



Selected Topics on Youth Courts A Monograph

Addressing Truancy in Youth Court Programs

*Underage Drinking and Other Substance Abuse:
Opportunities for Prevention and Intervention
by Youth Courts*

*An Overview of School-Based Youth Court
Program Design Options*

*Building Culturally Relevant Youth Courts
in Tribal Communities*

*A Comparison of Statewide Youth Court
Associations and Networking Groups*

Media Access Guidelines for Youth Courts



Editor

Tracy Godwin Mullins

Copyright May 2004

The research for this document was supported under cooperative agreement award number 1999-JI-VX-K001 from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, with support from the National Highway Traffic Safety Administration, U.S. Department of Transportation.

This document was prepared by the National Youth Court Center operated by the American Probation and Parole Association in cooperation with The Council of State Governments.

Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or U.S. Department of Transportation.

Acknowledgements

This document was designed and developed by staff and consultants of the National Youth Court Center (NYCC), operated by the American Probation and Parole Association (APPA). Funding for this project was provided through a cooperative agreement with the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP). Additional support was provided by the U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA).

This document draws on the ideas and expertise of many who work in youth courts throughout the United States, as well as on the experience of staff at the National Youth Court Center at the American Probation and Parole Association who have researched and worked with youth courts on a national level for more than ten years. It would be impossible to acknowledge individually all who contributed. However, we would like to express special appreciation to those who served on the Addressing Truancy in Youth Courts Focus Group and the Implementing Youth Courts in Tribal Communities Focus Group, as well as to persons who consented to be interviewed for or review and provide comment on papers included within this monograph. Their expertise and assistance was invaluable to the preparation and completion of this monograph.

Members of the Addressing Truancy in Youth Court Programs Focus Group included Jay Smink, National Dropout Prevention Center, Clemson, South Carolina; Ramona Gonzales, Denver, Colorado; Karen Green, Placer County Peer Court, Newcastle, California; Judy Wolfe, SCSD Student Court, Syracuse City School District, Syracuse, New York; Christopher Mullins, Monongalia County Teen Court, Morgantown, West Virginia; and Cyndi Broyles, Jackson County Juvenile Court/Teen Court, Gainesboro, Tennessee.

Members of the Youth Courts in Tribal Communities Focus Group included Denise Morris, Alaska Native Justice Center, Anchorage, Alaska; Karen Bitzer, Alaska Native Justice Center, Anchorage, Alaska; Lisa Jaeger, Tanana Chiefs Conference, Inc., Fairbanks, Alaska; Sue Hollingsworth, Tanana Chiefs Conference, Inc., Fairbanks, Alaska; Ada Pecos Melton, American Indian Development Association, Albuquerque, New Mexico; Nancy Anne Livingston, Vilas County Teen Court, Eagle River, Wisconsin; Amy Callaghan, Office of Juvenile Justice and Delinquency Prevention, Washington, D.C.; Kristoffer Cox, Gila River Indian Teen Court, Sacaton, Arizona; and Norma Jean Romero, Pueblo of Taos, Taos, New Mexico.

Persons who were interviewed for the paper on statewide youth court associations and networking groups included Krista Scully, United Youth Courts of Alaska; Mary Carrier, Florida Association of Youth Courts; Jessica Ashley, Illinois Youth Court Association; Don Higden, Maryland Teen Court Association; Erin Schellhardt, Youth/Teen Court Association of Kansas; Darlene Rea, Missouri Teen Court Association; Karen Lard, New Mexico State Teen Court Association; Michael Torrillo, New York State Youth Court Association; Jennifer Strutz, Oregon Youth Court Association; Johnice Autry, North Carolina Youth Court Association; Beth

DeHart, South Carolina Youth Court Association; Anne Dubinsky, Texas Teen Court Association; Nancy Anne Livingston, Wisconsin Teen Court Association; Deborah Williamson, Kentucky Administrative Offices of the Court; Nathan Miller, Minnesota Teen Court Coordinators Group; Elizabeth Adams, South Carolina Youth Court Program/South Carolina Department of Education; Anjanette Eash, Tennessee Youth Court Program; Michelle Heward, Utah State Youth Court Board; and Margaret Fisher, Washington State Youth Court Committee.

Persons who were interviewed for the school-based youth court paper included Charlsie Cordova, Sumner Teen Court, Glendale, Arizona; Debbie McKenna, Wichita Youth Court, Wichita, Kansas; Pat Zamora and Rosalyn Walker, Alternatives, Inc., Chicago, Illinois; Susan Goettsch, Granite Falls Youth Court, Monroe, Washington; Carol Reynolds, Dundalk High School Youth Court, Baltimore, Maryland; Elizabeth O. Adams, Office of Safe Schools and Youth Services, State Department of Education, Columbia, South Carolina; Molly Martin, Durango Teen Court, Durango, Colorado; Art Eberhart, Niagara Falls Youth Court, Niagara Falls, New York; Judy Wolfe, SCSD Student Court, Syracuse City School District, Syracuse, New York; W. Kate Meierhans, Pima County Teen Court, Tucson, Arizona; and Erin Schellhardt and Courtney Roberts, Johnson County Youth Court, Olathe, Kansas.

Special thanks is also extended to Scott Peterson, Program Manager; Donni LeBoeuf, Special Assistant to the Administrator; and Shari Cantelon, Program Manager with the Office of Juvenile Justice and Delinquency Prevention; and to Brian Chodrow, Policy Analyst and Pamela Chapman, Policy Analyst with the National Highway Traffic Safety Administration for their input and assistance in the review of this monograph, as well as to their tireless efforts to promote the development of youth courts in the United States.

Additionally, we would also like to express our deepest appreciation to the following persons from the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention; and the U.S. Department of Transportation, National Highway Traffic Safety Administration for their leadership and support of youth courts in order to develop youth courts' capacity to prevent and reduce juvenile crime, increase traffic safety, and promote civic engagement among America's young people: Attorney General John Ashcroft, U.S. Department of Justice; Assistant Attorney General Deborah J. Daniels, Office of Justice Programs; Deputy Assistant Attorney General Lizette Benedi, Office of Justice Programs; Deputy Assistant Attorney General Cheri Nolan, Office of Justice Programs; J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention; Marilyn Roberts, Executive Associate Administrator, Office of Juvenile Justice and Delinquency Prevention; William L. Woodruff, Deputy Administrator, Office of Juvenile Justice and Delinquency Prevention; Greg Thompson, Associate Administrator, State Relations and Assistance Division, Office of Juvenile Justice and Delinquency Prevention; Jeffrey W. Runge, MD, Administrator, National Highway Traffic Safety Administration; Brian McLaughlin, Senior Associate Administrator, Office of Traffic Injury Control; Marilena Amoni, Associate Administrator, Office of Program Development and Delivery; Susan Ryan, Office Director, Office of Safety Programs; and Chuck Peltier, Division Chief, Enforcement and Justice Services Division.

Table of Contents

Addressing Truancy in Youth Court Programs <i>Ramona Gonzales and Tracy Godwin Mullins</i>	1
Underage Drinking and Other Substance Abuse: Opportunities for Prevention and Intervention by Youth Courts <i>Tracy Godwin Mullins</i>	25
An Overview of School-Based Youth Court Program Design Options <i>Mistene M. Vickers</i>	41
Building Culturally Relevant Youth Courts in Tribal Communities <i>Ada Pecos Melton</i>	65
A Comparison of Statewide Youth Court Associations and Networking Groups <i>Tracy Godwin Mullins and Karen L. Dunlap</i>	93
Media Access Guidelines for Youth Courts <i>Michelle E. Heward</i>	107

Addressing Truancy in Youth Court Programs

by Ramona Gonzales and Tracy Godwin Mullins

The effects of chronic truancy are widespread. As schools feel the effects in academic failure and poor standardized test scores, the juvenile court is being overwhelmed by the number of truancy petitions that are filed each year. The use of youth courts as an alternative for addressing attendance issues is increasing; however, to date, there has been little discussion concerning the elements that youth courts should incorporate to decrease the incidence of chronic truancy and to re-engage youth in their schools and communities before they enter the formal juvenile justice system.

In June 2003, the National Youth Court Center convened a focus group to examine the problem of truancy and identify effective strategies that youth courts can utilize when accepting these types of referrals. The information in this paper is based on the discussion of the focus group members, as well as on research and promising practices related to truancy reduction. Specifically, this paper provides an overview of the scope of the problem of truancy, benefits for addressing truancy in youth courts, effective strategies to implement when working with truant, and possible benchmarks for youth courts to use when measuring success in truancy reduction efforts.

Background Review of National Truancy Problem

Every state has its own compulsory education law that spells out school attendance policy and that addresses chronic or habitually truant youth. These statutes vary in specificity but most have common characteristics. Statutes define age limits for which truancy would apply, and most limit the number of unexcused absences allowed before disciplinary action takes place. Additionally, most statutes have mandatory or recommended graduated responses for handling truancy cases. These may include a phone call or letter to parents, a meeting between the school and family, a warning or a contract for change, attendance at Student Attendance Review Boards (SARB) or a similar initiative, or a formal petition to the juvenile court, with sanctions imposed on either the youth, the parents or guardians, or both. State statutes can be accessed online on each state's government homepage. To locate a state's homepage, search for '(state) government.' Websites differ significantly in terms of language and ease of use, but common language to search for on the website includes *statutes, education code, laws, and compulsory attendance/education*. See Figure 1 for examples of how states differ on how much policy is included, and often mandated, by law, and how much policy is left to local discretion.

Figure 1: Excerpts of Two State's Attendance Laws

The following are samples from two state's education statutes. Not all of each section of a statute is included, and much of the language is omitted. The samples are meant to demonstrate the differences in specificity among states.

Florida

<http://www.leg.state.fl.us>

1003.21 School attendance

- Compulsory age: 6-16

1003.23 Attendance records and reports

- (1) The attendance of all public K-12 school students shall be checked each school day.....

1003.24 Parents responsible for attendance of children; attendance policy

- Each parent of a child within the compulsory attendance age is responsible for the child's school attendance as required by law. . .four exceptions are listed in this section of the statute.
- Each district school board shall establish an attendance policy that includes the required number of days each school year that a student must be in attendance and the number of absences and tardiness. . .

1003.26 Enforcement of school attendance

- District school board policies must require each parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies. . .
- (a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent to determine the reason. . .

1003.27 Court procedure and penalties

- The circuit court has original and exclusive jurisdiction of all proceedings against, or prosecutions of, students. . .
- . . .the district school superintendent shall institute a criminal prosecution against the student's parent.
- Each public school principal or the principal's designee shall notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days.
- The Department of Highway Safety and Motor Vehicles may not issue a driver's license or learner's driver's license to, and shall suspend any previously issued driver's license or learner's driver's license of, any such minor student.
- The district school superintendent is authorized to file a truancy petition.
- Department of Children and Family Services or the district administrator's designee, and the district school superintendent or the superintendent's designee must develop a cooperative interagency agreement (to address habitual truancy).
- A parent who refuses or fails to have a minor student who is under his or her control attend school regularly....commits a misdemeanor of the second degree.
- . . . the court shall order a parent to send the minor student to school, and may also order the parent to participate in an approved parent training class, attend school with the student, perform community service hours at the school, or participate in counseling or other services, as appropriate.
- . . . the court shall order a student found to be a habitual truant to make up all school work missed and may order the student to pay a civil penalty of up to \$2, based on the student's ability to pay, for each day of school missed, perform up to

25 community service hours at the school, or participate in counseling or other services, as appropriate.

- Upon a second or subsequent finding that a student is a habitual truant, the court . . . may order the student to pay a civil penalty of up to \$5, based on the student's ability to pay, for each day missed. . .

Alaska

<http://www.legis.state.ak.us>

14.30.010 When attendance is compulsory

- Every child between seven and 16 years of age shall attend school at the public school in the district in which the child resides during each school term. Every parent, guardian or other person having the responsibility for or control of a child between 7 and 16 years of age shall maintain the child in attendance at a public school. . .

14.30.020. Violations

- A person who knowingly fails to comply. . . is guilty of a violation. Each five days of unlawful absence is a separate violation.

Sec. 14.30.030 Prevention and reduction of truancy

- The governing body of a school district, including a regional educational attendance area, shall establish procedures to prevent and reduce truancy.

While all states have education codes to guide policy, much is left to local school board and district interpretation, and often schools do not have the resources to deal with truants in a timely fashion. For example, while Florida's statute defines habitual truancy as 5 unexcused absences in one month or 10 in a 90-day period, the Truancy Reduction Demonstration Project found that youth in the program had an average of 29 unexcused absences at the time of referral (Gonzales & Seeley, 2002). Given that a typical school year is comprised of 180 days, the startling implication is that, for some youth, more than 20% of the opportunity for learning was missed without documented reasons. Schools attribute the problem of non-response to insufficient resources, lack of staff to monitor attendance, and antiquated attendance data collection methods.

This variation in policy is not only found across states, but across districts and even within school districts. For example, disciplinary action for truant behavior varies depending on the philosophy of the school leadership. One analysis of the Denver Public School District found that the frequency of the use of suspension varied significantly across the district's middle schools, and that suspension as an intervention for truancy also varied across schools (Kreck, 2001). Because of this and other inconsistencies at the local policy level, such as how truancy is reported across classrooms, buildings, and districts, it is difficult to document a concise and complete picture of the problem of truancy within states and consequently at the national level.

The Causes of Truancy

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) and its collaborator the National Center for School Engagement (NCSE) is in its fifth year

of the Truancy Reduction Demonstration Project, which is researching and evaluating seven truancy intervention and prevention programs. This evaluation has brought to light issues leading to and perpetuating habitual truancy among thousands of youth. Much of the data gathered to date is summarized on the National Center for School Engagement website (<http://www.truancyprevention.org>). A number of reasons why youth become truant have been identified by using multiple methods for gathering individual data on youth and families. They include comprehensive intake information; quarterly ‘update’ information; and interviews and focus groups with youth, school personnel, and family members. In broad terms, the reasons why youth are truant can be understood from four perspectives—personal, family, school, and community.

Youth Personal Perspective

Youth interviewed in the demonstration sites expressed personal reasons why they do not want to attend school, which include:

- the feeling that they are unwelcome at school,
- that they have stopped participating in activities they were once engaged in,
- the sense of not fitting in,
- a difficult time getting out of bed in time for class for a variety of reasons,
- falling behind in schoolwork and a sense that attending class becomes pointless,
- boredom, and
- curricula that has no relevance to their lives.

In one informal survey of hundreds of youth in Florida, conducted as part of the Truancy Reduction Demonstration Project, almost 60% responded to the question “What could schools do to make kids want to attend?” by stating, “Make it [school] more interesting” (Gonzales and Seeley, 2001).

Family Perspective

Case managers in the demonstration sites conducted interviews with parents or guardians, and other family members of truant youth. Reasons that were cited for why their child was truant include:

- lack of awareness of the state’s compulsory education laws (particularly among recently immigrated families from countries that do not have compulsory education laws),
- language barriers between schools and families,
- lack of a sense of control of their child’s behavior,
- a negative relationship with school administrators and teachers, in part due to their past experience with the school system, leading to a sense of apathy towards school in general (often the only time the parents or guardians are contacted by the school is for a disciplinary action versus a positive report about their child’s progress),

- a need during difficult economic times to have an older child at home ensuring younger siblings are cared for while the parent works multiple jobs, and
- the family not placing a high value on education.

School Perspective

Youth and their families reported reasons for not attending that include issues with the school administration, staff, policies, and instruction. Schools recognized problems leading to high numbers of unexcused absences which include:

- incidents of conflict between the youth and a particular staff member or teacher,
- a higher population of transient youth who have a difficult time keeping track of their different schools' attendance policies and rules,
- schools lacking the resources to deal with truancy at early stages mandated by legislation or district policy, and
- the high mobility of families which makes it difficult for schools to keep track of youth.

Community Perspective

There are community influences that can also contribute to the problem of truancy:

- A lack of adequate public transportation is a common reason that parents cite for not being able to get their child to school (e.g., their child misses the school bus, and the family does not have any personal means for transporting the youth to school).
- Youth and parents may feel that the neighborhood is not safe for the young person to walk to school (e.g., gang activity).
- Local citizens may not recognize the impact of truancy, and consequently do not report groups of youth who are wandering the streets during school hours.

Outcomes of Chronic Truancy

Habitual truancy frequently leads to negative outcomes not just in the short term, but for a lifetime. Unexcused absence from school is one of the first predictors that a youth is disengaging from school, and an early warning that the youth is becoming at risk for academic failure, suspension, or expulsion. It is also a first predictor for a pathway to delinquency (Garry, 1996; Hawkins, Herrenkohl, Farrington, Brewer, Catalano, & Harachi, 1998; Huizinga & Jakob-Chien, 1998; Loeber & Farrington, 2001; Offord, Lipman & Duku, 2001; Ingersoll & LeBoeuf, 1997). Truant youth contribute to the flood of court cases that are costly to states. Status offenses congest the courts with thousands of petitions annually. Of the five status offenses tracked by OJJDP between 1989-1998, (runaway, truancy, ungovernable, liquor, and miscellaneous), truancy cases were most likely to be adjudicated and sentenced to formal probation (Puzzanchera, Stahl, Finnegan, Tierney, & Snyder, 2003), even though the number of cases of liquor offenses, for example, is higher.

One study of youth in detention for delinquent acts found that more than 90% had a history of truant behavior (Gonzales, Richards, & Seeley, 2002). Truancy and its ramifications for failure become more costly when the chronic truant becomes delinquent. The economic toll it takes on taxpayers is enormous. In 1996 there were nearly 1.8 million juvenile delinquency cases heard in the United States (OJJDP, 1999). Of those, the majority were property offenses (burglary, theft, motor vehicle theft, vandalism, and stolen property), offenses that often occurred during school hours.

With the likelihood of chronically truant youth being involved in the juvenile justice system or dropping out of school, the cost of failure—not only personally but also economically—is alarming. For example, in the employed population, men who have dropped out of high school earn approximately 75% of what their counterparts with high school degrees or higher earn, while female high school dropouts earn approximately 60% of those with high school degrees. The unemployment rate is 20% higher for non-graduates compared to high school graduates (National Center for Education Statistics, 1999).

Youth who drop out of school are more likely to be involved in the justice system and to require public assistance as adults. Therefore, because they often make less than their peers who do complete school, their contribution in income taxes is less. In a study conducted at the RAND Institute, a formula was used to calculate government savings over the lifetime of each individual who completes high school (Vernez, Krop, & Rydell, 1999). The authors used a calculation of government costs including public spending on social programs, incarceration costs, and income taxes generated. They found that the cost to taxpayers over the lifetime of each individual who drops out of school exceeds \$200,000. With a national *status* dropout rate (defined by the National Center for Education Statistics as the number of individuals between the ages of 16 and 24 who do not possess a diploma and are not enrolled in school) of 10.9%, or 3.8 million individuals, it is clear that the impact of school failure is significant (Kaufman, Alt, & Chapman, 2001).

Effective Strategies for Addressing Truancy

Successful truancy reduction programs that have been evaluated share some key characteristics identified through the Truancy Reduction Demonstration Project:

- collaboration among key stakeholders such as schools, juvenile justice, families, and community agencies,
- family involvement,
- a continuum of interventions that range from early prevention to intensive intervention, using positive incentives and sanctions,
- a continuum of services to meet the varied needs of youth and families,
- attendance policies that are understood by all and followed,
- monitoring and follow-up with youth,

- ample data gathering to track individual youth in order to make needed adjustments in services, and
- ample data gathering to track the effectiveness or impact of the program.

Tuancy and Youth Courts

As of May 2004, there were more than 940 active youth courts in the United States. In a growing number of these jurisdictions, youth court is being considered as an alternative response for handling truancy cases. Youth courts can be administered by and operated within a variety of agencies within a community including law enforcement agencies, juvenile probation departments, juvenile courts, private nonprofit agencies, and schools. As of May 2004, approximately 27% of youth courts reported that they accept referrals for truancy (National Youth Court Center, 2004). However, many youth courts struggle with how to structure their youth court and design services to meet the needs of truant youth more effectively. This section identifies some advantages and challenges to addressing truancy cases in youth courts and offers some strategies for responding to truancy referrals more effectively.

