶ Very few programs handle more serious crimes, although some will accept low-level felony offenses on the order of property crimes by first-time offenders.

The dispositions imposed by teen courts include those used by traditional courts: fines, payments of restitution, and community service. In addition, many teen courts offer alternatives like requiring young offenders to attend educational workshops or discussion groups about decision-making skills or victim aware-

ness. Many teen courts require offenders to write formal apologies to their victims; others require offenders to serve on future teen court juries. Failure to comply with these sanctions usually results in a transfer of the case to juvenile or family court for formal handling.

Training

The NYCC recommends that youth volunteers receive an average of sixteen to twenty hours of training before they step into a courtroom.⁷ The scope and content of training varies, but the law and legal procedures are the core of most curricula. Some programs recruit adult attorneys to provide training in preparing cases and questioning witnesses for teens acting as attorneys. For example, in the Montgomery County Teen Court program in Rockville, Maryland, adult attor-

neys attend the program's client-attorney meetings and also observe their teen counterparts in court. Afterward, they provide feedback to youth attorneys about their performance.⁸

Some programs require youth volunteers to pass a written test or assist a more experienced teen attorney before qualifying to serve in a teen court hearing. Youth volunteers with the Anchorage Youth Court must pass a written "bar exam" before they can appear in court. A preparation course taught by local attorneys focuses on the juvenile justice system and the law, youth court policies and procedures, courtroom roles and responsibilities, case preparation and questioning techniques, and sentencing options. Each participant pays a \$15 fee to take the bar exam and can sit for the test as many times as he or she wishes. Many

programs, however, do not have such formal or stringent requirements.

Recognizing the need for training standards, the NYCC recently issued guidelines for the content and scope of training curricula. [See sidebar below.]

Effectiveness

Few studies have been published about the effectiveness of teen courts, although their advocates can be very persuasive in describing the benefits. Youth referred to teen court are believed to have lower recidivism rates, an increased understanding of the law, and a greater respect for authority figures. Evidence for these claims, however, is largely anecdotal. The expansion of teen courts is still relatively recent, and the reputation they enjoy is derived largely from favorable media coverage and the positive impressions of parents, teachers, court staff, and youth involved in teen court programs. On the other hand, researchers are beginning to find that some of the positive claims for such courts may be valid.

As part of the OJJDP Evaluation of

Teen Courts project, the Urban Institute recently reviewed all available studies.⁹ Many to date focus on the experiences of participants rather than the subsequent behavior of defendants. Of those that do measure recidivism, many report very low rates of subsequent offenses. Several researchers have found rates for post-program rearrests that range from 3 to 8 percent for the six to twelve months following teen court. A few studies have found recidivism rates in excess of 20 percent. Whether such rates are anomalies is difficult to determine because there are no testing criteria for teen court evaluations.

Skeptics point out that these low recidivism rates are illusory, charging that teen courts work with the "cream of the crop" of juvenile offenders who are least likely to recidivate. Skeptics also worry that the availability of such a popular alternative actually encourages local officials to arrest and process very young and low-risk offenders, thus leading to unproductive net widening. Research findings will impact how courts and policymakers continue to shape the courts' options.

Legislative Support

A number of states have passed legislation that endorses the implementation and operation of teen courts—important because specific juvenile diversion programs are not often supported by statute. Still, teen court statutes tend to be broad and include few mandates. As a result, teen courts vary in how they operate, the types of cases they handle, and even the type and severity of sanctions imposed. The growing use of statutory frameworks, however, suggests that teen courts are not considered typical diversion programs.

As of the end of 2001, fifteen states had enacted legislation to standardize teen court procedures and establish clear lines of legal authority in their operation.¹⁰ Much of this legislation was passed after 1995. State laws usually define the critical characteristics of teen courts and describe their program mission. They also address program eligibility, confidentiality, sentencing alternatives, the respective roles of adults and teens in court hearings, and other aspects of teen court programs. [See Table 2 on page 31.]

The objective, scope, and content of teen court legislation vary by state. Statutes may be used to provide start-up funds for local jurisdictions and to specify general eligibility guidelines for teen court programs. Some states specify which entities may establish teen courts. The authority to begin a program may be limited to courts, probation departments, and prosecutor's offices. Wyoming, for example, restricts the authority to implement teen court programs to municipal court judges and justices of the peace. Other states permit school districts to develop teen courts. Alaska allows non-profit agencies to establish teen court programs but limits the number of programs to one per jurisdiction.

Program eligibility. Statutes sometimes limit age eligibility for teen courts. In Washington, for example, youth between ages eight and seventeen can be referred to teen courts. In Colorado, defendants must be enrolled in school and be at least twelve to participate. Some states allow only first-time offenders to be diverted to teen court; others such as Wisconsin and Texas limit the circumstances for subsequent referrals.

States also limit the types of cases that can be heard in teen courts. For example, Iowa allows only misdemeanors to be

National Youth Court Guidelines

The National Youth Court Guidelines are designed to give youth courts direction for developing and operating effective programs for the ultimate purpose of increasing program accountability and integrity of the "youth court field."

