

# National Center Brief

## Youth Courts

Youth courts, sometimes called “teen courts,” are diversion programs that, with the consent of the juvenile justice system, allow young people who have committed delinquent acts to appear before a court operated by their peers rather than a juvenile justice judge. Youth courts can provide a fast and inexpensive way of helping teenagers and younger children understand and make amends for first offenses and minor crimes, while avoiding the longer and more expensive juvenile court process—a process that can also result in the youth having an official delinquency record. Youth courts are also used by some schools to resolve infractions of school rules or disputes between students. There were 1,100 youth courts operating in the United States as of 2006 (retrieved from Youth Court List by State, Federal Youth Court Program Web site, <http://www.youthcourt.net>).

## How Youth Courts Work

Seventy-five percent of youth courts are affiliated with law enforcement, juvenile justice, or prosecutors’ offices (Butts and Buck 2000). Given that the purpose of youth courts is to encourage young people to take responsibility for their actions and make better choices in the future, most law enforcement and juvenile justice agencies require youth to admit guilt before being diverted to a youth court. Only 8 percent of youth courts allow young people to plead not guilty (Pearson and Jurich 2005). The crimes for which young people are brought before a youth court include theft, shoplifting, alcohol use, vandalism, disorderly conduct, and simple assault (Butts, Buck, and Coggeshall 2002). Fifty-nine percent of youth courts will only accept first time offenders (Pearson and Jurich 2005). Half use an adult as judge; half use teenagers as either judges or as a tribunal or jury (Butts, Buck, and Coggeshall 2002). Some youth courts allow respondents—as youth who appear before these programs are called—to use “youth attorneys” to present their side of the story and negotiate the terms of their sentence. Sentences often involve writing an essay about their actions, apologizing to and/or making financial restitution to victims, and/or performing community service (which sometimes involves serving on the youth court) (Butts and Buck 2000). Failure to complete a sentence usually results in the youth returning to the juvenile justice system with the potential of adjudication or administrative probation (Butts, Buck, and Coggeshall 2002)—and a delinquency record.

## Are Youth Courts Effective?

Evaluation research on the effectiveness of youth courts is lacking (Newburger 2002; Butts and Buck 2000). It is also difficult to compare recidivism in youth courts and regular juvenile courts given the differences between the young people who appear before the two types of institutions. In general, respondents coming before youth courts are younger than those appearing in juvenile courts, have committed less serious offenses, are first-time offenders, and have admitted culpability for their crimes. One study compared youth appearing before four youth court programs with a matched

sample from juvenile courts (i.e., young people whose age, history, and offenses would qualify them for youth courts). This study found that two of the youth court programs had statistically significant lower recidivism rates than the juvenile courts. The other two youth court programs had lower recidivism rates that were not significantly different statistically than those in the juvenile courts (Butts, Buck, and Coggeshall 2002). A study in Kentucky found that one-third of the respondents committed new offenses within one year of appearing before a youth court (Williamson and Wells 2004). There have been no rigorous comparisons of the outcomes of youth courts with those of other types of diversion programs.

A publication of the Office of Juvenile Justice and Delinquency Prevention (Butts and Buck 2000) claimed four types of benefits for youth courts:

- Accountability
- Timeliness
- Cost savings
- Community cohesion

The available research supports this perspective.

## Accountability

Not only do the majority of respondents in youth courts complete their sentences (Pearson and Jurich 2005; Williamson and Wells 2004), but most of the young people appearing before youth courts consider their treatment by the court to be fair (Williamson and Wells 2004; Butts, Buck, and Coggeshall (2002). A review of evaluations of teen courts revealed that respondents were satisfied with their experience, believing that it improved their self-esteem, grades, and relations with parents and other authority figures (Butts and Buck 2000). The youth courts that were most effective were those in which the young people exercised the most authority (Butts, Buck, and Coggeshall 2002).

## Timeliness

Youth courts are timelier than juvenile courts. They generally see cases within two to three weeks of referral. The average hearing takes less than an hour and the complete disposition takes 30 to 90 days (Pearson and Jurich 2005). This provides young people with fairly immediate consequences for their actions.

## Cost Savings

The average youth court case costs \$430, which represents a substantial savings over regular juvenile courts (Pearson and Jurich 2005). Much of this savings results from the use of volunteers as staff. An average of 9 percent of juveniles arrested is diverted to youth courts in a jurisdiction in which they are

available (Pearson and Jurich 2005). This represents a substantial saving of public monies, assuming recidivism rates are no worse than juvenile courts or other diversion programs.