Advantages of Using Youth Court for Truancy Cases

There are a number of benefits that youth courts provide to youth, families, schools, the juvenile justice system, and the community.

Benefits to Youth

Youth courts hold truants accountable for their behavior through positive peer pressure and challenge them to accept responsibility for their actions. Through meaningful and constructive dispositions, youth courts also are able to connect young people to appropriate services within their communities to help them address issues that may be contributing to their truant behavior (e.g., tutoring services for youth who are behind in school, individual or family counseling for youth who have personal or family issues that are causing their behavior). Youth courts also help teach young people life skills that can help them become more responsible and productive citizens. In addition, youth courts can connect young people to mentors and other positive youth and adult role models who can serve as a support system for them and their families.

Benefits to Schools

Youth courts offer schools (especially middle and high schools) a proven model for effectively intervening with and addressing delinquent and other problem behaviors. Due to large juvenile court dockets, often youth courts offer schools a system of graduated sanctions and a more timely response for addressing truancy than the regular juvenile court process would be able to provide. The decision-making process for attendance problems and their consequences is also transferred

to the youth's peers, relieving the school administrators from being the only source of sanctions.

Schools benefit when youth are present and learning. Since schools' funding is based on average daily attendance, schools can benefit by having an alternative such as youth courts, which can re-connect youth to a daily school experience. More important, when youth are in school and learning, achievement and test scores increase, and youth have a better chance at finishing school and becoming productive citizens. Youth court also offers teachers and administrators, who are often frustrated by their truant students' behavior, much needed support services (e.g., swift consequences at the onset of attendance problems).

Benefits to the Juvenile Justice System

Juvenile and family courts have burgeoning caseloads (Puzzanchera, Stahl, Finnegan, Tierney, & Snyder, 2003) and need alternatives for addressing cases such as truancy so that they can focus on more serious, violent, and chronic offenders. Often when youth are petitioned to court for truancy, there is a wait of weeks or even months before a hearing takes place. During this time, the truant behavior may continue, and even result in suspension, making it even more difficult to re-engage the young person in school. Youth courts offer the system a means for addressing truancy soon after it occurs, therefore increasing the chance of stopping further truant behavior before it spirals out of control.

Benefits to Families

Youth courts can provide a parent, guardian, or other family members needed backup and reinforcement on the importance of staying in school by offering a swift response and immediate consequences when their child begins to miss or stop going to school. These programs also offer families of truant and non-truant youth (as respondents or volunteers) a service-learning opportunity for their children to be involved in during or after school hours. Youth courts can help educate parents and other family members on compulsory education laws and school policies and procedures. In addition, through youth courts families can receive appropriate support services to help them and their truant children address issues that contribute to truancy.

Benefits to the Community

There are economic benefits as well that result in savings to taxpayers and the community when truant behavior is addressed in youth court before it becomes chronic or habitual. For example, when a truancy reduction program intervened in Tacoma, Washington, by conducting local sweeps to find youth out of school, a link between daytime juvenile crime and truancy quickly was recognized. Tacoma police reported that the juvenile daytime crime rate decreased by 65% as a result of the truancy sweeps (Gonzales and Seeley, 2002). Therefore, communities benefit by having an intervention such as youth court because it helps keep youth in schools and off of the streets during school hours and reduces daytime juvenile crime.

Challenges of Addressing Truancy Cases in Youth Courts

As with any truancy prevention strategy, addressing truancy in youth courts presents some challenges.

Time Involved

Addressing truancy cases in youth courts can be time-intensive for staff. Truancy cases require careful screening and assessment by staff and more rigorous monitoring and follow-up. In addition, the amount of time needed to provide adequate services to address their needs may be longer than what is needed for many other youth court cases. Some youth courts have time limitations on how long they can work with cases. Therefore, youth courts that address truancy cases have to consider the time involved and be willing to put in the extra effort these cases often require. Measures that will enable staff to work with these youth over a longer period of time also need to be put into place, even if it is through an informal agreement with the youth and family.

Identifying Youth who are in the Early Stages of Truancy

Although the definition of “early stage of truancy” may differ among jurisdictions, youth courts are likely to be more effective with youth who are just beginning to engage in this behavior. The goal of a youth court intervention would be to intervene early to stop the pattern before it has an opportunity to take root. Youth courts primarily serve youth in middle and high school. Youth often start skipping school at earlier ages. This may require youth courts to consider working with younger children in truancy cases. In doing so, however, programs would have to make sure they can provide age-appropriate services (e.g., community service assignments may need to be adjusted so that younger children can participate, terminology used in the hearings may need to be modified so that younger children understand what is happening, the program may need to assign younger volunteers to serve as attorneys or jurors for younger children’s cases so that the composition of volunteers is more representative of the respondent).

Developing Effective Partnerships

Most youth courts will not be able to provide all of the services that youth and families of truant youth will need. Nor will they have access to all of the information they need to be able to screen, assess, and make appropriate dispositional recommendations. Therefore, it is imperative that youth courts develop partnerships with other community agencies and organizations (e.g., mental health organizations or other types of youth and family counseling agencies, organizations that provide mentoring programs or tutoring programs) to which they can refer youth and/or families for needed services and from which they can gather appropriate, relevant information that will enable them to serve the youth and their families more effectively.

Sharing of Sensitive and Confidential Information

Information sharing among agencies is a significant barrier that has been cited by the truancy prevention programs that are being evaluated. Yet, to be suc-

cessful, youth courts will need to work toward educating their partners of the need for information and building trust among their partners to help overcome this obstacle.

Peer-driven Nature of Youth Courts

While the underlying premise of youth courts is that peer feedback is an effective way to change negative behaviors, using youth volunteers as attorneys, judges, and jurors can present a challenge for truancy cases. Chronically truant youth often have underlying issues of a sensitive nature. Youth volunteers may hear about family problems, academic failure, learning disabilities, the issue of special education status, health-related problems, or conflicts with peers at school. It is critical that youth volunteers have adequate instruction on the rules of confidentiality and sensitivity training for learning how to question, process, and utilize this type of information constructively.

Involving Families

Family involvement is critical to the success of working with truant youth. However, youth courts may have difficulty engaging families in the youth court process outside of the intake and hearing processes. Parents may be difficult to contact due to work schedules, mobility, or the family not having a telephone. In these cases, contact requires letters or home visits, which can be time-consuming. Parents may be reluctant to participate given a previous negative experience with court, or having social services come to their home to investigate allegations of problems. Therefore, time to develop trust must occur if families are to feel comfortable with this process.

Cultural and Language Barriers

Another consideration regarding appropriateness of youth court for truancy cases may involve cultural differences between participants and the youth court staff and volunteers. It is imperative that the youth court is staffed by culturally competent individuals, and, when necessary, that youth courts provide translation services for respondents and their families. It is also important to have culturally relevant services and sentencing options available to help reconnect these youth to education.

Strategies for Addressing Truancy in Youth Courts

Youth courts can learn from characteristics that other truancy reduction programs have identified as being effective. The following are some strategies that youth courts can implement when working with truancy cases.

Recognize that Youth Courts are Part of a Comprehensive Approach to Truancy Reduction

Youth courts cannot address the problem of truancy alone—truancy is a school, family, community, and juvenile justice system problem. Therefore, all segments

of the community need to be involved and work collaboratively to have a positive effect on reducing truancy in a community. One way to facilitate this process is to develop a truancy advisory committee or coalition. The committee or coalition should include members from youth courts, schools, juvenile or family court, law enforcement, juvenile probation, social services, community-based organizations, parent representatives, and youth representatives. This group can help identify issues such as the extent of the truancy problem in the community, the options and services that are already in place to address truancy, the deficiencies in services that exist, and possible solutions to reducing the problem of truancy in the community. This group also can help determine where the youth court will fall on the continuum of services related to truancy (e.g., an alternative for early intervention), the types of services that youth court can provide, and the types of services available in the community to work with and meet the needs of these youth and families.

Identify the Root of the Problem

As identified in a previous section of this paper, there are many reasons a youth may be truant. If the underlying reasons for why a youth is truant are not identified and addressed, then the program is not likely to be successful in stopping the behavior. For example, if a youth who misses the bus has no alternative transportation to go to school, the youth court will need to strategize with the youth to help him or her identify alternative transportation options for when he or she misses the bus. Volunteers also should identify why the youth keeps missing the bus. If a youth does not want to go to school because the youth has a teacher who singles him or her out and causes humiliation, the youth court may need to consider how the conflict between that teacher and student can be mediated and/or help the youth build coping skills to be less affected by the teacher's remarks. If warranted, the youth court may also want to make a recommendation to the school administrator to look into the teacher's conduct. In the examples cited, merely imposing a disposition that entails items such as community service at the location of the respondent's choice, jury duty, an essay, or an apology to the school would not have any component to address the main reason for the youth's behavior. Therefore, it is important for youth courts to assess youth and their situations when they enter the program to determine what may be contributing to their behavior. It is also important for youth courts to train their youth volunteers how to ask appropriate questions that will yield pertinent and appropriate information to help the youth court gain insight into the best strategy for addressing the youth's problems (e.g., Why are you not going to school? What do you feel needs to change in your life to make you begin going to school? What do you feel needs to change at the school to make you more comfortable going to school?).

During the assessment process, youth courts need to gather information from a variety of sources to gain an accurate and complete picture of the youths' and/or their families' needs and issues. Information can be obtained from schools, families, justice system agencies, and the youths themselves. Information that may be helpful for youth courts to collect includes attendance records, discipline records, grades, participation in extracurricular activities, learning disabilities, history of abuse or

neglect, behavioral problems, health issues (e.g., lice, asthma), social history of family (e.g., any recent deaths, divorces, marriages, unemployment, incarceration of family members, moves), and the social and criminal history of the youth.

There can be challenges to accessing this type of information. Access to information may be denied because of law, regulations, or agency or organizational policy. Educating partner agencies about why the information is needed and how it will be used is one step toward overcoming information sharing challenges. The Office of Juvenile Justice and Delinquency Prevention published a fact sheet titled “Information Sharing and the Family Educational Rights and Privacy Act” that offers some tips for how to address some of the common information sharing challenges (Laney, 1996). Building trust among partner agencies is also important. Some youth courts have advocated for changes in school board policy to enable them access to pertinent information, while others have asked youth and their families to provide information releases allowing them access to the information from various sources. A process for collecting pertinent information will also need to be outlined (e.g., having information provided as part of the referral process, sending special requests for information to schools or justice agencies).

Once information is collected and compiled, youth court staff need to determine the most appropriate way for using the information. Youth courts are a youth-driven program in which young people impose consequences on their peers. So, if youth courts are going to be effective in facilitating a process in which peers can make appropriate disposition recommendations for truants, then they will need to give their volunteers access to adequate and appropriate information that will enable them to consider the comprehensive picture when making their decision.

There may be situations, however, when information gained from a respondent and his or her family is very sensitive or private, and divulging it to his or her peers could be damaging. Coordinators should confer with the youth and his or her family and make decisions on a case-by-case basis as to what information will be shared with volunteers or whether to proceed with the youth court process. In some cases, especially when the coordinator is privy to information that the youth volunteers are not, it may be necessary for the coordinator to make recommendations or dispositional requirements of the defendant that are in addition to those imposed by the peer jury or judge panel. To remain true to the intent and philosophy of youth court, however, whenever possible youth volunteers should have access to pertinent information and be trained to come up with meaningful and helpful dispositions in truancy cases.

Involve and Provide Support for Families of Truant Youth

Research consistently finds that positive family involvement has a direct effect on youths’ achievement and is the most accurate predictor of a young person’s success in school (Schargel and Smink, 2001, as cited by the National Dropout Prevention Center, n.d.). Studies have also found that young people with involved parents, regardless of their background and income, are more likely to earn higher grades and test scores, be promoted to the next grade, pass their classes, attend school regularly, have better social skills, show improved behavior, and adapt well

to school. These youth are also more likely to graduate and go on to postsecondary education (Henderson and Mapp, 2002).

Therefore, because of the influence and access to pertinent information that parents and families have on young people's success in school, youth courts should involve families in the program's processes as a matter of program policy and practice and strive to increase positive family connections between youth and their parents.

Parents and/or other family members also can provide information that can help youth courts identify factors that may be contributing to why their child is being truant.

There are three key practices that schools have found successful in engaging families from diverse backgrounds that youth courts can also employ (Henderson and Mapp, 2002):

1. Focus on building trusting collaborative relationships among teachers, families, and community members.
2. Recognize, respect, and address families' needs, as well as class and cultural differences.
3. Embrace a philosophy of partnership in which power and responsibility are shared.

When family issues (e.g., divorce, recent death, parent/child conflict, unemployment, substance abuse, incarceration of a family member) are identified as contributing factors to the youth missing or refusing to go to school, it is important that youth courts provide services or make referrals to other community agencies that will address the identified needs and provide support for the family and the youth. Some youth courts operate within youth services agencies that provide family counseling or other related services that can be accessed. Other youth courts have staff with education and training which qualifies them to provide family counseling. However, many youth courts will need to develop partnerships and agreements with other community agencies that provide these types of services. Whenever possible and appropriate, services for families should be built into the formal disposition recommendation for the youth. However, when that is not possible, youth court staff may refer the family to appropriate agencies informally — recognizing that it will be up to the family to decide whether they wish to follow through with the recommendation.

In addition to providing or making referrals to families for services to address identified issues, youth courts also need to be prepared to educate families, including parents, about education laws, and school policies and regulations related to school attendance and responses to truancy. Parents and other family members may not be aware of how truancy is defined in their communities or how they could be held accountable for their child's behavior.

Provide Services that Engage and Connect Youth to People, Places, and Activities

Youth courts should provide services and dispositional options that help engage youth in their school and community by connecting them to people (e.g., mentors), places (e.g., library, YMCA, job), and activities (e.g., service-learning projects, sports, clubs). Many truant youth are not involved in extracurricular activities and

Figure 2: Sample Options for Connecting and Engaging Youth in Schools and Communities

- *Arranging tutoring for respondents who are falling behind in schoolwork or who are struggling with a particular subject.* Tutoring can assist the youth in catching up and help re-engage and connect them back to the school.
- *Placing respondents in meaningful community service assignments that will give them responsibility and allow them to use their skills so they feel needed and connected with their community.* Community service also can be organized so youth have an opportunity to help identify and solve a community problem. For example, if a local park has been vandalized and equipment is broken and not usable, youth can determine what needs to be done to fix the equipment and clean the park so that children in the community can use it again.
- *Encouraging or assigning respondents who are not involved in extracurricular activities to join a club at school that relates to their interests or skills.* For example, if they have an artistic side, the youth court could arrange for them to assist the drama club in designing scenery for an upcoming production.

feel isolated from their schools and communities. Therefore, through the disposition, youth courts should strive to place them in situations where they can use their interests, skills, and talents to make a difference in their schools and communities—rather than solely focusing the disposition on punishing the youth for his or her behavior. See Figure 2 for some examples of ways that youth courts can connect and engage youth.

Link Truant Youth with a Mentor

Another way to link youth with people that should not be understated is through the use of mentors. Mentors can be positive, caring adults or youth. Mentors serve as a support system for the youth by helping the youth with schoolwork, working with the youth on goal-setting, and helping the youth explore various career options. The main goal is to link a truant youth with a caring and consistent person in his or her life. Consideration should be given when matching a mentor and a youth, and when the match is not successful, a procedure should be in place for re-assigning the youth to a different mentor. Consistency and trust are crucial factors in building an effective mentoring relationship. Mentors need to commit to being involved with the youth for an extended period of time. In the case of mentoring truant youth, it is recommended the mentor stay involved with the youth for at least a year; however, through the school year is also acceptable.

It is important that youth courts not start a mentoring program casually. Mentors, whether they are youth or adults, need to be screened, trained, and monitored. Some states have certification processes for mentor programs (e.g., in California, there are state standards to which certified mentor programs must comply). See Figure 3 on page 16 for some recommendations related to training mentors who are going to work with truant youth. To keep mentors invested in the program, the mentors need feedback and ongoing regular support so they can discuss issues that arise and receive assistance they need so they will be less likely to burn out.

Mentors can be recruited from places such as faith-based organizations, service clubs, community corporations, fraternities and sororities, colleges, and retired citizens' programs. Peer mentoring is also effective, especially when older youth mentor younger youth (e.g., high school age youth mentors middle school age, middle school age mentors elementary school age). In some schools, students who act as mentors are given credit for school community service hours.

Monitor Compliance

Direct and consistent contact with respondents and their parents or guardians is important. How carefully and responsively an individual case is monitored can often determine whether a youth is compliant. This is especially true in truancy cases. Often, if staff intervene early with corrective actions when respondents begin to show early signs of noncompliance, respondents will be more likely to come back into compliance with program requirements. Ultimately, this reduces the need to terminate youth from the program unsuccessfully. Conversely, the longer youth are able to avoid completing provisions of their sentence without detection, the harder it will be to get youth to be successful (Godwin, Heward, and Spina, 2000).

Offer Incentives to Reinforce Compliance

The use of incentives for positive reinforcement of behavior is a strategy that many schools employ to encourage their students to attend and achieve in school. Although there is some controversy related to the use of incentives, it is important to remember that incentives, when used appropriately and in tandem with verbal encouragement, motivate and reinforce desired changes in behavior and actions (Seoane and Smink, 1991).

According to Seoane and Smink (1991, p.6), incentives can be effective under the following conditions if:

- They establish definite patterns for changes in behavior.
- They are geared to the interests of students.
- They are attainable by most students.
- They are related to the student's needs and desires.
- There are consistent standards for implementation.
- Students understand what they need to do in order to attain the rewards.
- Recognition is given to those receiving the awards.
- Different levels and types of incentives are offered for different levels of achievement.

Youth courts can also offer incentives to positively reinforce compliance with youth court dispositions and attendance in school for truants. Examples of incentives that youth courts could provide include gift certificates for food or other popular stores, t-shirts, hats, attendance at special entertainment and social events, and mugs. Youth courts who want to offer a more widespread incentive program for youth involved in the program could enter youths' names into a raffle for prizes (e.g., stereo, scholarships) when they attend school and perform successfully in the

Figure 3: Training Topics for Mentors

The following are some suggested training topics and issues youth courts can include to train mentors of truant respondents. This information was adapted from *A Training Guide for Mentors*, written by Jay Smink (1999, pages 22 and 26).

Overview of the Basics of Mentoring Component within the Youth Court

- Define what mentoring means within the youth court program.
- Identify qualities of effective mentors for respondents.
- Discuss why respondents in youth court need adult/youth mentors.
- Discuss how the mentoring process works within the youth court.
- Review goals and objectives of the youth court and the mentoring component.
- Discuss the mentor's objectives/outcomes to accomplish with the respondent mentees.

Roles of Mentors

- Roles and responsibilities of mentors.
- Qualities of successful mentors.
- Obligations of mentors.
- What mentors are not.

Mentor Information

- Mentor application process, screening, and background checks.
- Expected benefits to the mentor.
- Nature and length of commitment.
- How mentoring process will be monitored and measured for program success.
- Program plan for ongoing support for mentors.
- General guidelines for the mentor-mentee relationship.

Youth Court Program's Mentoring Component Procedures

- Overview of program's guidelines, policies, and procedures related to the mentoring component.
- Role of the youth court program coordinator.
- Parental involvement and permission.
- Liability issues.
- Confidentiality issues.
- Procedure for termination of mentoring process with cause.

Problems and Issues Affecting Respondents

- Characteristics of respondents needing mentors.
- General adolescent attitudes and behaviors.
- General information regarding attitudes and behaviors of truant youth.
- Common adolescent problems and behaviors.
- Common problems and behaviors of truant youth.

Mentoring Activities to Consider

- Suggestions for how to approach and what to do during an initial meeting between a mentor and the respondent mentee.
- Suggested other activities for mentor-mentee pair targeted for truancy reduction.
- Discuss type of personal information mentor should (and should not) share with mentee.