Guidelines have been developed in the following program areas:

- Program Planning and Community Mobilization
- Program Staffing and Funding
- Legal Issues
- Identified Respondent Population and Referral Process
- Program Services and Sentencing Options
- Volunteer Recruitment and Management
- Volunteer Training
- Youth Court Operations and Case Management
- Program Evaluation

Each section contains a brief overview of the recommended guidelines for that particular program area, followed by an in-depth discussion that contains the rationale for each guideline. Tips for implementing each guideline are included. Each chapter concludes with outcomes youth court programs might reasonably expect if recommendations are followed.

Download a copy of the *National Youth Court Guidelines* at www.youthcourt.net/guidelinedescription.htm or contact the National Youth Court Center, American Probation and Parole Association, P.O. Box 11910, Lexington, KY 40578-1910; 859/244-8193 or fax: 859/244-8001.

Source: American Probation and Parole Association.

diverted to teen court. Tennessee lists sixteen violations that may be heard in teen court, including minor delinquency offenses and status offenses (e.g., running away and unruly behavior). Mississippi teen courts hear only school-related conduct and attendance matters.

Sanctions. Many states specify the sanctions that can be imposed in teen courts. Traditional diversion options such as community service and restitution often are allowed, but special sanctions for teen court defendants sometimes are required. Defendants in West Virginia teen courts must perform at least two sessions of teen court jury service. Washington specifies several special sanctions, including attending law-related or other education classes; attending counseling, treatment, or mentoring programs; and making formal apologies.

Youth and adult roles. Statutes sometimes specify the roles youths and adults can play in teen courts. An adult with some legal training usually must be

present during hearings. Retired judges or volunteer adult attorneys may be required to participate in each hearing to ensure proper procedure. Under Colorado law, for example, only a licensed attorney can preside as a teen court judge. West Virginia specifies that only a retired circuit judge or active member of the state bar can serve in this capacity.

Program operations. States also regulate various aspects of teen court operations. Utah and Vermont mandate that teen courts have a board of advisors with formal guidelines for board membership. Oklahoma, Texas, Utah, Washington, and Wyoming give teen courts the authority to collect fees from defendants. In Wyoming, defendants must pay a fee of \$10 to participate in teen court. Time limits for completing a sentence and consequences of a failure to comply also may be defined in statute. Colorado and Utah require defendants to fulfill their sentence within six months to avoid a formal hearing in juvenile court.

Due process and confidentiality.

Defendants in most states must admit to charges or plead no contest to be able to participate in a teen court. Many states require defendants to sign a written statement acknowledging their responsibility for the charges against them. Commonly, a program must obtain written consent from a parent before an offender can participate.

Although few teen court regulations contain special confidentiality standards, teen court laws often refer to existing juvenile court standards for confidentiality. Oklahoma's teen court statute, for example, refers to the pertinent article on confidentiality in the Oklahoma Juvenile Code. In contrast, Wyoming's teen court statute requires a youth to waive any rights to confidentiality before he or she can participate in teen court.

Trial authority. Alaska is the only state that gives teen courts statutory authority to hold trials when referred

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defendants deny responsibility for their offense. Defendants may invoke their right to trial by entering a plea of not guilty. Trial procedures are defined in statute, and teen court attorneys can even subpoena witnesses. If a witness fails to appear at a teen court trial, the teen court can petition the superior court to compel the witness to appear. Alaska's statute also requires that the bylaws of each non-profit teen court include an appellate process.

An Apparently Bright Future

The consensus appears to be that teen courts are an option worth pursuing, especially for young people who previously believed courts would judge their first two or three offenses as "freebies" with no meaningful legal consequences. Teen courts help to hold young offenders accountable for illegal behavior, even when the negative consequences are relatively minor and unlikely to result in sanctions from a traditional juvenile court.

Teen court advocates assert that both defendants and youth volunteers benefit from a teen court experience. For defendants, teen court offers the chance to preserve a clean record and to learn from what was perhaps their first serious mistake. For volunteers, teen court provides the opportu-

nity to participate in the larger community and experience the workings of the legal system. For both defendants and volunteers, teen court may impart an increased respect for the law and a greater understanding of the obligations of civil society.

Notes

1. Tracy Godwin, *National Youth Court Guidelines*, Office of Juvenile Justice and Delinquency Prevention, Department of Justice (2000), at vi.
2. Interviews with Sharon Leon, program director, in Anchorage, Alaska; Judge Susan Watkins, program director, Independence, Mo. (2000, 2001).
3. Jeffrey A. Butts and Janeen Buck, *Teen Courts: A focus on research*, JUV. JUST. BULL., Office of Juvenile Justice and Delinquency Prevention, Dep't of Justice (2000), at 6.
4. *Id.*
5. Interview with William Hitchcock, Family Court Master, in Anchorage, Alaska (Sept. 1999).
6. Jeffrey A. Butts and Janeen Buck, *supra* note 4, at 5.
7. M.E. Fisher, *Training of youth court volunteers*, IN SESSION, National Youth Court Center (2001).
8. Interview with Pam Troia, teen court director, in Rockville, Md. (July 1999).
9. Jeffrey A. Butts and Janeen Buck, *supra* note 4; see also www.urban.org Click At-Risk Teens.
10. Alaska, Cal., Colo., Iowa, Miss., N.C., Okla., Tenn., Tex., Utah, Vt., Wash., W. Va., Wis., Wyo.