## Community Cohesion

While it is difficult to measure the effect of youth courts on something as intangible as “community cohesion,” there is evidence that youth courts contribute to a sense of community involvement and social solidarity. If nothing else, diverting youth from juvenile courts and facilities removes first-time offenders from the influence of more serious offenders and exposes them to the positive peer influence of the youth operating the youth court (Pearson and Jurich 2005). And, as in most peer education programs, youth courts benefit the young volunteers who serve as judges and staff, including the respondents who return to the court as volunteers. Studies reveal that both respondents and volunteers in youth courts improve their attitudes toward authority and knowledge of the justice system (Fisher 2002). Margaret Fisher (2002) argues that this participation probably also improves critical thinking skills as well as attitudes toward citizenship.

## Other Benefits

Nessel (2002) speculates that youth courts teach students about the legal system and the principles and values on which it is based—a subject often referred to as “law-related education”—and that such education (especially when it involves peer-teaching) contributes to the prevention of delinquency and risk behaviors by creating social bonding and promoting communication and critical thinking skills (Nessel 2001).

It has also been suggested that youth courts could be designed to reflect the cultures of specific communities (such as American Indians or Alaskan natives), which could give them an advantage over juvenile courts in serving young people from these communities (Melton 2004).

## How Can Youth Courts Work with Schools?

Some schools have established their own youth courts. Some school-based youth courts accept referrals from juvenile justice agencies. Other school-based youth courts are used strictly as part of the school’s disciplinary structure and do not accept respondents who have violated the juvenile code. School-based youth courts can be more self-contained (and sometimes more creative) than youth courts attached to the juvenile justice system since they do not have to answer to the juvenile justice authorities. School youth courts sometimes hold trials to establish responsibility for an incident, rather than just acting as diversionary programs.

School-based youth courts retain many of the basic elements of other youth courts. They, for example, require criteria for which offenses will be referred and which will be handled administratively by the principal or school discipline officer. School-based youth courts cannot handle infractions of state laws unless authorized to do so by a juvenile justice agency. School youth courts also require procedures to ensure compliance with their sentences.

Some school-based youth courts are functions of social studies, civics, or law-related education classes. Others take the form of “clubs”—voluntary organizations that recruit their own participants. All need the support of the school administration.

Because respondents and youth serving on school-based youth courts are more likely to know one another and see one another on a daily basis than are the young people involved in other youth courts, it would seem that there would be a greater risk of problems resulting from breaches of confidentiality or retaliation by student respondents against members of the court. However, those involved with school-based programs report that such problems are rare. The key to avoiding breaches of confidentiality appears to be training of the young people involved in the court on the importance of confidentiality, periodic refresher training on this issue, and a confidentiality oath taken by members of the court prior to each hearing. Careful training can also prevent retaliation. In this case, it is the respondents who must be educated about the purpose of the court, what they can expect, and the consequences of threatening its members (Vickers 2004).

## Starting and Operating a Youth Court

Organizations or individuals interested in establishing a youth court must first investigate whether their state regulates these programs. Twelve states have legislation regulating youth courts (Alaska, Colorado, Mississippi, North Carolina, Oklahoma, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming). Thirteen other states have legislation providing some minimal guidance, authorization, or mention of youth courts (Arkansas, California, Florida, Idaho, Illinois, Kansas, Louisiana, Minnesota, New Mexico, New York, Oregon, Rhode Island, and Wisconsin) (Heward, 2006). The cooperation of the local juvenile justice system is also essential (unless the court being developed will be school-based and not handle referrals from this system).

As youth courts grew more popular, so did concerns about the lack of guidance being offered to people starting and operating these programs. In 2000, the National Youth Court Center published National Youth Court Guidelines, which were “designed to give youth courts direction for developing and operating effective programs for the ultimate purpose of increasing program accountability and integrity” of the field (Godwin, Heward, and Spina 2000). This book includes guidance on the following:

- Planning and community mobilization (since community support is essential)
- Staffing and funding
- Legal issues
- Respondents (that is, the types of offenders and offenses that will be accepted by the court) and the referral process (who will refer offenders)
- Program services and sentencing options
- Volunteer recruitment and management (including retention)

- Volunteer training
- Operations and case management
- Program evaluation

The *National Youth Court Guidelines* is a fundamental resource for anyone interested in establishing or operating a youth court. It can be downloaded, free, from the [National Youth Court Center's Web site](#).

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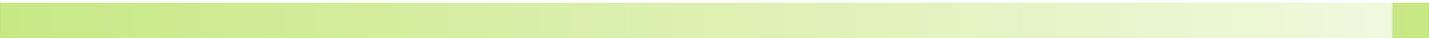
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