Communication Skills for Building Relationships

- Active listening.
- Communicating with feedback.
- Helpful tips for communicating with youth.
- Proper praising recipe.

Mentoring Practices

- Best practices of successful mentors.
- Least effective practices.
- Pitfalls and obstacles to consider.
- Hints about rewards and incentives.

Role-Play Exercises

- Have participants role play exercises simulating different aspects of the mentor-mentee process such as initial meeting, an ongoing activity, and handling a situation in which conflict arises.
- Discuss role plays and how the situations presented may relate to participants' work with the program.

How to Handle Special Relationships

- Discuss additional training that will be offered to mentors.
- Information on what to do when mentor-mentee relationship needs to be dissolved.

program (e.g., youth volunteers show up for all of their assigned youth court hearings, respondents complete their dispositions successfully). Seoane and Smink (1991) suggest that coordinators pay close attention to the needs and desires of the youth with whom they work in order to choose the incentives that are going to be most effective in creating change.

Train Youth Volunteers on the Unique Issues in Addressing Truancy Cases

Youth volunteers who hear truancy cases often are exposed to information about their peers that may be especially personal, private, or sensitive in nature (e.g., a young person has lice and has been embarrassed to go to school, a young person's mother lost her job and needs the youth to help care for his or her younger sibling, a young girl who is pregnant is beginning to show, a youth is missing school because he or she is tired in the mornings after staying up late at night to care for a parent who is addicted to alcohol). Youth volunteers who are unnecessarily confrontational or combative when questioning truant youth will be counterproductive to the process and could alienate the respondent and his or her family from the program. These issues can be of particular importance for youth courts which typically operate under a more adversarial program model (e.g., Adult Judge, Youth Judge, Youth Tribunal), as opposed to the Peer Jury model.

Youth who are questioning truant youth need to receive sensitivity training so that they will be better equipped to question truant youth in a more respectable and empathetic way and to make constructive dispositional recommendations. The Placer County Peer Court in California uses only youth who have had past problems with truancy as volunteers for their peer truancy court, because they believe that these youth will be more apt to understand, relate, and be empathetic with the truancy respondents. See Figure 4 for more information on the Placer Peer Court Truancy Program.

Due to the sensitive nature of the information that may be revealed about the youth and his or her family, confidentiality issues, rules, and regulations also need

Figure 4: Placer County (CA) Peer Court Truancy Program

Placer County Peer Court has developed a truancy program with a local high school where students who previously had difficulty with attendance but have corrected their problem now sit as a panel hearing truancy citations issued by the high school. After three cuts or unexcused absences, the assistant principal issues a citation to the offending student. The student is required to contact the Peer Court office within 72 hours to schedule a court appearance. In court students are questioned by a panel of three to five students. An effort is made by the panel to get to the issues contributing to the nonattendance.

Panelists have been trained in California truancy laws and community resources. Judgments include mediation with teachers, community service, drug testing, parenting classes for the parents of the truant students, essays, confining the student to campus during lunch hours, taking the student's driver's license until grades and attendance improve, joining school or community activities, and tutoring. In all cases the defendant is required to have a counseling session with a Peer Court licensed counselor to develop a plan with short and long term goals.

Some interesting effects have occurred over the three years the program has been in operation.

- Truancy citations have declined each year (60 cases referred in the last 12 weeks of the school year in year one, 126 cases referred in year two, and 74 cases referred in year three). As students learn they will be held accountable for their nonattendance—the word gets out!
- A relationship between attendance and academics was recognized, and through a grant a tutoring program was established. Truancy students needing help in academic classes are sentenced to the Tutoring Center through at least the end of the semester. Students are continually evaluated academically to move them to the level of passing in all classes.
- Students were cutting classes where teachers were embarrassing the students openly with caustic remarks about their work and their attendance. Mediations with teachers have assisted in reducing this tension; teachers have learned that students are sensitive to these comments.
- Parent cooperation has been excellent. Parents for the most part want their children to succeed, and many have become frustrated at not being able to influence or control their teens. Parents enter the program angry for the inconvenience of having to come to court, but they quickly partner with the program and assist in getting their students on track.
- Most students referred to the court are not connected with school or community activities. Sentencing the defendants to at least 20 community service hours and then connecting them to a site where they have an interest has proved successful (i.e., students interested in animals can work with a veterinarian or the handicapped horseback riding program; future teachers may work at child care programs; students with interests in clerical work can work at the 4-H office or at the women's center). The idea is to put students in contact with positive role models and give them the opportunity to raise their self-esteem.

Evaluation of the program is ongoing, but to date the school, the court and the Peer Court program feel they are on the right track in making an impact with high school students experiencing attendance issues.

Should a student fail his or her Peer Court opportunity the next step is the School Attendance Mediation program (SAM), where judges in the county have each adopted a high school and hold hearings on the campus. Students and parents are brought before the judge, who issues a warning and explains the California truancy laws that allow students to be removed from their high school and placed in a court school

and parents to be fined and incarcerated for failure to have their children in school. Following the judge's admonition, a team comprised of the high school's vice principal, the campus resource officer (police), the probation officer, the truancy officer, a licensed counselor, the parent, and the student meet and develop a contract that the student agrees to keep. Should the student violate the contract, the probation officer files the case in court as a 601(b) habitual truant case, and the student is then ordered to a formal hearing before the county's juvenile court judge.

Program description submitted by Karen Green, Coordinator, Placer County Peer Court Truancy Program.

to be explained and reinforced. When these rules are breached, swift consequences need to be imposed upon the offending youth. Youth volunteers also need to be instructed on their state's educational laws, parents' rights, consequences of truancy, the types of services the youth court has that can address the unique needs of truant, as well as the types of services in the community to which they can refer youth.

Work Toward Making the School Climate More Healthy

Another way to encourage attendance at school and to combat truancy is to make the school a place where youth want to be. Through interaction with youth and families, as well as through work with school officials, youth court coordinators may become privy to information that points to problems occurring within the school setting that have a direct effect on a youth's decision not to attend school. Some of these problems may be policy-related, while others may be environmental or relationship-oriented. There are times when it may be appropriate for youth court staff to provide advice or serve as advocates when youth and families are unsure of how to resolve problems occurring at school (e.g., a youth is having a conflict with a particular teacher or student; a youth has a learning disability, and the school has not placed him or her in the appropriate learning environment; the youth is so far behind in his or her schoolwork that he or she has no hope that by going to school he or she will be able to get back on schedule).

Youth courts are also active participants in helping to create positive change in their communities. For example, in Georgia several youth court volunteers have worked alongside adult volunteers involved with the Georgia Alcohol Policy Partnership (GAPP) to address laws and policies on underage drinking on a state level. Likewise, when school policy issues arise, youth court volunteers and staff can lobby and advocate for change before the school board or school administration. This type of approach could be organized as a community service-learning project in which youth volunteers and respondents work together to identify and to solve problems.

Youth court staff who have collaborative partnerships with schools and who have cultivated positive relationships with school administrators and teachers may be able to provide constructive feedback to administrators and teachers or serve as mediators when they are aware of personal conflicts between these individuals and a youth. If the situation warrants, and the teacher and youth are amenable, youth courts can even offer mediation as part of the youth court disposition.

Tips for Youth Courts Thinking About Addressing Truancy

In addition to developing practices within the program that relate to the strategies described above, youth courts that are considering hearing truancy cases in their programs should:

- Start small and go slow.
- Take time to develop and establish program policy related specifically to handling truancy cases.
- Implement an assessment process, and begin with cases that do not have multiple and complex behavioral or family issues attached.
- Consider starting with a pilot program with a plan to expand later.
- Inform the community about what you are doing, and involve them in providing services to your truant respondents.
- Recognize that youth court programs are always evolving. Keep informed of current literature on truancy reduction, and make program adjustments as necessary to respond to youth and family needs and to new research findings.

Evaluation of Program Effectiveness

Formal data-driven evaluation information on youth court programs is relatively scarce (Butts, Buck, & Coggeshall, 2002); however, there is anecdotal evidence that youth courts are working with truancy cases. Youth courts need to establish a means for evaluating the effect they are having with truants and their families and the contribution the program makes at reducing truancy within the community.

The goals, objectives, and benchmarks for reducing truancy within the youth court must be clearly defined at the outset of implementation. There are specific benchmarks that represent a youth court's effectiveness. These benchmarks include improved attendance, improved academic achievement, decreased numbers of disciplinary referrals, attitude changes about school, self-reported satisfaction with the youth court process, improved family relationships, and indicators of re-engagement in school and community (e.g., participation in extracurricular school activities, volunteer work with community agencies). Benchmarks can also be designed to gauge the positive effect that youth court has on youth volunteers' attitudes about and behaviors regarding school attendance and truancy.

Benchmarks are critical for determining the effectiveness of youth court at reducing truancy, but in order for those benchmarks to be indicative of success, baseline data must be gathered that describes the current state of the truancy problem in the community. School district and community data must be gathered to gain a clear picture of the extent of the issue. These data points may include:

- suspension rates, and reasons for this disciplinary action,
- expulsion rates, and how many were due to chronic truancy,
- current truancy data,

- school-wide academic achievement indicators such as performance on standardized test scores,
- daytime juvenile crime rate in the community, and
- reasons for school absences (e.g., illness or health condition, fear or lack of understanding of school attendance laws and policies, personal safety issues).

Once baseline data are collected and analyzed, ongoing follow-up with periodic data collection and analyses are needed to compare with baseline figures to determine trends and improvement toward the truancy reduction efforts and to make program modifications if needed. Evaluation results not only inform a program about what it is doing well and where it may need to make improvements, but can also glean information that may be useful for other communities that are designing and implementing a youth court model to address truancy. Youth courts that demonstrate results at combating truancy also are in a better position to compete for financial support from the community.

Conclusion

There is well-established research linking truant behavior to dropping out of school, academic failure, and delinquency (Garry, 1996; Loeber & Farrington, 2001; Offord, Lipman & Duku, 2001; Ingersoll & LeBoeuf, 1997). Communities need responses that identify and hold youth accountable for truant behavior before the truancy becomes habitual. Youth court can be an efficient tool for schools and communities that want to provide truant students and their families with a proactive approach that holds youth accountable for their truant behavior. While schools often have difficulties locating and linking up needed services for truant youth, youth courts can help make those linkages to needed services more readily available for the youth and their families.

Truancy is becoming a prevalent problem in too many communities across the nation. Youth courts can address this problem through adequately trained youth jurors and judge panels and appropriate services and sentencing options. Youth courts provide the young offenders with an opportunity to hear from their peers what they think of their behavior according to the laws in their community. Youth courts use the ever-present peer pressure in youth culture in a positive way to help youth who commit minor delinquent and status offenses receive appropriate consequences for their actions. Making consequences specific to the needs of each truant youth gives the young person a greater opportunity to improve his or her behavior and become a contributing member of the community. By working together, youth courts can be a positive resource for schools and communities in addressing early stages of truancy.

Ramona Gonzales is the former Project Director for the Evaluation of OJJDP's Truancy Reduction Demonstration Project and is currently a private Education Consultant in Denver, CO.

Tracy Godwin Mullins is the Director of the National Youth Court Center in Lexington, KY.

References

- Butts, J.A., Buck, J., and Coggeshall, M.B. (2002). *Impact of teen court on young offenders*. Washington, D.C.: Urban Institute.
- Garry, Eileen. (1996). *Truancy: First step to a lifetime of problems*. Bulletin. Washington D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Godwin, T. M., Heward, M., and Spina, T. (2000). *National youth court guidelines*. Lexington, KY: National Youth Court Center and the American Probation and Parole Association.
- Gonzales, R., Richards, K., Seeley, K. (2002). *Youth out of school: Linking absence to delinquency*. Policy paper prepared by the National Center for School Engagement at the Colorado Foundation for Families and Children, Denver, Colorado.
- Gonzales, R., Seeley, K. (2001). *The Truancy Reduction Demonstration Project. Semi-annual report*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Gonzales, R., Seeley, K. (2002). *The Truancy Reduction Demonstration Project. Semi-annual report*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Hawkins, J.D., Herrenkohl, T., Farrington, D.P., Brewer, D., Catalano, R.F. and Harachi, T. (1998). A review of predictors of youth violence. In Loeber, R. and Farrington, D.P. (Eds.) *Serious & violent juvenile offenders: Risk factors and successful interventions*. Thousand Oaks, CA: Sage Publications, Inc.
- Henderson, A. T., and Mapp, K. L. (2002). *A new wave of evidence: The impact of school, family, and community connections on student achievement*. Austin, TX: Southwest Educational Development Laboratory and the National Center for Family & Community Connections with Schools.
- Huizinga, D. and Jakob-Chien, C. (1998). The contemporaneous co-occurrence of serious and violent juvenile offending and other problem behaviors. In Loeber, R. and Farrington, D.P. (Eds.) *Serious & violent juvenile offenders: Risk factors and successful interventions*. Thousand Oaks, CA: Sage Publications, Inc.
- Ingersoll, S., and LeBoeuf, D. (1997, February). Reaching out to youth out of the education mainstream. *OJJDP Bulletin*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Kaufman, P., Alt, M. N., and Chapman, C. D. (2001). Drop out rates in the United States: 2000. *Statistical Analysis Report*, National Center for Education Statistics.
- Kreck, C., "Twenty-four percent get suspended at middle schools: DPS is double Colorado average," *Denver Post*, March, 22, 2001, Section A., P. 1.
- Laney, R. (1996, July). Information sharing and the family educational rights and privacy act. *OJJDP Fact Sheet #39*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Loeber, R., and Farrington, D.P. (2001). The significance of child delinquency. In Loeber, R. and Farrington, D.P. (Eds.) *Child Delinquents: Development, Intervention, and Service Needs*. Thousand Oaks, CA: Sage Publications, Inc.
- National Dropout Prevention Center. (n.d.). Family involvement overview. *Effective strategies*. Available October 30, 2003 at http://www.dropoutprevention.org/effstrat/family_inv/fam_over.htm.
- National Youth Court Center. (2004, May). Youth Court Database. Lexington, KY: American Probation and Parole Association.
- Office of Juvenile Justice and Delinquency Prevention (1999). *Juvenile offenders and victims: 1999 national report*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Offord, D.R., Lipman, E.L., and Duku, E.K., (2001). Epidemiology of problem behavior up to age 12 years. In Loeber, R. and Farrington, D.P. (Eds.) *Child delinquents: Development, intervention, and service needs*. Thousand Oaks, CA: Sage Publications, Inc.
- Puzzanchera, C., Stahl, A.L., Finnegan, T.A., Tierney, N. and Snyder, H.N. (2003, July). *Juvenile Court Statistics*. Pittsburgh, PA: National Center for Juvenile Justice.
- Schargel, F.P., and Smink, J. (2001). Strategies to help solve our school dropout problem. Larchmont, NY: Eye on Education.

- Seoane, M. and Smink, J. (1991, June). Incentives and education. *A Series of Solutions and Strategies*. Clemson, SC: National Dropout Prevention Center.
- Smink, J. (1999). *A training guide for mentors*. Clemson, SC: National Dropout Prevention Center.
- Vernez, G., Krop, R.A., and Rydell, C.P. (1999). *Closing the education gap: Benefits and costs*. RAND MR-1036-EDU.

Supplemental Resources

The following are some suggested websites and additional readings.

- National Youth Court Center – www.youthcourt.net
- National Center for School Engagement – www.truancyprevention.org
- National Truancy Prevention Association – <http://truancypreventionassociation.com>
- National Dropout Prevention Center – www.dropoutprevention.org
- Institute for Urban and Minority Education – <http://iume.tc.columbia.edu>
- Communities in Schools – www.cisnet.org
- Office of Juvenile Justice and Delinquency Prevention – <http://ojjdp.ncjrs.org/>
- National Criminal Justice Reference Service – www.ncjrs.org

- Anonymous. (2000, Fall). Truancy reduction efforts: A best practices review. *Spectrum*, v. 73, no. 4, p. 13-15.
- Baker, M. L., Sigmon, J. N., and Nugent, M. E. (2001). *Truancy reduction: Keeping students in school*. Bulletin. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Bimler, D., and Kirkland, J. (2001, January). School truants and truancy motivation sorted out with multidimensional scaling. *Journal of Adolescent Research*, v. 16, no. 1, p. 75-102.
- Bladwin Grossman, J. and Garry, E.M. (1997, April). *Mentoring – A proven delinquency prevention strategy*. OJJDP Bulletin. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Blum, R.W., Beuhring, T., and Rinehart, P.M. (2000). *Protecting teens: Beyond race, income and family structure*. Center for Adolescent Health, University of Minnesota.
- Cantelon, S., and LeBoeuf, D. (1997, June). Keeping young people in school: Community programs that work. *Juvenile Justice Bulletin*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Catalano, R.F., Loeber, R., and McKinney, K.C. (1999, October). School and community interventions to prevent serious and violent offending. *Juvenile Justice Bulletin*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Waddington, C. (1997, Winter). The use of legal proceedings in cases of non-attendance at school: Perceptions of education welfare officers. *Educational Research*, v. 39., no. 3, p. 333-341.
- Dekalb, J. (1999, April). Student truancy. *ERIC Digest*, n. 125. ERIC Clearinghouse on Educational Management.
- Eckstrom, R.B., Geortz, M.E., Pollack, J.M., and Rock, D.A. (1986, Spring). Who drops out of high school and why? Findings from a national study. *Teachers College Record*, v. 87, n. 3, p. 356-373.
- Epstein, J.L., and Sheldon, S.B. (5-6/02). Present and accounted for: Improving student attendance through family and community. *Journal of Education Research*. v. 95, i. 5, p. 308-320.
- Heilbrun, J. Z. (2002). *The costs and benefits of three intensive interventions with Colorado truants*. Policy paper prepared by the National Center for School Engagement at the Colorado Foundation for Families and Children, Denver, Colorado.
- McNeal, R.B., Jr. (1997, March). High school dropouts: A closer examination of school effects. *Social Science Quarterly*, v. 78, n.1, p. 209-222.

- Medaris, M.L., Campbell, E. and James, B. (1997, June). *Sharing information: A guide to the family educational rights and privacy act and participation in the juvenile justice program report*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice; and Family Policy Compliance Office, U.S. Department of Education.
- Mongulescu, S., and Segal, H.J. (2002). *Approaches to truancy prevention*. Vera Institute of Justice.
- National Youth Network. (1999, July). Cross-age teaching. *Youth in Action*, n. 06. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- National Youth Network (1999, July). Make a friend – Be a mentor. *Youth in Action*, n. 08. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Pellerin, L.A. (2000, April). *Urban youth and schooling: The effect of school climate on student disengagement and dropout*. American Educational Research Association.
- U.S. Department of Education and U.S. Department of Justice. (1996). *Manual to combat truancy*. Available online at www.ed.gov/pubs/Truancy.

Underage Drinking and Other Substance Abuse: Opportunities for Prevention and Intervention by Youth Courts

by Tracy Godwin Mullins

The 21-year-old minimum drinking age has been the law in all states since 1986 (Shearouse, 1998). Yet one of the psychoactive substances most widely used by young people is alcoholic beverages (e.g., beer, wine, wine coolers, hard liquor). According to the *Monitoring the Future* study on adolescent drug use, in 2002 nearly four out of every five students had consumed alcohol (more than just a few sips) by the end of high school, and nearly half had done so by the eighth grade (Johnston, O'Malley, & Bachman, 2003). The use of alcohol can result in serious and potentially life-threatening problems for youth. Alcohol use among young people also can have adverse affects on adolescent development, impair physical and mental coordination, and impede one of the most critical tasks of adolescence—the development of coping skills. Further, there are undeniable links among alcohol, violence, and crime (Governors Highway Safety Association, 2001a).

One of the most serious and immediate effects of underage drinking is traffic crashes involving young, impaired drivers. Young drivers are especially vulnerable to the physiological effects of even low levels of alcohol due to their lack of driving experience and their immaturity (Stewart, 1999). In 2000 more than three-quarters of the people who died in crashes in which a young driver was drinking were between the ages of 15 and 20 (National Highway Traffic Safety Administration, 2002).

The problem of underage drinking is extremely serious. Clearly, preventing underage drinking, enforcing zero-tolerance laws, and intervening early, when youth begin experimenting with alcohol and other drugs, is necessary to prevent harm to youth, families, and society. No one agency in a community is solely responsible for solving the problem of underage drinking. Combating underage drinking and enforcing zero-tolerance laws for youth who drink illegally and drive under the influence requires a comprehensive approach in a community. An inclusive strategy should combine elements such as enforcement, education, public policy, and media relations to change the social and legal environment in which young people function and to create an environment that helps them stay alcohol-free until they reach age 21 (Governors Highway Safety Association, 2001b).

As of May 2004, 73% of youth courts reported that they accept alcohol-related cases (National Youth Court Center, 2004). Most youth courts that handle underage drinking cases order youth to participate in sentencing options such as community

service, service as a youth court juror, essays, apologies, and educational workshops. Sometimes, however, these options may not be implemented in ways proven to be more effective in preventing substance abuse. This paper will discuss some strategies that youth courts can employ to work more effectively with young people referred to the program on alcohol-related cases, and to enhance the youth court's role as a partner in a community's comprehensive approach to combating underage drinking, as well as other substance use and abuse.

Screening and Assessment

The abuse of alcohol and other drugs is a progressive process—ranging from no use to addiction. However, this does not mean that all youth who experiment with alcohol will become addicted. Some youth who try alcohol never progress beyond experimentation; others may misuse or abuse substances and be able to stop or return to an earlier point on the continuum at any time; others may indeed progress from experimentation, through social use and misuse, to addiction. Therefore, it is imperative that young people be screened and assessed to determine their current stage of use so that the appropriate services can be provided to address their present situation (Crowe, 1999; Winters, 2003). Regardless of their stage of substance abuse—even if a youth is just in the experimental stage—alcohol use is illegal for minors, and a response is required. A response can be made at three levels:

- *Prevention*: Education and motivation before the problem begins or becomes serious.
- *Intervention*: Services for youth who are at risk or who are in the early stages of substance use or abuse.
- *Treatment*: Assistance with management and/or recovery when substance use or abuse results in problems for the adolescent (Crowe, 1999).

In general youth courts are better equipped to offer responses at the prevention and early intervention levels; however, they should be prepared to refer youth for further assessment and treatment if more extensive or problematic involvement with substances is identified.

Although youth courts typically handle referrals for first-time offenders, it cannot be assumed that when a young offender is apprehended the first time, he or she has not already been engaging in this type of behavior for some time. Also, because of the link between substance use and crime, substance abuse should be considered as a factor when other crimes are committed. Therefore youth court coordinators should screen all youth on their caseload—not just youth referred for alcohol or other drug-related offenses—for the possibility of substance abuse problems prior to their participation in the youth court program. The screening and assessment process is a crucial first step in helping youth change their substance-abusing behavior, and it should not be slighted (Crowe, 1999; Winters, 2003). Youth courts should be prepared to confront issues of prior use among their youth. By doing so, youth courts can work to prevent further use with early intervention strategies (Brounstein & Zweig, 1999).

Initial screening refers to brief procedures that are used to determine whether a youth has a problem, to substantiate that there is a reason for concern, or to identify the need for further appraisal and assessment (Crowe & Reeves, 1994). To be effective in this process, coordinators should be aware of substance abuse risk factors and indicators, be knowledgeable about screening techniques (Crowe, 1999; Winters, 2003), and be able to identify and select the most appropriate screening instrument to use. Issues to consider when selecting a screening instrument include the time needed for administration, financial costs, expertise required of personnel administering the instrument, information sources required, (Grisso, 2003), and its appropriateness for assessing alcohol and other drug use in adolescents (Winters, 2003).

Gathering and analyzing psychosocial data on youth can also be used to determine the extent of various problems in their lives—including whether a youth's situation is related to substance abuse—and resources available to address the problems. Information to gather and analyze at the time of intake includes:

- history and extent of delinquency,
- history and extent of substance abuse,
- educational and/or job performance,
- medical status and health¹ (including biological/genetic predisposition factors),
- family and peer relations, and
- psychological/emotional status.

When assessing youth, information should be included from these areas to illustrate a young person's strengths, and not just his or her deficits. This information can be gathered from existing records, the youth's self-report during the intake session, interviews with family members during intake, interviews with collateral sources (e.g., law enforcement, school personnel), and testing instruments (Crowe, 1999).

If the initial screening process indicates that there is a need, then an assessment should be performed on youth requiring further evaluation (Grisso, 2003; Winters, 2003). The assessment should be performed by a substance abuse treatment professional (Crowe, 1999). Youth courts that do not have qualified substance abuse treatment professionals on staff should coordinate this service with an appropriate mental health or corrections agency in the community. If the screening and assessment process identifies that a youth has needs that call for more comprehensive intervention or treatment than the youth court can provide or require, then the youth should be returned to the originating referral source so that a more appropriate intervention can be arranged. See Figure 1 for a synopsis of recommendations for youth courts regarding screening and assessing youth.

Implementing Strategies for Preventing and Intervening with Underage Drinking Cases

To be effective at preventing initial or ongoing use of alcohol, youth courts must research and develop services and sentencing options that are based on effective

¹ Be familiar with new Health Insurance Portability and Accountability Act of 1996 (HIPPA) regulations to assure that medical information is being handled in accordance with the law.

Figure 1: Recommendations for Youth Courts Regarding Screening and Assessing Youth

- All respondents, not just those referred on alcohol or other drug charges, should be screened for the possibility of substance abuse problems.
- Screening should take place during the youth court intake session – prior to the youth appearing before the youth court.
- Information about youth and their families should be gathered from a strengths perspective, not just a deficit perspective.
- Youth court coordinators should be aware of substance abuse risk factors and indicators and be knowledgeable about screening techniques.
- If warranted, substance abuse assessments should be performed by substance abuse treatment professionals.
- Respondents should be designated for or referred to appropriate services related to their needs and current level of substance use/abuse.

program models. Over the years, varying programs have been developed and implemented—some with less than successful results. The following sections will identify some of the strategies that research has proven are less effective and then identify strategies that have proved more effective and promising.

Less Effective Strategies

Due to the expanding research and practice in the field of substance abuse prevention, youth court coordinators should become familiar with the literature so that older, less effective strategies can be replaced with newer, more effective approaches. The following are some of the prevention strategies that have been proven to be less effective at reducing substance abuse.

- *Fact-Based Educational Approaches*: Solely instilling knowledge about the dangers of substance abuse has not been demonstrated to change young people’s behaviors. An individual’s feelings, values, and environment influence his or her behaviors. In fact, some studies have shown that factual education approaches alone may actually lead to an increase in the use of alcohol and other drugs (Gonet, 1994; Goodstadt, 1996; Kail, 1992, as cited by Crowe, 1999).
- *Scare Tactics*: Strategies designed to threaten or scare youth also have been shown to be ineffective. The use of shocking material and methods is likely to raise youths’ defenses and make it harder for them to receive appropriate prevention messages (Gonet, 1994, as cited by Crowe, 1999). Additionally, focusing on the extreme negative consequences of alcohol and other drug use does not help youth learn to deal with the daily pressures they encounter (Crowe, 1999).
- *One-Shot Programs*: Having a single film or speaker on the topic of substance abuse is also not considered an effective prevention strategy. Speakers and films may generate significant interest on the part of youth; however, these approaches should be combined with follow-up and ongoing prevention programming to be effective (Gonet, 1994, as cited by Crowe, 1999). Youth need an opportunity to

process and reflect on the information they have received in order to apply what they have learned when faced with critical decisions (Crowe, 1999).

- *The (Wrong) Messages from People in Recovery*: While hearing the stories of persons who are in recovery can be quite powerful for youth, care must be taken to assure that messages conveyed are appropriate. An inadvertent message that sometimes can be relayed is that even though the recovering person had difficult times, he or she is now successful, and perhaps stronger for the experience. In essence, the use of alcohol and other drugs, and the accompanying lifestyle of the user can be portrayed as too glamorous, exciting, or likely to create a path to greater wisdom. When people in recovery speak, the message needs to be clear that those who have used alcohol or other drugs will always be in recovery and are not heroes (Gonet, 1994, as cited by Crowe, 1999).
- *Clarification of Values*: Having young people explore their own values has not been proven to be an effective deterrent from substance abuse. These approaches are not designed to teach youth about particular values, they just help them identify their own (Gonet, 1994, as cited by Crowe, 1999).
- *Teaching Self-Esteem*: During the 1980s, some prevention programs expressed the idea that young people can be “taught” self-esteem, and that improving their self-esteem would prevent them from using alcohol and other drugs. A panel of experts at the Center for Substance Abuse Prevention in 1994 reviewed all the available evidence and concluded that improving adolescent self-esteem does not necessarily protect them against substance abuse, and that poor self-esteem alone is not a predictor of future substance abuse (Governors Highway Safety Association, 2001a).

Current Prevention Theories

Rather than focusing only on reaching individuals and providing knowledge about alcohol and other drugs, newer prevention efforts emphasize programs and policies that shape knowledge, beliefs, and behavior, by changing the environment (e.g., community, school, family, and cultural environment) in which the young person lives. Today experts also recognize that prevention efforts must begin early and continue through adolescence (Governors Highway Safety Association, 2001a).

There are a variety of biological, psychological, social, economic, and other factors that may contribute to whether an individual chooses to use or abuse alcohol or other drugs. These factors are known as risk and protective factors (see Figure 2 for a chart detailing risk and protective factors for substance abuse). The more risk factors a young person experiences, the more likely it is that he or she will experience substance abuse or other problems during adolescence or young adulthood. Research has shown that the more that risk factors in a young person’s life can be reduced, the less susceptible the young person will be to subsequent health and social problems (Hawkins, Jenson, Catalano, & Lishner, 1988, as cited in Brounstein and Zweig, 1999).

Figure 2: Risk and Protective Factors for Substance Abuse

Risk Factors

Community Risk Factors

- Drugs/alcohol are easy to obtain
- Drugs/underage drinking laws are inadequate or poorly enforced
- Community is disordered

School Risk Factors

- Early and persistent antisocial behavior
- Academic failure beginning in late elementary school
- Lack of commitment to school

Family Risk Factors

- Parental drug use
- Neutral or favorable parental attitude toward drug/alcohol use
- A family history of substance abuse
- Family structure and function problems

Individual/Peer Risk Factors

- Biological predisposition
- Shy, aggressive and irritable temperament at a young age
- Mental disorders
- Sensation-seeking personality and behaviors
- Low self-esteem
- Alienation and rebelliousness; anti-social attitudes
- Early alcohol, tobacco, or other drug use
- Friends who use drugs/alcohol, who favor drug/alcohol use, and/or have antisocial norms or attitudes

Protective Factors

Community Protective Factors

- Opportunities for bonding with and engaging in activities with family, school, and community
- Anti-drug/anti-underage drinking community norms
- Community norms on alcohol that deglamorize its use, restrict advertising
- Awareness of laws
- Low prevalence of neighborhood crime

School Protective Factors

- Academic success
- The reinforcement of life skills and drug/alcohol refusal skills
- Strong student bonds to the school
- Students with an identity and a sense of achievement

Family Protective Factors

- Strong bonds with the family
- Parental monitoring with clear rules of conduct within the family unit
- Involvement of parents in the lives of their children

Individual/Peer Protective Factors

- Effective socialization skills
- Positive peer relationships
- Self-esteem
- Involvement in religious and pro-social activities

(Governors Highway Safety Association, 2001a)

Figure 3: Institute of Medicine Model Prevention Program Descriptions

Universal

- Address the entire population with messages, skills, and programs designed to prevent or delay the use and abuse of alcohol, tobacco, and other drugs.
- Vary in type, design, structure, and delivery mechanisms. They can include school, family, and community-based programs.
- Primarily reflect environmental influences such as community values, economic factors, and employment stability, school support, and other issues.

Selected

- Target subgroups of the population such as a fraternity or a sorority on a college/university campus or parents who belong to the PTA.
- Recipients are recruited to participate and program activities are generally more involved in the daily lives of participants.

Indicated

- Target individuals who are experiencing early signs of substance abuse such as youth who have been cited for an underage drinking offense or those who are exhibiting problems in school.
- Focus more on the individual than on factors in the community and address issues such as alienation from parents, school and peers and various conduct disorders.
- Individuals are specifically recruited based on an assessment of the individual's personal risk or related problem behaviors, rather than relying on membership in a subgroup.

(Governors Highway Safety Association, 2001a)

Research into the risk and protective factors indicates that strengthening families, improving parenting skills, and helping families establish strong, consistent norms about alcohol and other drug use can help prevent substance abuse, including underage drinking. Many prevention programs are now designed to offset risk factors and strengthen the protective factors that help prevent underage drinking and other problems (Governors Highway Safety Association, 2001a).

The Institute of Medicine (IOM) model is a new way of describing and classifying prevention programs. In the IOM model, prevention programs are classified as universal, selected, or indicated. Many of the current prevention programs classify themselves using these descriptors; therefore, a brief description of the general characteristics of universal, selected, and indicated characteristics may be found in Figure 3. Most comprehensive approaches to prevention, including youth court, employ a variety of strategies aimed at the three different prevention descriptors (Center for Substance Abuse Prevention, 2003).

Effective Strategies

The following are some approaches to prevention that have been proven effective at reducing substance abuse. By learning more about strategies that have been proven to be effective, youth courts can assess and strengthen their current

Figure 4: Recommendations for Youth Court Coordinators when Designing Sentencing Options or Contracting with Services for Youth Referred for Alcohol-Related Cases

- Research and develop services and sentencing options that are based on effective program models for prevention.
- Become familiar with risk and protective factors for substance abuse, and develop options that seek to reduce risk factors and enhance protective factors for youth.
- Avoid alcohol or substance abuse awareness classes that focus solely on providing knowledge to youth about the dangers of alcohol and other drugs.
- Avoid sentencing options designed to shock, scare, or threaten youth.
- Avoid sentencing options in which youth merely watch a film or listen to a speaker on the topic of substance abuse. When these approaches are used, make sure they are part of an ongoing prevention program and allow time for youth to reflect and process the information they have received.
- Avoid having youth listen to stories from persons in recovery that send a message—even inadvertently—that glamorizes the use of alcohol or drugs.
- Don't rely on classes that “teach” self-esteem.
- Choose classes that focus on skill building (e.g., development of life skills; resistance, refusal, and assertiveness skills). Also, select classes that offer youth an opportunity to practice skills they learn.
- Involve parents/family members in the youth court, and have services available to them (through the youth court or through referral to another organization) such as parent education, support groups, and counseling.
- Get the youth court involved in community coalitions designed to combat underage drinking. Have staff, volunteers, and respondents help with activities designed to help implement community-based strategies to combat underage drinking. These activities may be ongoing, through a community service assignment, etc.
- Provide youth who lack positive social support in their lives a peer or adult mentor.
- Place youth in community service assignments that will allow them to experience self efficacy, serve others, and share what they have learned.
- Provide opportunities for alcohol and other drug-free activities (e.g., recreational, cultural, and social events).
- Coordinate services and sentencing options with other community organizations and when possible, refer and assign youth to services and sentencing options within their naturally occurring social networks.
- Focus the youth court hearing and the services/sentencing options on the youth and family's strengths, rather than focusing exclusively on deficits.

services. (See Figure 4 for recommendations for youth court coordinators when designing sentencing options and services for youth referred on alcohol cases.)

Skill-Based Strategies

This method refers to teaching youth skills they need to cope with negative environmental and peer influences. These include resistance/refusal/assertiveness skills, life skills, and cognitive-behavioral approaches (Gonet, 1994, as cited by Crowe, 1999).

Resistance, refusal, and assertiveness skills are those that help youth build a range of strategies for responding to pressures to use alcohol or other drugs. To be effective, these responses must be learned so that they become automatic when youth find themselves in these situations (Gonet, 1994, as cited by Crowe, 1999). Life skills encompass an array of personal and social skills to improve youths' competencies. These may include goal-setting, communication, and relaxation techniques. Cognitive-behavioral skills include decision-making, problem solving, and interpersonal communication (Kail, 1992, as cited by Crowe, 1999). When teaching life skills, classes should include demonstration of the skill, practice and feedback on the use of the skill, discussion on applying it, and ongoing modeling of the skills (Health Canada, 2001).

Skill-based strategies are effective in preventing alcohol and other drug use; however, they can be complex and costly to implement. They often require trained group leaders, and materials may be expensive to purchase. While the programs are generally effective with white, middle-class youth, they may not be as effective with minority or lower socioeconomic status youth (Kail, 1992, as cited by Crowe, 1999). In order to address this issue, programs should design skill-based sessions that are culturally relevant and match the characteristics of the program and facilitators to the characteristics of the participants with whom they are working. Further, it is best if these strategies are incorporated as part of a larger approach to prevention and not relied on as a single method (Kail, 1992, as cited by Crowe, 1999).

Public Commitment Strategies

According to Gonet (1994, as cited by Crowe, 1999), some programs have been successful in having youth make public statements or pledges about their commitment to remain alcohol and drug-free. This uses peer pressure in a positive way since youth hold each other accountable for their promises. Some means for implementing this approach include contracts, videotaped statements, and t-shirts.

Family-Based Strategies

Family is defined by a youth's circumstances, and may include parents, grandparents, or legal guardian. Underage drinking family-based prevention strategies need to address issues such as parent education to influence attitudes and behavior toward drinking; family structure and function problems, such as how to set limits in age appropriate ways; and family conflict, including substance abuse, violence, divorce, and illness (Governors Highway Safety Association, 2001a).

Parents, or other family members, often do not see underage drinking as a serious problem; rather they view it as a "rite of passage." They also may not see how their own attitudes and behavior toward alcohol use can shape the attitudes and behaviors of their child. Therefore, some topics to address in parent education include information about the dangerous consequences of underage drinking, how to be a good role model, what to look for when your child needs help, the normal "rules testing," and the need for children to have opportunities to experience risk without breaking the law (Governors Highway Safety Association, 2001a).

When family conflict or structure and function problems are detected, it is important to provide or refer parents/family members to programs that help them enhance family relationships and decrease conflict through behavior management and support. Some areas to cover that may help parents and families include improving communication with their children, improving limit-setting skills through non-violent discipline techniques, improving problem-solving skills, and learning effective methods of anger management (Governors Highway Safety Association, 2001a).

Some youth courts have begun incorporating parent/family strategies into their programs; however, many youth courts struggle with how to involve and engage parents/family members in the program. Working with parents and families can be challenging. Factors that can affect the extent to which they participate in youth court programs include stigmas attached to families with problem children, stereotypical attitudes about families causing their child's problems, program policies and procedures that fail to provide an adequate role for family participation, lack of knowledge or understanding on the part of parents/families about how the juvenile justice or youth court process works, and health and/or mental health needs on the part of the parent or other family members. Youth court coordinators can address some of these obstacles by making referrals and/or providing appropriate resources to assist families. Additional tips for supporting families to encourage them to be more involved in the youth court process, and thus help contribute to successful outcomes for their child include (Osher & Hunt, 2002):

- being flexible when scheduling the intake session, youth court hearing, and other meetings/classes;
- facilitating access to support for transportation and dependent care, when needed; and
- communicating on a regular basis through means that are readily available and comfortable for families.

Peer-Based Strategies

The peer group plays a critical role in the lives of adolescents. Therefore, peer-based strategies can help young people resist negative peer influences through involvement with positive peer group activities and norms (Swisher, 1992 as cited in Brounstein and Zweig, 1999). Peer-led interventions or programs that have peer-led components can be more effective at addressing youth substance abuse than adult-led approaches (Komro, Perry, Murray, Veblen-Mortenson, Williams & Anstine, 1996 as cited in Gardner and Brounstein, 2001). To counter the effects of deviant behavior and norms, a mixture of young people should participate in these types of interventions rather than having the program be comprised entirely of youth exhibiting problem behavior (Dishion, Andrews, Kavanagh, & Soberman, 1996, as cited by Gardner and Brounstein, 2001; and Dishion and McMahon, 1998, as cited in Gardner and Brounstein, 2001). Youth courts are defined by their peer-driven components. Youth volunteers often have long-term commitments to these programs. Youth are, and should be, involved in activities such as helping develop and implement the program, serving as court officers to bring out pertinent case information

and to make disposition recommendations for youth court respondents, serving as peer mentors, and holding positions on youth court boards and advisory committees.

Community-Based Strategies

Currently, all states have established zero-tolerance laws for drivers under the age of 21. These laws have proven to be an effective strategy for reducing alcohol-related traffic crashes—as much as a 50 percent reduction—especially when well-publicized and enforced (Blomberg, 1993; Hingson, Heeren, Howland, & Winter, 1991 as cited in Stewart, 1999). Youth court can help communities enforce these laws by serving as a program where these youth can be referred and receive a consequence for their behavior. Youth courts can also extend their reach in this area by helping to raise the public’s (including young people’s) awareness of these laws through means such as community service-learning projects, educational classes, and outreach campaigns.

Youth need to get the message that the entire community supports a substance-free lifestyle for young people. The more community entities that can be included, the more likely it is that this strategy will be effective (Kail, 1992; Palmgreen, et al., 1995, as cited by Crowe, 1999). Some issues to address in community based-strategies include (Governors Highway Safety Association, 2001a):

- reducing access to alcohol,
- establishing community laws and norms that disapprove of underage drinking,
- increasing public awareness about the nature and extent of underage drinking,
- mobilizing communities to develop neighborhoods where atmosphere, appearance and safety are important,
- increasing supervision of young people, and
- providing opportunities for youth to contribute to their communities.

In many communities, youth courts offer young people a meaningful program to be involved with during after-school hours. Involving youth in healthy pursuits can reduce their exposure to risky situations that promote the use of alcohol and other drugs, especially during leisure time (Governors Highway Safety Association, 2001a). Some youth courts take this a step further by providing additional drug-free activities for their volunteers and respondents (e.g., pizza parties, field trips).

In addition, some youth courts engage their respondents and youth volunteers in other community-based strategies that focus on underage drinking, such as having youth work with other community/state agencies to address laws and policies related to underage drinking in their communities and developing community service projects that focus on underage drinking or substance abuse (see Figure 5 for information on how youth courts are involved with coalitions to combat underage drinking). Community service is also a major component of youth courts, and, when implemented appropriately, it can increase youths’ positive attitudes toward others and the future, and can provide youth with opportunities to give back to their community (Gardner & Brounstein, 2001).

Figure 5: Youth Courts Serving as Community Partners in Combating Underage Drinking

Dublin, Georgia

For the past three years, the Dublin-Laurens County Teen Court in Dublin, Georgia has been involved with a state coalition to combat underage drinking. Youth court volunteers (including a past youth court respondent who became a volunteer) have worked alongside adult volunteers involved with the Georgia Alcohol Policy Partnership (GAPP) to address laws and policies on underage drinking. Youth are trained by GAPP in media advocacy, alcohol policy implementation, and youth leadership development in order to prepare them to assume leadership positions within and beyond their involvement in the partnership. In 2001 a group of youth involved with GAPP, which included volunteers from the Dublin-Laurens County Teen Court, went to the state capital to advocate for the passage of a keg registration law—which was passed. Currently, the youth are working on issues related to the problem of young people using fake identification to purchase alcohol. Through active involvement, youth involved in this coalition gain valuable education about alcohol issues, laws, and policies and are able to stress issues related to alcohol use/abuse to their peers who come through the youth court program.

Robeson County, North Carolina

Robeson County Teen Court has been working with the Robeson County Coalition to Stop Underage Drinking to help reduce underage drinking in the community. Along with student volunteers, the teen court coordinator teaches substance abuse classes to other adolescents (e.g., at summer camps, local youth summits, and community service events) concerning alcohol and its costs to the community in order to make the community aware of the social consequences of underage drinking.

The Robeson County Teen Court also participated in a community service event in which youth court volunteers and respondents conducted a leadership seminar with University of North Carolina at Pembroke students on how to involve youth in community issues. These same youth also participated in an event with the State-wide Underage Drinking Campaign that involved distributing fliers to members of the North Carolina State Legislature urging them to raise the alcohol tax.

The Robeson County Teen Court and the Robeson County Coalition to Stop Underage Drinking also sponsor drug-free dances in which participants sign a pledge to remain drug-free. Additionally at these events other members of the Coalition (State Highway Patrol, the Robeson County Sheriff's Department, and the UNC-Pembroke Police) provide activities for participants such as wearing alcohol-simulated equipment to demonstrate how alcohol can impair an individual.

After reviewing and analyzing core components of 17 Substance Abuse and Mental Health Administration (SAMHSA) Model Programs, the following conclusions emerged about the substance and process of prevention program implementation (CSAP, 2003):

- Program content may address generic life skills or knowledge and skills related to substance use/abuse; however, knowledge related to the dangers of substance abuse alone is not sufficient.
- Effective programs may include opportunities for youth to use information they receive. Examples include having a facilitator demonstrate a new skill and then ask participants to perform the skill within the session; the assignment of out-of-

session activities intended to reinforce concepts such as journaling or practicing skills at home with family members; teachers cuing students to use new behaviors in certain situations; and placing youth in the role of expert and having them demonstrate new skills, such as creating an anti-drug campaign that would be effective with their peer group.

- Effective programs move beyond change at the individual level and emphasize creating lasting changes within individual, family, and school domains.
- Successful programs promote a consistent message sent through multiple channels (e.g., parents, teachers, peers).
- Effective programs attend to characteristics of the youth that place them at risk for illicit substance use. For example, they provide mentors to youth with social supports absent from their lives to expose them to positive adults and peers who model drug-free behavior; they place youth in experientially based activities, such as volunteering, which help youth experience self efficacy, serve others, and share what they have learned; and/or they provide recreational, cultural, and social events to help strengthen family, school, and community bonds.
- Successful programs work through naturally occurring social networks (e.g., school, community-based organizations, faith-based organizations).
- Effective programs stress the importance of entering and integrating services into the world of the youth (e.g., tailoring materials to specific groups and using bicultural facilitators to deliver program content).
- Effective programs view individuals and families in relation to their strengths and assets, rather than focusing solely on deficits.

Knowledge and Skills for Professionals Working with Substance Abusing Youth

Youth court coordinators should have specific knowledge on substance abuse to help them work more effectively with these types of youth.

- Acquire knowledge about the problem of substance abuse, including the properties of psychoactive substances and the processes of substance abuse initiation and progression.
- Be familiar with signs of substance using/abusing behavior among youth.
- Be aware of the way young people view the benefits and risks associated with substance use (Health Canada, 2001).
- Develop skills for working with substance abusing youth.
- Undertake strategies to collaborate with other organizations to ensure that appropriate services and sentencing options are available for youth referred to the program.
- Be thoroughly familiar with all community resources, their eligibility requirements, and referral processes.

- Understand how similar terms used by various disciplines can have slightly different meanings—e.g., juvenile justice professionals and substance abuse treatment professionals both may conduct assessments of youth, but the content, methods, and results of those assessments, while complementary, may be different (Crowe, 1999).

Conclusion

Youth courts can serve as key partners in communities' efforts to combat the problem of underage drinking and can help communities enforce "zero-tolerance" laws. However, to effectively address underage drinking cases in youth courts, coordinators must become familiar with issues surrounding the problem of substance abuse and develop and maintain solid partnerships with agencies in the community that can assist in providing adequate services for these youth. Early detection of a problem with abusing substances is crucial, and, through screening and assessment, youth courts can better assist youth and their families. Thoughtful prevention programming is also necessary for preventing and intervening early with youth who are experimenting with alcohol and other substances. By understanding the principles outlined in this paper and by being familiar with ever-evolving current research on substance abuse prevention principles, youth courts can assess and modify their programs' services as needed to work more effectively with underage drinking and other drug-related referrals.

Tracy Godwin Mullins is the Director of the National Youth Court Center in Lexington, KY.

References

- Blomberg, R.D. (1993). Lower BAC limits for youth: Evaluation of the Maryland .02 law. In *Alcohol and other drugs: Their role in transportation* (Transportation Circular No. 413, pp. 25-27). Washington, DC: Transportation Research Board.
- Brounstein, P.J. & Zweig, M. (1999). *Understanding substance abuse prevention. toward the 21st century: A primer on effective programs*. Rockville, MD: Substance Abuse Mental Health Services Administration, U.S. Department of Health and Human Services.
- Center for Substance Abuse Prevention. (2003). *Science-based prevention programs and principles, 2002*. Washington, DC: U.S. Department of Health and Human Services.
- Crowe, A.H. (1999). *Working with substance abusing youths*. Lexington, KY: American Probation and Parole Association.
- Crowe, A.H. & Reeves, R. (1994). *Treatment for alcohol and other drug abuse: Opportunities for coordination* (Technical Assistance Publication Series #11). Rockville, MD: Center for Substance Abuse Treatment, U.S. Department of Health and Human Services.
- Dishion, T.J., Andrews, D.W., Kavanagh, K., & Soberman, L.H. (1996). Preventive interventions for high-risk youth: The adolescent transitions program. In R.D. Peters & R.J. McMahon (Eds.), *Preventing childhood disorders, substance abuse, and delinquency* (pp.184-214). Thousand Oaks, CA: Sage Publications.
- Dishion, T.J., & McMahon, R.J. (1998). Parental monitoring and the prevention of child and adolescent problem behavior: A conceptual and empirical reformulation. *Clinical Child and Family Psychology Review*, 1, 61-75.

- Gardner, S.E., & Brounstein, P.J. (2001). *Guide to science-based practices 3: Principles of substance abuse prevention*. Rockville, MD: Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services.
- Gonet, M. M. (1994). *Counseling the adolescent substance abuser: School-based intervention and prevention*. Thousand Oaks, CA: SAGE Publications.
- Goodstadt, M. (1996). Education and policy in prevention. *The Prevention Researcher*, 3 (1), 5-9.
- Governors Highway Safety Association (formerly known as National Association of Governors' Highway Safety Representatives). (2001a, March). *Community how to guide on prevention and education*. Washington, DC: U.S. Department of Transportation.
- Governors Highway Safety Association (formerly known as National Association of Governors' Highway Safety Representatives). (2001b, March). *Community how to guide on needs assessment & strategic planning*. Washington, DC: U.S. Department of Transportation.
- Grisso, T. (2003). Screening and assessing mental health and substance use disorders among youth in the juvenile justice system. *Research and Program Brief*. Delmar, NY: National Center for Mental Health and Juvenile Justice.
- Hawkins, J. D., Jenson, J. M., Catalano, R. F., & Lishner, D. M. (1988). Delinquency and drug abuse: Implications for social services. *Social Service Review*, 62 (2), 258-284.
- Health Canada. (2001). *Preventing substance use problems among young people — A compendium of best practices*. July 23, 2003, from www.hc-sc.gc.ca/hecs-sesc/cds/publications/substanceyoungpeople/chapter3.htm.
- Hingson, R., Heeren, T., Howland, J., & Winter, M. (1991). Reduced BAC limits for young people (impact on night fatal crashes). *Alcohol, Drugs and Driving* 7(2), 117-127.
- Johnston, L.D., O'Malley, P.M., & Bachman, J.G. (2003). *Monitoring the future national results on adolescent drug use: Overview of key findings 2002*. Bethesda, MD: National Institute on Drug Abuse, U.S. Department of Health and Human Services.
- Kail, B. L. (1992). Recreational or casual drug use: Opportunities for primary prevention. In E. M. Freeman (Ed.), *The addiction process: Effective social work approaches*. New York: Longman.
- Komro, K.A., Perry, C.L., Murray, D.M., Veblen-Mortenson, S. Williams, C.L., & Anstine, P.S. (1996). Peer-planned social activities for preventing alcohol use among young adolescents. *Journal of School Health*, 66(9), 328-334.
- National Highway Traffic Safety Administration. (2002). *Youth fatal alcohol facts 2000*. Washington, DC: U.S. Department of Transportation.
- National Youth Court Center. (2004, May). National Youth Court Center Database.
- Osher, T., & Hunt, P. (2002, December). Involving families of youth who are in contact with the juvenile justice system. *Research and Program Brief*. Delmar, NY: National Center for Mental Health and Juvenile Justice.
- Palmgreen, P., Lorch, E. P., Donohew, L., Harrington, N. G., Dsilva, M., & Helm, D. (1995). Reaching at-risk populations in a mass media drug abuse prevention campaign: Sensation seeking as a targeting variable. In C. G. Leukefeld & R. R. Clayton (Eds.), *Prevention practice in substance abuse*. New York: The Haworth Press, Inc.
- Shearouse, R. (1998, Fall). Zero tolerance & young drivers. August *DRIVEN Magazine*. August 29, 2003, from www.madd.org/stats/0,1056,17499,00.html.
- Stewart, K. (1999). *Strategies to reduce underage alcohol use: Typology and brief overview*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.
- Substance Abuse and Mental Health Administration. (n.d.). *Consequences of underage alcohol use*. July 23, 2003, from www.health.org/govpubs/rpo992.
- Swisher, J. D. (1992). *Peer influence and peer involvement in prevention*. Rockville, MD: Center for Substance Abuse Prevention, Division of High Risk Youth, U.S. Department of Health and Human Services.
- Winters, K. (2003). Adolescent assessment of alcohol and other drug use behaviors. In J. Allen and M. Columbus (Eds.), *Screening and assessing youth for drug involvement; NIAA Handbook on assessment instruments for alcohol researchers, 2nd edition*. Rockville, MD: National Institute on Alcohol Abuse and Alcoholism.

An Overview of School-Based Youth Court Program Design Options

by Mistene M. Vickers

Introduction

Youth court programs exist in many different settings. Some programs operate out of probation offices or police departments (i.e., juvenile justice system-based). Some are located in organizations such as Boys and Girls Clubs (i.e., community-based), and some programs are operated out of middle and high schools (i.e., school-based). Regardless of where the program is located, all youth courts have a common goal—to hold youthful offenders accountable for their actions by giving them a disposition determined by their peers.

Most of the available youth court program literature focuses more on juvenile justice system-based and community-based youth court programs. As of March 2004, only seven percent of the 930 youth court programs listed in the National Youth Court Center's database were identified as school-based programs. Because of this relatively low number, there is not much specific research or programmatic information about how school-based youth court programs operate.

The National Youth Court Center (NYCC)—which receives funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs (OJP), U.S. Department of Justice; and the National Highway Traffic Safety Administration, U.S. Department of Transportation—interviewed program staff from several communities that are currently operating school-based youth court programs in middle and high school settings. This paper will discuss the structure of school-based programs as depicted in these interviews, and provide suggestions for individuals who are interested in implementing a school-based youth court program in their community.

National Overview of Youth Court Programs

Youth courts (also known as teen courts, peer courts, peer juries, and student courts) are youth-driven programs in which young people sentence their peers for minor delinquent and status offenses or problem behavior. The primary function of most youth court programs is to determine a fair, appropriate, and restorative disposition (i.e., sentence) for respondents, and most youth court programs require the respondent to admit guilt before he or she is eligible for youth court. Therefore, the vast majority of a youth court program's main function is to determine an appropriate disposition for the young person, not determine guilt or innocence. Although

a small percentage (approximately eight percent) of youth courts in the United States will allow youth to plead guilty or not guilty, the NYCC is not aware of any school-based youth courts that function in this manner (National Youth Court Center, 2004).

Most youth courts accept first time, misdemeanor, or status offenses such as shoplifting, vandalism, possession of alcohol, or smoking. The most commonly used dispositional options that youth courts use include community service, oral or written apologies, jury duty, essays, and educational workshops (Godwin, Fulton, and Steinhart, 1998).

The manner in which youth court programs conduct hearings or trials varies among programs. Currently, there are four primary youth court program models that youth courts utilize—the Adult Judge Model, the Youth Judge Model, the Youth Tribunal Model, and the Peer Jury Model. (See Figure 1 for a brief description of the youth court program models). Some programs choose to develop their own unique models that may include elements from one or more of the four models mentioned. Other programs may choose to utilize more than one program model (e.g., Adult Judge and Peer Jury) and switch between them depending on what type of case is being presented or how many youth volunteers are available to participate in the hearing.

School-Based Youth Court Programs

School-based youth court programs are youth courts that are administered or operated by schools and that primarily handle school disciplinary cases, although some also accept referrals for delinquency and status offenses from justice system entities (e.g., juvenile court, juvenile probation, law enforcement). Many middle and high schools are increasingly recognizing how youth court can be used to handle school-related offenses that otherwise would be addressed by an alternative disciplinary action (e.g., detention, suspension, referrals to a hearing officer).

Youth court programs are very appropriate for schools and can benefit the administration, the teachers, the students, and the community. Administrators appreciate youth court programs because they decrease the number of youth who are taken out of school due to detention or suspension. Many times suspending a student for a minor offense does not correct the student's behavior. In actuality, the student may want to be suspended because he or she may view the suspension as a holiday. Youth courts provide schools with an opportunity for students to be held accountable for their negative behavior without losing valuable learning time.

Teachers also appreciate the quick response that youth courts can provide when youth are acting out in their classes. In addition, teachers like youth court because it helps educate youth about our legal system and problem behaviors, encourages civic responsibility, and engages students in service-learning. By nature, youth courts facilitate youth empowerment and enhance decision-making skills of youth volunteers involved with the program. Additionally, youth respondents are held accountable through a disposition determined by their peers. Youth courts can also link students to services to assist them with their schoolwork (e.g., tutoring)

and help them become more connected to their schools in positive ways.

While most school-based youth courts focus their attention on school disciplinary cases or minor infractions that occur on school property, there are some

Figure 1: Youth Court Program Models

Adult Judge Model

The Adult Judge Model has youth volunteers serving in the roles of defense attorneys, prosecuting attorneys, and jurors. Most programs that operate as an Adult Judge Model also use youth volunteers to serve as court clerks and bailiffs. However, in this model an adult volunteer serves in the role of judge. The judge is typically the only adult involved directly in the proceedings, and the judge's role is to rule on courtroom procedure and to clarify legal terminology. Often the volunteer teen court judge is a local attorney; however, sometimes an actual juvenile or municipal court judge will serve in this capacity. According to the National Youth Court Center's database (2004), this appears to be the most widely used model.

Youth Judge Model

The Youth Judge Model uses youth in the same volunteer roles as the Adult Judge Model, except that a youth—rather than an adult—serves as youth court judge. Qualifications of youth judges typically include a minimum level of service as youth court attorneys and minimum age requirements. Although there is no adult participating in an official role during the hearing process, there is always an adult present during the youth court hearings to handle any questions or address any issues that may arise.

Youth Tribunal Model

The primary difference in the Youth Tribunal Model when compared to all other youth court program models is that there are no youth jurors. The case is presented by the youth attorneys to a panel of youth judges, who determine the appropriate disposition for the youth court respondent. Most programs that use this model employ a panel of three volunteer youth judges. The youth volunteer judge with the most experience sits in the middle of the panel and can counsel the other two less experienced youth judges, if needed.

Peer Jury Model

The main distinction between programs operating under all other youth court program models versus the Peer Jury Model is that Peer Jury Model youth court programs do not use youth in defense and prosecuting attorney roles. Instead, the facts of the case are read by a case presenter and a panel of youth jurors (usually a panel of six to eight jurors) question the respondent directly about the offense and make a sentencing recommendation. Depending on the program, the case presenter could be the youth court coordinator, a probation or law enforcement officer, or a youth or adult volunteer. Some programs also have youth volunteers serve as youth advocates and community advocates. The role of the youth advocate is to help prepare the respondent for the hearing, sit with the respondent during the hearing, and possibly make opening and closing statements on behalf of the respondent. However, the youth advocate does not question the respondent or other witnesses directly. The peer jury panel does all of the questioning. Community advocates provide opening and closing statements on behalf of the community and/or the victim. If a victim or other witness for the community provides testimony, community advocates also help prepare that individual for the types of questions the peer jury may ask, and they serve as a support for the victim or witness.

(Godwin, Fulton, and Steinhart, 1998)

school-based youth courts that have agreements or partnerships with the local juvenile justice system in which the youth courts will accept direct referrals for delinquency cases such as shoplifting or trespassing. This is especially helpful in communities where there is not another youth court in place to address these types of issues. Likewise, more community- and juvenile justice system-based youth courts are developing partnerships with schools and are accepting referrals from school administrators for school disciplinary problems.

School-based Youth Court Program Design Options

Currently there appear to be two primary ways that school-based youth court programs are designed—Classroom Design and Club Design. The following section provides a brief overview of the common elements of these program designs. It is important to note, however, that not all school-based youth courts fall neatly into one of these classifications. As with the four primary program models, there are exceptions to general rules, and schools can modify the designs to meet their individual needs and resources.

Classroom Design Youth Court Programs

One of the ways that a school-based youth court program can be developed and operated is as a Classroom Design Youth Court. A Classroom Design program is part of the school's curriculum, and it operates out of an existing class (e.g., social studies, history, advanced English) or as an elective class (e.g., a youth court class), with the teacher for the class serving as the youth court coordinator.

Classroom Design Youth Courts hold hearings as needed, usually in the classroom where the youth court meets, a multi-purpose room at the school, a library, or another large room. If there are no hearings scheduled, youth courts that operate as an elective class often spend classroom time focusing on law-related education topics, reinforcing students' skill development, and conducting mock youth court hearings. Most Classroom Design Youth Courts do not hold hearings away from the school in a courtroom or other public building. Typically, the youth court program is contained within the school, with the volunteer and respondent pool coming only from the students who attend that school. Additionally, most youth courts that operate as a Classroom Design program only accept school disciplinary cases (e.g., gum chewing, rude behavior) and do not accept youth who are engaging in delinquent behavior that could result in being sent to juvenile court. Classroom Design programs that do accept referrals for delinquent activity that occurs on school campus or at school sponsored events (e.g., simple assault, vandalism, theft, tobacco violations) need to have law enforcement and other appropriate justice entities involved in their program in the event that a youth is noncompliant and needs to be referred through the formal court process. For an example of a Classroom Design Youth Court program, see Figure 2.

Club Design Youth Court Programs

Club Design Youth Courts are operated as an extracurricular activity at school and are not part of the school curriculum. Most Club Design Youth Courts meet

Figure 2: Pima County's (AZ) "Teen Court in the Schools" A Classroom Design Program

Teen Court in the Schools (TCIS) began in 1996 as a peer-driven school-based model of Pima Prevention Partnership's Pima County Teen Court (PCTC) program. Using the same peer-driven youth court model, Teen Court in the Schools was initiated by the Pima Prevention Partnership and its community partners to address discipline referrals within individual schools. The program started as collaboration with individual teachers who received authorization from school administrators to implement it. Currently 15 schools in Tucson, Arizona have established TCIS programs. The Pima Prevention Partnership provides ongoing training and technical assistance support to each school program in TCIS development, implementation, and evaluation.

Teen Court in the Schools serves as an alternative to the disciplinary action of the school administration. With the permission of the respondent's parent, and providing that the student admits responsibility, the school administrator refers the case to TCIS. A case can be referred back to the administration if the student is non-compliant with the consequences assigned by the court. If this happens, the student faces discipline for the original referral and for being non-compliant with TCIS, a double offense.

By conducting TCIS as a year-long elective class, the entire school community is included in the process whether as a respondent, a member of the class, or a potential juror. Additionally, the TCIS program partners with the University of Arizona College of Law to recruit second and third year law students to volunteer in Teen Court classrooms. These law student volunteers act as resident experts and also serve as judges. Other volunteers in TCIS classrooms include local attorneys, School Resource Officers, Safe-Schools Probation Officers, court reporters, K9 Units, judges, and Juvenile Detention Officers. Scott Schwartz, a law student volunteer, says "Teen court is an excellent experience for the students. It provides skills that you can't get in a normal classroom."

For training materials and additional information, please contact Teen Court in the Schools, Pima Prevention Partnership, 330 North Commerce Park Loop, Suite 160, Tucson, Arizona 85745, (520) 326-2528 x110.

Written by Kate Spaulding, Teen Court in the Schools, Pima Prevention Partnership (Arizona)

and hold hearings after school hours, usually in a room at the school. However, some programs hold hearings in a courtroom or other public building away from the school. Youth volunteers for Club Design Youth Courts sign up to be involved and usually find out about the program through word of mouth, school assemblies, and advertisements (e.g., posters and announcements) at the school. Programs may be staffed by a teacher at the school, a school resource officer, or an interested community member.

Many Club Design Youth Court programs also accept delinquency cases (e.g., minor in possession, shoplifting) from outside referrals in addition to school disciplinary cases. For an example of a Club Design Youth Court program, see Figure 3.

Resources for Program Development and Implementation

The National Youth Court Center has developed several resources to assist communities and schools interested in implementing a youth court program. *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs*

Figure 3: Dundalk High Student Court: A Club Design Program

The Dundalk High School Student Court Program in Baltimore, Maryland has been in operation since 2001. The program uses a Club Design, holds hearings after school in the library, and is an extracurricular activity for the youth volunteers. Two teachers and a School Resource Officer volunteer their time to operate the program. The program generally accepts first time offenders with offenses including both school rule infractions, such as academic dishonesty and insubordination, and delinquency offenses, such as destruction of property or theft. The Dundalk High School Youth Court does not accept cases that warrant expulsion at school, such as a violent fight or a weapons charge.

Volunteers are recruited through announcements and word of mouth at school, and approximately 30 youth volunteer at any given time. This program uses a unique method to utilize the abilities of youth volunteers by annually assigning four youth to serve in expanded roles within the program. These roles rotate every year and are:

- a court clerk/bailiff who reads the docket and keeps the courtroom organized,
- a jury administrator who is in charge of paperwork and filling out forms,
- a jury foreman who is the official signer of the disposition, and
- a sheriff who delivers subpoenas on the day before the hearing is held.

C. Reynolds (personal communication, May 9, 2003)

was developed to provide program organizers with a general overview of issues to consider, and guides them through the decision-making process for the implementation of a youth court program that fits local needs. Sample forms and other helpful resources also are included as supplementary materials. Another valuable resource for youth courts is the *National Youth Court Guidelines*. The *National Youth Court Guidelines* provide youth courts direction for developing and operating effective programs for the ultimate purpose of increasing program accountability and integrity of the ‘youth court field.’ Both of these publications, as well as additional resources designed to assist communities and schools in developing a program, train youth volunteers, and organize educational classes for respondents can be obtained by contacting the National Youth Court Center and may also be downloaded on the NYCC’s website at www.youthcourt.net. Additional resources designed to help youth volunteers perform their roles more effectively are available on the NYCC website that was developed for youth volunteers—www.ycyouth.net.

Programmatic and Policy Issues for School-Based Youth Courts

The following section focuses on some of the programmatic and policy issues that schools need to keep in mind when they are considering developing a school-based youth court program.

Gaining the Support of Stakeholders

Stakeholder support and acceptance of the youth court is essential to gaining authorization for the program to operate and to obtaining needed financial and human resources. It is also important for the program to be able to develop and provide effective services for the school and youth it serves (i.e., volunteers and

respondents). Some of the key stakeholders in school-based youth courts include school administrators, teachers, guidance and attendance counselors, school resource officers, students, and their parents.

Support from school administrators is absolutely crucial to the development and operation of a school-based youth court. School administrators have influence over the types of programs that will operate and receive support in their schools. They also may have the power to authorize the program to operate, or to encourage the school board to have youth court become part of the school curriculum.

Teachers are another key stakeholder for youth courts. Some school-based youth courts are staffed by teachers. Teachers also may be a potential source of referrals and a source for recruiting student volunteers. Approval from teachers may be needed if student volunteers or respondents need to be excused from class to attend a youth court hearing.

Guidance and attendance counselors as well as School Resource Officers also may be potential referral sources for youth court programs. They can provide information about youth who may benefit from the program by serving as volunteers (e.g., youth who are not connected to any other school activities, youth who need a positive social outlet). They may be able to assist in training volunteers. For example, guidance counselors may be able to teach youth how to listen and think critically about information they receive. They may be able to talk about some of the services the school or community has available to assist respondents that could be utilized as disposition options. If the youth court plans to accept truancy cases, an attendance counselor could educate volunteers on the problem of truancy as well as on the state's compulsory education laws and the school's attendance policies and procedures. School Resource Officers can provide information on how the legal system works, such as when youth get referred to juvenile court or probation.

As the primary volunteer base for youth courts, young people are vital stakeholders for youth court programs. By definition, youth courts are youth-driven programs in which young people assume a large responsibility for the programs' successes. Without youth, the program could not exist. Therefore program organizers should seek youth input when developing the program. Young people can offer a unique perspective on how various program designs may or may not work with their peers.

Most youth courts require parental permission before a youth respondent can participate in the program, and some require that parents (or a legal guardian) attend the hearing with their child. Parents of youth who serve as volunteers for a program also are involved in that they may need to support their child by providing transportation to and from meetings or hearings and respecting the need for confidentiality in youth court. Parents should be given the opportunity to provide input on how they feel the youth court should be structured to best suit the needs of their children, as well as other youth involved in the program.

When identifying and communicating to stakeholders, program organizers need to be able to articulate what benefit the youth court will provide to particular stakeholder groups (e.g., provide school administrators with an alternative response in lieu of suspending youth for certain school violations) and what type of assistance

the program may need from the stakeholder (e.g., referrals from school administrators). See Table 1 for some sample program benefits and needs of school-based youth courts that program organizers can refer to when approaching key stakeholders for their support and assistance.

Even after the benefits of youth courts have been explained, some stakeholders may continue to be skeptical of the idea. If there is a youth court in a neighboring community or school, it may be helpful to arrange for the stakeholder to visit that program (with permission from the program's coordinator). Oftentimes, 'seeing is believing' and can go a long way toward convincing stakeholders that youth court is a viable option for handling school disciplinary and/or delinquency issues. Additional strategies for encouraging stakeholder support include:

- Have someone in a comparable position from a school that has a youth court write or call the stakeholder to talk with him/her about the program and its potential effects.
- Organize and conduct a meeting where stakeholders are educated about the benefits of youth courts, are given an opportunity to discuss their needs and concerns regarding the program, and can share what their expectations are. Youth courts can be modified to meet a particular school's needs, allowing organizers flexibility in how the program is structured. Have students speak at the meeting about how they think youth court would benefit their school.
- Share available program literature and resources related to youth courts including the National Youth Court Center's *Peer Justice and Youth Empowerment: An Implementation Guide for Teen Court Programs* and the NYCC's website at www.youthcourt.net.
- Prepare and present a mock trial to give stakeholders a feel for what a real youth court hearing would be like.
- Encourage youth involvement and assistance in promoting the benefits of the program. Many times youth can be very powerful in persuading adults to see the value of the program.

Partnerships

Although some school-based youth courts, especially those that are Classroom Design programs, are more self-contained than other types of youth courts, there are many times when reaching out to other community agencies and organizations can provide substantial benefits. All youth courts' services can be enhanced through the development of effective partnerships. Sometimes youth courts develop partnerships with other agencies and organizations for reasons such as gaining more referrals, getting assistance in volunteer training efforts, recruiting more diverse youth and adult volunteers, having a wider array of community service placement options available, having alternative services (e.g., youth and family counseling, tutoring) available, and obtaining a broader base of financial and political support. As a general rule, the less isolated a youth court is, the better its chances of long-term sustainability.

Table 1: Program Benefits and Needs

What Youth Court Can Provide the Stakeholder	Assistance the Stakeholder Can Provide the Youth Court Program
School Administrators	
<ul style="list-style-type: none"> • Alternative response to suspension • Increased number of youth in school regularly • Constructive and restorative disciplinary alternative that empowers youth and teaches creative problem-solving skills • Increased youth awareness of rules and expectations that apply to them at school 	<ul style="list-style-type: none"> • Authorization for the program to operate • Assistance in getting the program approved as part of the school's curriculum • Referrals • Approval for space in which hearings can be held • Approval for staff time to be allocated toward youth court matters
Teachers	
<ul style="list-style-type: none"> • Encouragement of citizenship skills • Ongoing opportunity for law-related education • An alternative response for behavioral problems within the classroom 	<ul style="list-style-type: none"> • Program coordination • Referrals • Assistance with training volunteers
Guidance and Attendance Officers	
<ul style="list-style-type: none"> • An alternative program to address youth disciplinary problems (including truancy) in a constructive way • Decreased number of students who are absent from school because of suspension 	<ul style="list-style-type: none"> • Referrals • Assistance with training volunteers • Suggestions regarding school or community services to assist respondent
School Resource Officers	
<ul style="list-style-type: none"> • An alternative program to address youth disciplinary problems and possibly delinquent activity happening on school grounds in a constructive way 	<ul style="list-style-type: none"> • Program coordination • Referrals • Assistance with training volunteers
Students	
<ul style="list-style-type: none"> • A chance to be involved with problem-solving and decision-making in the school, and in setting boundaries on what behavior is acceptable • An opportunity to be involved with a program in which students have ownership and are not required to have any "special skills" to participate • Increased knowledge about our legal system and an opportunity to gain valuable public speaking skills 	<ul style="list-style-type: none"> • Volunteer base for the program • Assist with volunteer recruitment efforts • Serve as peer mentors
Parents	
<ul style="list-style-type: none"> • An alternative to suspension for youth, keeping them in school and not at home or in the community during the day • An opportunity for youth volunteers interested in the law to be involved in a school-sponsored activity 	<ul style="list-style-type: none"> • Support for their son/daughter as a youth court volunteer • Permission for their son/daughter to participate in youth court as a respondent • Attendance at the youth court hearing (when this is an option or requirement) • Assistance with monitoring their son's/daughter's compliance with dispositional requirements

Some school-based youth court programs have enhanced partnerships within their school districts by involving multiple schools in the program or by organizing a districtwide youth court program. Sometimes Club Design Youth Courts that participate in a districtwide program accept cases from other schools in the area and use youth from different schools to serve as jury members in an attempt to alleviate concerns regarding retaliation. Another way that districtwide youth court programs have been organized is by creating a ‘traveling youth court’ that holds hearings in different locations on a regular basis.

Some Club Design school-based youth courts have also benefited from partnerships with outside agencies to assist in program coordination and operation. For example, a school may partner with a local non-profit agency to staff and coordinate the program, while the school provides assistance with funding, referrals, and training volunteers. See Figure 4 for a description of a partnership between the Boys and Girls Club and schools in Monroe, Washington.

Funding

Youth court programs can be very cost-effective and inexpensive to operate. According to the National Youth Court Center database (2004), the average annual budget of youth courts in the fiscal year 2003 was \$36,000. Youth courts are often very successful at getting in-kind donations and support for their services (e.g., office space, location for hearings, utilities, photocopying). Therefore often the primary monetary need of many youth courts is for funds to help pay someone to staff the program and to cover costs of training materials.

Many school-based youth court programs have received start-up funds in the form of grants from private foundations or government organizations; others receive financial support from the schools where they are housed. Often in the case of Club Design programs, youth courts may be staffed by teachers or other individuals who volunteer their time and receive no additional monetary compensation for their involvement. Local organizations (e.g., Rotary Club, Lions Club, local business associations, local bar association) also have provided support to youth courts. These types of entities have particularly been helpful when programs need funding to support special youth court activities (e.g., end of the year award ceremonies, travel expenses for youth or adults to attend a youth court conference or training program, scholarship money for youth volunteers). More information on sources of funding for youth court programs can be found on the National Youth Court Center’s website (www.youthcourt.net).

Staffing

Staffing for school-based youth court programs depends partly on what type of program design the youth court utilizes. A Classroom Design Youth Court program is operated as a component of an existing class (e.g., social studies, English) or as an elective youth court class. In both of these scenarios, the teacher of the class is primarily responsible for coordinating the program. In addition to teaching the classes, teachers who operate Classroom Design Youth Courts may assume

Figure 4: The Granite Falls Youth Court and the Granite Falls Boys and Girls Club: A Partnership that Works

The Granite Falls Boys & Girls Club opened in March of 1997. The club was housed in two classrooms in the old elementary school building on campus and was originally for middle and high school students only. During the first year that the club was open, I built very strong relationships with many school personnel including the principal, who wrote several grants that involved the Boys & Girls Club. A mentoring program was established early on in the Boys and Girls Club, which was very successful in bringing high school students together with elementary students in a tutor/mentor relationship.

Because I worked closely with high school and middle school students, I heard a lot of concern from them over the number of students being suspended from school for rule violations. I approached the principal with the idea of youth court. He thought that it would greatly benefit the students and gave me the names of several students who he felt would be interested in developing our program. By January of 1998, we had developed much of the program that we still use today for our youth court. The school district has always been a strong supporter of our program.

Schools want their students to succeed. By implementing a youth court, they keep the students in the classroom where they can learn, instead of suspending students and making them feel isolated and cut off by the school. Youth courts can empower these students and hopefully give them the tools they need to succeed.

I think that one of the most important things that makes the partnership between the Boys and Girls Club and the school effective is the student voice behind the program. Let's face it—teachers, the principal, and other school employees are busy people. Utilizing the youth court program takes time—there is paperwork to complete, students to brief, etc. When our youth court volunteers talk about the importance of the program and how much they are learning about the judicial system, their community, and skills that they will take with them into adulthood – the principal listens. The students are a constant reminder of how effective this program can be. Some respondents even go back to the principal or teacher to talk about their experience with youth court and how much they learned.

Another important aspect of making the partnership work is having good working relationships with school personnel. A school-based youth court needs allies in the school, and teachers are great people to have as partners. I recently had a middle school teacher who was teaching a class on the judicial system call me for information about youth court and how it fits in our legal systems. Being able to help teachers and share knowledge can only benefit our students.

Written by Susan Goettsch, Coordinator of the Granite Falls Youth Court and Coordinator for the Granite Falls Boys and Girls Club

additional responsibilities such as monitoring respondents' compliance with dispositional requirements and organizing their sentencing options.

Since Club Design Youth Courts typically operate after school hours, they have more options available in terms of how they are staffed. Some are staffed by teachers, while others may be staffed by a School Resource Officer, a school administrator, school probation officer, or a staff person of a partner agency (e.g., Boys and Girls Club, YMCA). Sometimes a school may offer funds to help support the staff person. Other times, the staff position may be funded all or in part by a

partner agency or by grant funds. The program coordinator may also be designated as a volunteer, rather than as a paid staff person.

Some of the typical duties of a youth court coordinator in a school-based youth court include:

- recruiting and training volunteers,
- screening referrals and performing intake sessions with youth respondents and their parents,
- scheduling hearings,
- overseeing procedures during hearings,
- monitoring respondent compliance to disposition requirements, and
- reporting respondents' successful (or unsuccessful) completion of youth court dispositional requirements to the appropriate person at the school or other referral agency.

In some communities where there are multiple schools within the same school district or multiple school districts within a jurisdiction operating youth courts, there may be an individual who serves as an areawide youth court coordinator. This person's responsibility is to oversee the operations of all the school-based youth courts in the area. He or she may help schools develop and implement youth courts and assist in training volunteers; however, the day-to-day operations of the program are the responsibility of onsite program coordinators. For an example of

Figure 5: Youth Court in the Schools Coordinator—Johnson County Youth Court, Olathe, Kansas

The Johnson County Youth Court in Olathe, Kansas employs a Youth Court in the Schools (YCIS) Coordinator to oversee the operations of youth courts operating in four out of six school districts in Johnson County. The YCIS Coordinator is employed by Court Services, but is responsible for:

- recruiting area high schools to host a youth court program within the schools;
- assisting school administrators and teachers in developing their individual youth courts' policies and procedures (e.g., when they will hold hearings, how and when training will be provided, how case monitoring will be handled, who will staff the program at the school);
- working with middle schools in participating school districts to encourage them to refer school disciplinary cases to the program and assisting them in working out a plan for how their students will be excused to attend hearings at the area high school;
- going to the schools to recruit and train youth volunteers;
- attending the hearings at all of the schools;
- screening all referrals (from the district attorneys office and the schools) prior to their acceptance into the youth court program;
- sending referrals to the individuals at the schools who have been designated as the onsite coordinators for the program;
- monitoring respondents' compliance with the youth court disposition;
- maintaining extensive statistics (e.g., number and type of referrals) from all of the programs.

C. Roberts (personal communication, March 29, 2004)

some of the responsibilities of an areawide youth court coordinator in Olathe, Kansas, see Figure 5.

Volunteer Recruitment

Schools are ideal environments to recruit youth court volunteers. In fact, many youth courts not based in schools regularly visit schools to do recruitment drives. There are a variety of ways that school-based youth court programs can generate interest in their program to recruit youth volunteers.

A youth court operated as a Classroom Design program draws volunteers from the youth who sign up to be in that class. Youth may hear about the class through word of mouth, through posters, announcements at the school, or the school newspaper.

Club Design youth courts also recruit volunteers through advertisements and announcements at the school. As with any club that meets after school hours, participation in a Club Design Youth Court is entirely voluntary for youth volunteers. Because of this, schools that implement a Club Design Youth Court should keep in mind that students often have varied interests and may be involved in other activities that compete with their time, especially if the program has limited funds for activities to keep the youth interested (e.g., field trips or pizza parties). Some Club Design Youth Courts solicit local community groups or law enforcement to donate funds to help offset costs for these types of activities. Even a \$500 annual donation can be stretched a long way. Another strategy that some Club Design Youth Courts have employed to encourage youth participation is to reward the youth who satisfy a minimum participation requirement for the year by presenting them with an award certificate and/or a gift certificate for a local restaurant or store. Again, these items could be donated from local businesses to offset program costs.

Volunteer Training

The way that youth volunteers in school-based youth court programs are trained may be affected by whether the program operates as a Classroom Design Youth Court or as a Club Design Youth Court. Classroom Design Youth Courts that include youth court as a part of the class curriculum (e.g., a social studies class that has a youth court component) do not focus exclusively on youth court. Youth court may be an ongoing, year-long part of the class curriculum, with other units being taught as well. Classroom Design Youth Courts that exist as an elective youth court class focus exclusively on youth court and do not have any additional components or units to the class. Classroom Design Youth Courts provide frequent (if not daily) opportunities for teaching skills youth need for their volunteer roles and for learning more about the law and how our justice system works. See Figure 6 for information on how youth courts enhance students' educational experience through service-learning opportunities. Many of these classes also require students to pass a youth court bar exam before volunteering. Since students are typically in class every day, whenever there is not a hearing taking place, youth could be trained in an area where they need improvement (e.g., speaking, interview, or deliberation skills).

Figure 6: Youth Volunteers in a Wichita, Kansas Youth Court Learn About Civic Responsibility

One way youth courts that are part of an elective class may utilize their “down time” is to conduct law-related research projects. Students in a Classroom Design Youth Court in Wichita, Kansas decided that they did not like the curfew laws in their community. They researched the topic as a class, interviewed key players, and generated ideas for a presentation at a city council meeting to recommend a change in the city ordinance. The students spent a tremendous amount of time researching the topic, but when they were close to finishing their presentation, they discovered that the current curfew law allowed the police more flexibility than what the class was going to recommend. Although the students did not end up proposing that the ordinance be modified, they learned a valuable lesson about how difficult it can be to create laws that are fair to everyone involved. They also came away with a greater respect for the law and local law enforcement.

D. McKenna (personal communication, May 15, 2003)

Students in Club Design Youth Courts also receive pre-service and ongoing training, but the training usually occurs after school hours and is typically not part of the school’s curriculum. Some Club Design Youth Courts also plan and conduct longer training sessions for the youth at times other than when the youth court usually meets (e.g., on Saturdays or during summer vacations) to ensure that youth volunteers are adequately trained. The National Youth Court Center and its allied agencies have developed a number of print, video, and online resources to assist youth courts in training youth volunteers.¹

Types of Cases School-Based Youth Courts Accept

Most school-based youth courts primarily accept school disciplinary infractions (e.g., rule violations, gum chewing, academic dishonesty). However, some programs, especially those developed as a Club Design program, also accept delinquency or status offenses (e.g., trespassing, vandalism, truancy). Youth courts that handle delinquency or status cases that are chargeable offenses—even those that occur on school property—need to partner with local law enforcement, juvenile probation, and the juvenile court to make sure there is a recourse for respondents who do not comply with the youth court program. A listing of some of the offenses that school-based youth courts typically accept appears in Figure 7.

Referral and Intake Process

School-based youth courts may accept referrals from school administration, teachers, and School Resource Officers. When a school-based youth court accepts delinquency cases as well as school rule infractions, it may also receive referrals from the district attorney, police officers, and probation officers.

¹ Visit the National Youth Court Center’s website at www.youthcourt.net or contact the NYCC at 859-244-8193 or via email at nycc@csg.org for more information on available resources.

Figure 7: Sample Types of Cases School-Based Youth Courts May Accept

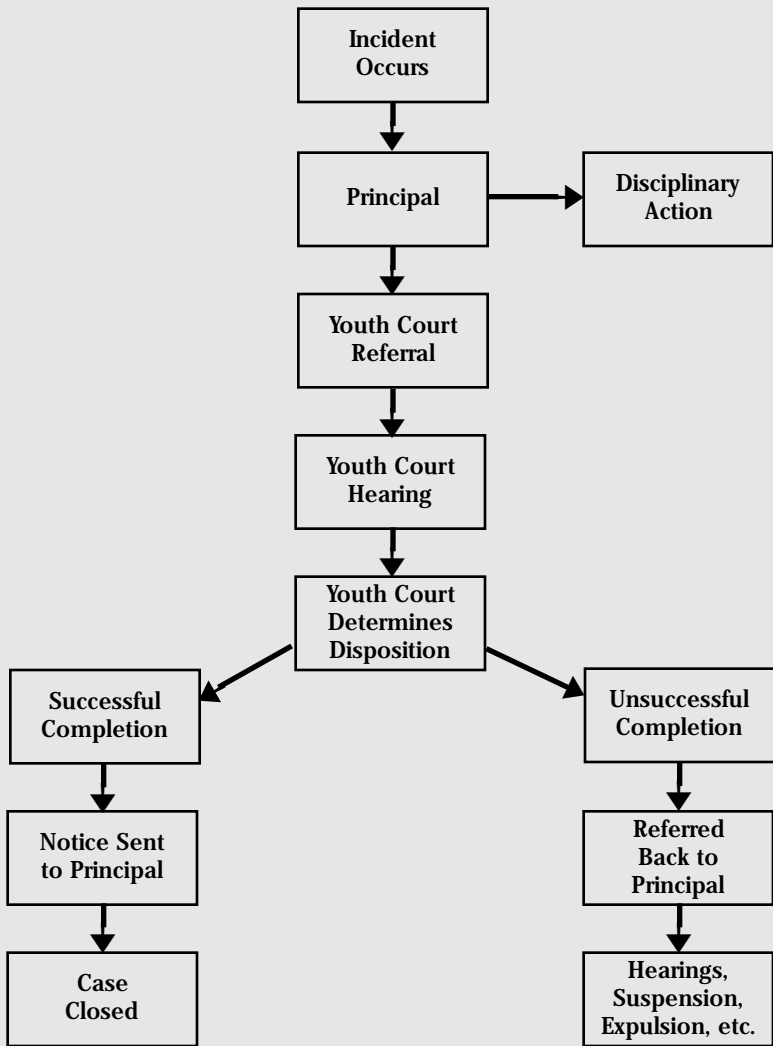
- Classroom disruption
- Persistent disobedience
- Failure to follow a reasonable request of a staff member
- Disrespectful and rude behavior
- Gum chewing
- Running in inappropriate places
- Not being prepared for class
- Note forgery
- Destruction of school property
- Fighting on school property
- Profanity
- Graffiti
- Smoking
- Possession of offensive material
- Academic dishonesty
- Misconduct in school or on the bus
- Excessive library fines
- Dress code violations
- Bullying
- Tardiness/skipping school
- Leaving school grounds without permission
- Truancy
- Curfew violations
- Trespassing
- Shoplifting
- Simple assault
- Vandalism
- Possession of marijuana
- Possession of alcohol

Many times, the case screening and intake process a school-based youth court program employs will vary depending on who referred the case and whether the offense is a school rule infraction or a delinquency offense. For school rule infractions, a student usually first meets with the school's disciplinary person (e.g., the vice principal), where the situation is evaluated to determine whether or not it qualifies for youth court. In some schools, most youth who commit offenses that do not warrant expulsion are automatically sent to youth court. In other schools, youth are given a choice between youth court and an alternative disciplinary action, such as detention or suspension.

After the case is referred to youth court, the youth court coordinator meets with the student to discuss the infraction and to inform him or her what to expect in youth court. The coordinator also communicates with the student's parent or legal guardian either by letter or telephone call or during a face-to-face meeting to obtain consent for the student to participate in youth court, provide information about the process, and answer any questions the parent or guardian may have.

Intakes for delinquency cases are typically handled a bit differently. Because delinquency offenses are chargeable offenses, the youth has already gone through an initial screening, usually with someone from the district attorney’s office, where it was determined that he or she was eligible for and would benefit from participating in youth court. After the case is sent to youth court, the youth court coordinator conducts a face-to-face intake session with the youth and his or her parent or legal guardian to go over the program’s processes, to ascertain their willingness to

Figure 8: Sample School-Based Referral Process from a School Administrator



participate in the program, and to obtain signatures on the appropriate forms (e.g., consent forms, release of information forms).

Figure 8 provides an example of how cases might flow through a school-based youth court program that addresses school disciplinary issues. Each individual program will have to define its own referral process based on the type of entities that are involved (e.g., school, law enforcement, juvenile probation) and what types of recourse and options each entity has over cases they may refer.

Case Scheduling

The frequency and location of youth court hearings in school-based youth courts is affected by what type of design the program utilizes. Classroom Design Youth Courts typically hold hearings during class time, either in the classroom where the youth court meets or in another room at the school. Hearings may occur as needed, or on a regular schedule (e.g., once a week), depending on the number of referrals the program receives. Because hearings usually occur during school hours, coordinators of Classroom Design Youth Courts need to take measures to ensure that youth respondents and witnesses are available to attend the youth court hearing. Coordinators need to establish an agreement with school administrators and other teachers that allows students to be excused from their classroom should they need to attend youth court. In some schools, the youth court class is held during the school's "seminar period," when most of the students are in a study hall, and dismissal from the classroom would not be an issue.

Club Design Youth Courts usually hold hearings after school, either in a room at the school (e.g., a library or multi-purpose room) or in a building off school property (e.g., a courthouse or county building). Again, hearing frequency varies from program to program, with some programs holding hearings only as needed, and some scheduling regular hearing days. In some cases, Club Design Youth Courts also meet during school hours, if the school has a "seminar period" in which extra-curricular clubs can meet.

Sentencing Options

The sentencing options utilized by school-based youth courts are in many ways similar to those used by community- and juvenile justice system-based youth court programs. The most often prescribed sentencing option in any type of youth court program is community service. Some schools allow youth respondents to perform their community service on-site, providing a greater opportunity for youth to repair the harm that they caused (e.g., having the youth who was disruptive in a particular class volunteer to assist that teacher for a few days, having the students who wrote graffiti on the walls repaint them). Performing the community service in the location where the offense was committed brings home to the youth the consequences of the offense.

Other schools do not allow youth to perform their community service on school property, due to lack of appropriate supervision for the youth or liability issues. In those instances, the school develops partnerships with community agencies

Figure 9: Typical Sentencing Options School-Based Youth Courts Utilize

- Community service
- Counseling
- Educational classes
- Letters of apology
- Essays
- Researching a topic and giving a report to the youth court
- Jury duty
- Tutoring
- Victim impact panels
- Restitution
- Mentoring
- Police ride-along

(e.g., nursing homes, thrift stores, churches) that can be utilized for community service placements. For a listing of other sentencing options that school-based youth courts employ, see Figure 9.

Noncompliance

School-based youth court programs must have procedures in place that outline what happens if a youth respondent does not successfully complete his or her dispositional requirements. The consequences of noncompliance will vary depending on whether the offense was a school disciplinary infraction or a delinquency offense.

When the case in question is a school disciplinary infraction in which the youth was noncompliant, he or she usually is sent back to the individual at the school who handles disciplinary problems. The next course of action would be to assign the youth whatever consequence he or she would have received had youth court not been an option. This does not necessarily mean that the student would automatically be suspended; the disciplinary action would depend on the severity of the case, as well as on other behavioral considerations (e.g., how many times the youth has been in trouble before). In some schools, the student is disciplined for the original offense as well as for not being compliant to the youth court disposition, resulting in a more harsh consequence than he or she would have received otherwise.

Youth charged with a delinquency offense who are subsequently noncompliant would be returned to their original referral source (e.g., the district attorney's office), where the charge(s) may then be filed formally if there was not a filing previously. In these cases, effective partnerships are critical. School-based programs that accept delinquency cases (even those that occur on school property) need to establish a partnership with the appropriate justice-system entities up front and outline what type of cases will be accepted and how cases will be referred, as well as how cases will be handled when they are noncompliant. If this communication and understanding does not occur, it can result in schools not having any recourse available to them should a youth not comply with the program. This can cause the program to lose credibility with stakeholders and youth.

Parental Involvement

Parental involvement is an important aspect of any youth court, including school-based youth court programs. At the minimum, parents should be notified about their child's participation in the youth court program, and asked for their consent. Parents should also be encouraged to attend youth court hearings and become educated about what is expected of their youth after the hearing is concluded (i.e., what the disposition requirements are for that youth). Additionally, parents could be asked to testify at the hearing on behalf of their child, providing insight as to what consequences have already been employed at home regarding the offense, as well as the youth's character and behavior at home.

In some school-based youth court programs, parents are not required to attend hearings, although they may attend if they wish. This more often is the situation in Classroom Design Youth Courts that hold hearings during the school day and focus on school disciplinary problems. However, youth courts in the Classroom Design setting should strongly encourage parents of respondents to attend hearings whenever it is possible. Parents can provide valuable insight that would be lacking if they did not attend the hearing. Parental consent and participation should be mandatory in any youth court (including school-based) when a youth is sent to the program on a chargeable offense (e.g., a delinquent or status offense) or an offense that could result in suspension or expulsion if the youth does not comply.

Victim and Community Involvement

The victims involved in a school-based youth court hearing will vary depending on whether the offense was a school rule violation or a delinquency offense. Victims with school rule violations may include other students, teachers, administrators, or other employees at the school. Victims for delinquency offenses may include members of the community who were affected by the offense.

It is essential that victims be offered the opportunity to provide input in the youth court hearing. If the victim does not want to attend the hearing in person, but wishes to provide information on how the offense affected him or her, victims should be given the opportunity to write a victim impact statement that could be read aloud during the hearing.

In Classroom Design Youth Courts, where the hearing occurs during the school day, victims who are fellow students who wish to provide oral testimony will need permission to be dismissed from their scheduled activities during the time the youth court hearing takes place. Students may need permission from their teachers to attend, and teachers or other individuals may need permission from administration to participate in the hearing, especially if it does not occur during a free period in the day and would mean that the teacher would need coverage in his or her own classroom while he or she was attending the youth court hearing. Typically, receiving permission for student victims to attend a youth court hearing is not an issue, because school administrators recognize the value of youth court, and they support student and teacher participation in the program. In addition, the program coordinator should

also contact the student victim's parent or legal guardian to obtain consent for his or her child to testify.

Hearings for Club Design Youth Courts are structured similarly to community- or juvenile justice system-based programs, and victim involvement would be approached in the same manner. Victims should be allowed to testify in the hearing, or given the chance to provide a victim impact statement.

Confidentiality and Retaliation

Confidentiality breaches and the possibility of retaliation are always a concern in any youth court program. However, all of the school-based youth court programs interviewed indicated that they have had very few, if any problems with breaches of confidentiality or with respondents retaliating against volunteers.

Youth court volunteers are trained about the importance of confidentiality and are instructed not to discuss details of the cases they are involved in with anyone outside of the youth court. This includes parents, friends, teachers, and other acquaintances. Confidentiality oaths are usually taken at the beginning of every hearing to reinforce this policy. Youth are also informed of the consequences of breaking confidentiality, which may include no longer being allowed to serve as a youth court volunteer or being sent to youth court as a respondent for breaching confidentiality.

The risk of retaliation is another area about which program organizers are usually concerned. In youth court programs that exist within one school where jury members are drawn from that school's student body (as opposed to a program that utilizes youth from several schools in a school district), many or perhaps all of the students may know each other, or at least be familiar with each other. Most programs include a statement in their proceedings that asks youth volunteers who are assigned to the case to indicate whether they are friends with the respondent or whether they feel they would not be able to be fair and impartial. This gives volunteers an opportunity to excuse themselves from a case if they feel it could present problems for them. Likewise, respondents are also provided an opportunity to indicate whether they feel that any of the youth volunteers assigned to the case would not be able to treat them fairly and impartially, or if they are concerned about any of the volunteers serving on their case for any reason. If a respondent indicates he or she is not comfortable with a particular volunteer serving on the case, then that volunteer is excused.

Another way to help lessen the threat of retaliation is to make sure that youth respondents have a thorough understanding of youth court—what is expected of them and what they can expect from the program. That way, the youth is not taken by surprise and does not feel threatened or blindsided by the outcome of the youth court hearing.

Essentially, respondents are aware that the youth volunteers' goals are to help them understand why their actions cannot be tolerated and to assist them in making amends for their behavior. Although the volunteers make it known that they do not condone the respondent's behavior, they also interject positive statements directed toward the respondent whenever possible.

Tips for Implementing a School-Based Youth Court Program

School-based youth courts will encounter many of the same issues during the implementation process that community and juvenile justice system-based youth courts encounter. While the following is not an all-inclusive list, some of the major tasks to undertake include:

- Identify key stakeholders and obtain their support for establishing the program.
- Meet with persons such as hearing officers, school administrators, school resource officers, and teachers to outline the traditional route of disciplinary action of the school for various offenses and behavioral issues.
- Determine what types of cases the youth court will accept—as well as the types of cases that youth court will not accept.
- Obtain a copy of the rules and regulations of the school district and its student code of conduct.
- Obtain a copy of the state suspension law.
- Determine the legal issues that need to be addressed prior to implementing the program (e.g., developing a waiver that parents and students sign to have their case heard in youth court in lieu of a disciplinary hearing).
- Determine how the program will be structured (i.e., as a Classroom or Club Design).
- Determine when and where youth court hearings will be held.
- Decide how the program will be staffed.
- Locate and secure necessary funding.
- Outline how referrals will be made to the program and determine how cases will be screened for acceptance.
- Determine what type of program model the youth court will operate (e.g., Adult Judge, Youth Judge, Peer Jury or Youth Tribunal).
- Determine how youth volunteers will be recruited and trained.
- Cultivate partnerships with other agencies that can assist the youth court program (e.g., serving as a community service site, funding, assistance with training volunteers).
- Establish the types of sentencing options the program will utilize.
- Research what types of programs are in place at the school and determine if the youth court can utilize the programs as sentencing options (e.g., tutoring, after school groups, peer mentoring, peer mediation).
- Outline a procedure for monitoring cases and for addressing noncompliant respondents.

Conclusion

Schools today have many serious issues to confront including financial constraints, overburdened staff and staff cuts, overcrowding, violence, and truancy.

Dealing with minor behavioral problems in the class and on other parts of school property can be frustrating to school administrators and teachers who often have limited time and resources at their disposal to address these types of issues. School administrators, like juvenile court judges, need to focus their attention on students who are engaging in more serious behaviors and offenses at school. Teachers need to be able to focus their energy in the classroom on educating students.

Youth courts operating in juvenile justice system- and community-based organizations have proven to be effective at addressing minor juvenile delinquency and status offenses. More schools are also realizing the benefits that peer-driven justice can have as an alternative method of discipline for school disciplinary problems by (1) providing offending youth a consequence for negative behavior before their behavior has an opportunity to escalate, and (2) offering an alternative consequence in which students avoid losing valuable learning time, by not being suspended from school. Schools are in a better position to meet state standards and gain financial rewards when students are in school and learning.

Youth courts also provide schools with a meaningful service-learning opportunity for their student volunteers. These youth get valuable hands-on experience on subjects they are being taught about in their civic education and other classes. They put what they learn about the judicial process in action by serving in roles such as attorneys, clerks, bailiffs, or jurors. They hone their problem-solving, listening, and critical thinking skills as they determine an appropriate disposition for their peers. Youth court also helps volunteers develop a better appreciation for problems in their schools and for issues that school personnel have to confront on a daily basis. They become participatory members—alongside school administrators and teachers—in identifying problems and developing solutions for school and community issues.

In essence, school-based youth courts are a win-win situation. Student volunteers are getting an opportunity to be actively involved in identifying and addressing school and community problems. Respondents are being held accountable for their behavior by their peers and being linked to helpful services. Teachers are being listened to (by way of impact statements or testimony in hearings) and are getting an opportunity to put law-related education into actual practice. Parents are receiving support they need to hold their children accountable. And school administrators are reaping the benefits of having a program they can refer students to that will provide a meaningful consequence for behavior while keeping the students in school.

Mistene M. Vickers is a Research Associate with the National Youth Court Center in Lexington, Kentucky.

References

- Godwin, T.M., Fulton, B.A., and Steinhart, D. (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; Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.

Godwin, T.M., Heward, M.E., Spina, T. (2000). *National youth court guidelines*. Lexington, KY: National Youth Court Center, American Probation and Parole Association.

National Youth Court Center. (2004, March). National Youth Court Center Database. Lexington, KY: National Youth Court Center, American Probation and Parole Association.

Building Culturally Relevant Youth Courts in Tribal Communities

by Ada Pecos Melton

Introduction

Throughout the country, American Indian and Alaska Native (AI/AN)¹ tribes are responding to juvenile crime and delinquency among their youth by employing various philosophies, approaches, programs, and strategies. While AI/AN tribes have similar juvenile crime and delinquency problems as other American cities and towns do, tribal response to these issues can be very different from those applied by mainstream American justice systems. This is due in part to the different worldviews held by tribes that determine their response to crime in general, especially wrongdoing by their young people. American Indian policy created by Congress and the federal courts also influences the response to youth crime and delinquency in AI/AN communities.

The development process of a youth court program in tribal communities is very similar to that of youth courts being developed in the mainstream American justice system. However, there may be some issues that need to be addressed differently based on a tribal community's own culture, values, and philosophies. The purpose of this paper is to provide readers with a brief background of tribal justice systems and to provide an overview of some of the unique issues to consider when developing and implementing youth courts in AI/AN communities. The need for youth courts is discussed, and strategies to design culturally relevant youth courts in AI/AN communities are highlighted. Design and development of youth courts are discussed, reflecting on the history and evolution of tribal justice systems, along with the strengths and challenges for implementation and program sustainability in AI/AN communities.

Overview of Tribal Justice Systems

Indigenous justice systems existed before European contact, and many remain intact. Some tribes have replaced their indigenous systems with those based on American jurisprudence and structure. Still others have developed hybrid systems that blend indigenous and American laws and approaches to address youth crime and delinquency problems. As a result, contemporary tribal justice systems differ culturally, philosophically, and structurally from the American juvenile justice system and with each other. The structure of tribal governments generally determines the construct of problem solving forums among the Indian nations. Tribes have

unique governmental structures influenced by contact with the conquering nations that first encountered them, such as Spain, Mexico, and France, and later the United States. Through warfare and political might, these governments coerced societal, secular, and political changes within and among all the AI/AN tribes. Consequently, modern tribal courts are more westernized, applying American jurisprudence principles as opposed to those based in indigenous law and philosophy. However, many modern tribal courts, law enforcement, and corrections systems are still in their developmental stages.² In particular, juvenile justice systems based on American models lag behind the system used to handle adult offenders.

Jurisdiction

Tribal justice exists in a jurisdictional maze due to fluctuating and confusing federal Indian legislation and policies that have often strained relationships between states and Indian nations and with federal agencies. The establishment of the Court of Indian Offenses in 1883 and the unilateral imposition of law and order codes in 1884 significantly changed the structure of tribal justice systems from community controlled to government controlled systems. Federal policies such as the Major Crimes Act, the Indian Country Crimes Act, the Assimilative Crimes Act, and Public Law 83-280 increased government control by ending exclusive tribal jurisdiction and allowing the Federal government to have shared jurisdiction in certain crimes committed in Indian country.³ Adding to the structural and jurisdictional changes, the Indian Civil Rights Act placed limitations on the power and authority of tribal courts by limiting their sentencing powers. Tribal court sentences are limited to one year confinement and/or up to a \$5,000 fine. Since the late 1800s, these and other legislative acts and policies have contributed to the complexity of tribal jurisdiction and intergovernmental relationships. As a result, the federal government has an extensive role and responsibility in addressing crime, violence, and victimization in Indian communities.

Federal court decisions also had an effect and limited the enforcement of tribal laws on Indian lands. For example in *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191, the Supreme Court ruled that Indian nations lacked criminal jurisdiction over non-Indians committing crimes in Indian country. A major problem created by the limitation on tribal criminal jurisdiction is that non-Indian misdemeanor crimes such as a non-Indian youth committing shoplifting, fighting, driving while impaired or underage drinking go without prosecution by any court. Often U.S. Attorneys are reluctant to prosecute these cases because they want to concentrate resources on crimes that are more serious. Nonetheless, these crimes pose great harm, especially in cases involving youth violence or child physical abuse by a non-Indian perpetrator. The lack of federal prosecution also contributes to the high number of Indian people victimized by non-Indian perpetrators.⁴ Generally, the basic question that needs to be resolved in criminal and juvenile delinquency cases in Indian country is which mix or level of government assumes jurisdiction: the federal, state, or tribal governments? Four classifications of defendant/

victim and two classifications for defendant/victimless crimes are possible (see Table 1).⁵ It also involves the interrelationship of three factors:

1. Personal jurisdiction—what persons are subject to the authority of tribal courts (Indian/non-Indian);
2. Territorial jurisdiction—over what land area tribal courts may exercise authority; and
3. Subject matter jurisdiction—the particular statute violated that outlines what conduct is punishable as a criminal or juvenile offense by tribal courts.

Table 1: Summary Table of Criminal Jurisdiction in Indian Country

Persons Involved	Federal Jurisdiction	Tribal Jurisdiction	State Jurisdiction
Indian Offender -v.- Indian Victim	Major Crimes Act, the United States can prosecute 16 listed offenses. Among these, burglary, involuntary sodomy, and incest are defined and punished in accordance with Federal law.	Tribal courts may have concurrent jurisdiction over crimes under the Major Crimes Act. For all other offenses, tribal courts have <i>sole</i> jurisdiction (except where federal statute specifically provides otherwise).	None except under P.L. 280 as amended, or other Federal statute or by tribal vote pursuant to 25 U.S.C.§1321. The tribe <i>may</i> retain concurrent jurisdiction.
Indian Offender -v.- Non-Indian Victim	Major Crimes Act General Crimes Act Assimilative Crimes Act	Tribal courts may have concurrent jurisdiction over crimes under the Major Crimes Act. They do have concurrent jurisdiction over offenses which the U.S. can prosecute under the General Crimes Act. Except for major crimes, tribes may preempt federal prosecution. For any other offenses (defined by tribal codes), tribal courts have exclusive jurisdiction.	Same as above.
Indian Offender Victimless Crime	The United States probably can prosecute under the General Crimes Act as explained above or under the Assimilative Crimes Act.	Same as above.	Same as above.

Continued on page 68

Persons Involved	Federal Jurisdiction	Tribal Jurisdiction	State Jurisdiction
Non-Indian Offender -v- Indian Victim	General Crimes Act, plus a substantive offense defined by Federal statute or a substantive offense defined by state law incorporated by the Assimilative Crimes Act.	Tribal courts have no jurisdiction to prosecute non-Indians, unless Congress delegates such power to them.	Probably no state jurisdiction except under P.L. 280, as amended or with tribal consent pursuant to 25 U.S.C. §1321.
Non-Indian Offender -v- Non-Indian Victim	No Federal jurisdiction except for distinctly Federal offenses.	Same as above.	State courts have jurisdiction over all offense defined by state law and involving only non-Indians.
Non-Indian Offender Victimless Crime	General Crimes Act, plus a substantive offense defined by Federal statute or a substantive offense defined by state law incorporated by the Assimilative Crimes Act. The law is still questionable whether Federal jurisdiction is exclusive or concurrent with the state.	Same as above.	State courts probably have concurrent jurisdiction with the United States, although the law is unclear.

Tribal Justice Forums

Until the mid 1970s, confinement was not a traditional remedy among AI/AN people, as substantiated by the lack of archeological evidence of jails, prisons, or mental institutions in Indian communities nationwide. Therefore, it is important to understand the evolution of tribal justice systems for youth within the social and political legacies that have contributed to their current structure. Table 2 describes current types of tribal forums in operation throughout Indian country. Many tribes have multiple justice systems, which separate judicial responsibility for cultural, civil, criminal, and delinquency matters.

The current juvenile offender interventions used by the tribal courts include: community service, restitution, inpatient and outpatient treatment, counseling, referrals to traditional officials for individual and family counseling, probation, and other types of off-reservation confinement or other custodial placements.

Intergovernmental agreements with state and federal agencies help to increase the resources tribes have to address youth needs. As state and national citizens, Indian youth should have equal access to state resources and be able to receive all the benefits available. However, due to jurisdictional issues and other misconceptions, tribes often cannot access all the possible state resources or state managed federal

Table 2: Tribal Justice Forums

	Family & Community Forums	Traditional Courts	Tribal Courts	Courts of Indian Offenses
History	Established by unwritten customary law and traditions.	Established by the tribal council and tribal religious leaders according to unwritten laws.	Established by the tribal council, usually under the authority of the tribe's Constitution.	Established by the Secretary of Interior under Title 25, Code of Federal Regulations (CFR).
Authority	Subject only to authority of traditional clan systems and/or family elders, based on consensus of participants.	Subject only to authority of tribal council & religious leaders.	Subject to authority of tribal council or Law and Order Committees. Tribal Constitutions may require Interior Department approval of council ordinances or resolutions affecting the tribal court.	Subject to authority of tribal council and Interior Department. Council may adopt ordinances or resolutions affecting CFR Court, but Interior Department must approve them.
Rules of the Court	Procedures and offenses defined according to unwritten, customary laws, traditions, and practices.	Procedures and offenses defined according to unwritten, customary laws, traditions, and practices.	Procedures and offenses defined by tribal council in codes or ordinances. Tribal judges may develop rules of procedure for hearings and trials.	Procedures and offenses defined in Title 25, Code of Federal Regulations. Judges may develop Rules of Court for conduct of hearings and trials.
Judges	Presided by family elders, chosen elders or adults from the community, or traditional tribal officials.	Judges are governors or chief executive officers of the pueblo, who serve without pay. They are appointed by the Pueblo Council, which is composed of ex-governors and tribal religious leaders.	Judges may be elected by the tribal membership or appointed by the tribal council if paid by the tribe.	Judges are appointed by the Commissioner of Indian Affairs, subject to approval by the tribal council, and are paid with federal funds.
Appeals Procedures	Usually cannot be appealed, but matters may be pursued through formal tribal courts.	Appeals of decisions by the Pueblo Governor are heard usually by the Pueblo Council.	Appeals of tribal court decisions may be heard by a tribal appellate court, composed of judges, or by the tribal council.	Appeals of CFR Court decisions may be heard by an appellate court composed of judges appointed under the Code of Federal Regulations.

resources available to address local youth crime, delinquency and victimization problems.

As noted above, we must understand the evolution of Indian juvenile justice systems within the social and political legacies that have contributed to their current structure.⁶ Particular emphasis should focus on the philosophies and beliefs Indian people have regarding the treatment of troubled or troublesome Indian youth. The core philosophies and beliefs of Indian people must weigh against the theoretical perspectives of mainstream society. While there may be some overlap in philosophies and approaches, points of view Indian people have of their own children and youth should be reflected in the development of youth programs, including tribal youth courts.

Indigenous Justice Philosophy and Cultural Strengths

For many Indian nations, law is a way of life taught through oral traditional processes used to pass on the knowledge, skills, and abilities to maintain traditional life ways. Indian people consider youth to be their greatest resource who need nurturing and rearing in a loving fashion by all community members, and traditional law-ways support cultivating the strength and wisdom of young people. Table 3 describes some core philosophies and beliefs of tribes that weigh against the theoretical perspectives of mainstream American jurisprudence, which relies more on vertical and adversarial processes for handling problems.⁷

Throughout Indian country, tribes are using justice process and approaches found in their own culture or that of other indigenous groups. For example, most pueblos in the Southwest continue to rely on their traditional officials (currently identified by Spanish references: *fiscales* and *mayordomos*) to mediate cases involving children and youth. These traditional officials assist with discipline by providing support to the family and relatives of the youth. Often extended family members accompany youth and families to hearings and engage in the problem solving and resolution process. While youth are involved, much of the process is led by adults whose primary purposes are to guide discussions that inform decision-making and help the young person to take responsibility for his or her wrongdoing through apology and agreeing to implement the reparative measures identified. Depending on the level of tribal intervention, the reparative measures may become part of a court order.

The Navajo Nation's wide use of peacemaking in all types of cases provides tribes with an indigenous model to replicate in their communities to handle children, youth, and family cases. In particular, the Navajo Nation has a Peacemaking Program specifically to handle juvenile status offenses and delinquency matters. The Navajo peacemaking system allows for varying degree of involvement with its family court system. Peacemakers are generally Navajo elders or respected community members who mediate cases and help youth and other participants reach resolutions. Other tribes such as the Chippewa tribes in Michigan have developed peacemaking systems in their communities to handle truancy and other types of minor offenses including juvenile delinquency. The Michigan models include part-

Table 3: Indigenous Justice Systems

This is a **holistic system** with law and justice being a part of the whole society. Law is learned as a way of life. Communal rights are foremost in this system to maintain peace, harmony, and balance in the community.

Communication is fluid. Talk and discussion in the native language is essential to build trusting relationships that will promote resolution and healing for victims and their families, community members, and offenders and their families. Therefore, problems are viewed in their entirety, and all the contributing factors are examined.

The process is based on **distributive justice principles**. The process is inclusive and engages family and community members to participate in problem solving and serve as resources for the victim and/or offender and to the system. The spiritual realm is invoked through ceremony and prayer to provide guidance, open mindedness, and strength to all participants.

Reparative principles are used, which require corrective action to be taken by the offender. This makes the offender accountable and responsible for change and making amends.

Restorative principles are used, which require offenders to acknowledge the hurt they have caused and to apologize and ask for forgiveness from victims, affected family members, and the community.

The process is not limited by time. Long silences are accepted, and patience is valued. Focus is placed on the **right of offenders and victims to be heard, to heal, or to make things right again.**

nerships among youth, adults and elders to work together to address youth wrongdoing and to develop plans for the youth to follow.

There are many contemporary challenges to incorporating tribal culture philosophies, values, and approaches into programs for youth, including youth courts. However, there are many ways for tribes to infuse youth programs with culture based approaches and tribal philosophy. The next section provides an overview of the youth court concept and describes some challenges and strategies to build culturally relevant youth courts.

Designing Youth Courts

Youth courts are defined by the National Youth Court Center as programs in which youth are sentenced by their peers for minor delinquent and problem behavior. The youth court concept empowers young people by giving them ownership of the program and by facilitating their development of skills to enable them to become responsible leaders in their communities.⁸

Most youth courts require an admission of guilt and function as a sentencing hearing only; however, a small number will allow offenders to plead not guilty. Mainstream youth courts follow four basic youth court models—Adult Judge, Youth

Judge, Youth Tribunal, and Peer Jury. Some youth courts are hybrids or modifications of the four primary models.⁹ See Figure 1 for a brief description of the program models. Judges, police, probation officers, and schools generally refer cases to youth court. Cases heard can include theft, criminal mischief, vandalism, minor assault, possession of alcohol, minor drug offenses, truancy, and other status offenses and non-violent misdemeanor offenses. Youth courts are operated by schools, police departments, probation departments, juvenile and family courts, and community agencies. In many cases, they operate as a joint venture among several agencies within the community. Youth involved in the program learn about due process, balanced and restorative justice, and the benefits of volunteering to improve themselves and the community. Through the youth court process, offenders (i.e., respondents) do more than make up for their misdeeds; they have a chance to learn deeper lessons about their role in the community as they engage in constructive sentences imposed by their peers, such as community service, youth court jury duty, and educational workshops.¹⁰

Benefits of Implementing Youth Courts in American Indian and Alaska Native Communities

Several AI/AN communities have established youth courts or are in the process of establishing them in their jurisdictions. See Figure 2 on pages 74 and 75 for a brief description of a few youth courts in tribal communities.

Youth courts in AI/AN communities range from those that are tribal court annexed to those managed by other tribal programs or community organizations. The three main reasons for the emergence of youth courts in Indian communities include the need for:

- alternatives to handle status offenses such as truancy and school-based incidences,
- alternatives to handle minor offenses such as underage drinking, non-violent crimes, and traffic violations, and
- court options not otherwise available in some AI/AN communities to address minor youth crimes.

Youth courts provide the following benefits and/or advantages for AI/AN youth:

- Appropriate inclusion of youth in tribal government processes increases youth knowledge of AI/AN justice systems.
- Education and awareness help youth see that they can have positive roles within the court system, instead of just negative ones.
- Youth receive opportunities for leadership roles in the justice system and their tribal government or community.
- Youth discover what careers are available within the justice system.
- Youth courts provide meaningful ways to include youth in solving problems encountered by their peers.

Figure 1: Youth Court Program Models¹¹

Adult Judge Model

The Adult Judge Model has youth volunteers serving in the roles of defense attorneys, prosecuting attorneys, and jurors. Most programs that operate as an Adult Judge Model also use youth volunteers to serve as court clerks and bailiffs. However, in this model, an adult volunteer serves in the role of judge. The judge is typically the only adult involved directly in the proceedings, and the judge's role is to rule on courtroom procedure and clarify legal terminology. Often, the volunteer teen court judge is a local attorney; however, sometimes an actual juvenile or municipal court judge will serve in this capacity. According to the National Youth Court Center,¹² this appears to be the model most widely used.

Youth Judge Model

The Youth Judge Model differs from the Adult Judge Model in that youth volunteers also serve in the role of judge. Qualifications of youth judges typically include a minimum level of service as teen court attorneys and minimum age requirements.

Youth Tribunal Model

The primary difference in the Youth Tribunal Model when compared to all other teen court program models is that there are no youth jurors. The case is presented by the youth attorneys to youth judges, who determine the appropriate sentence for the teen court respondent. Most programs that use this model employ a panel of three youth volunteer judges. The youth volunteer judge with the most experience sits in the middle of the panel and can counsel the other two less experienced youth judges, if needed. For those teen court programs that adjudicate cases, this model typically is used for arraignment proceedings.

Peer Jury Model

The main distinction between programs operating under all other teen court program models versus the Peer Jury Model is that Peer Jury Model teen court programs do not use youth in defense and prosecuting attorney roles. Instead, the facts of the case are read by a case presenter, and a panel of youth jurors (usually a panel of six to eight jurors) questions the respondent directly about the offense and makes a sentencing recommendation. Most have an adult volunteer serve in the role of judge. Depending on the program, the case presenter could be the teen court coordinator, a probation or law enforcement officer, or a youth or adult volunteer. Some programs use the peer jury model exclusively, while other programs use this model for certain types of cases being heard or for cases involving younger teen court defendants.

- Positive partnerships occur among youth, adults, elders, and tribal leaders in addressing AI/AN youth crime and delinquency.
- Youth courts restore community faith in youth by providing a mechanism for youth to show that they can do positive things for themselves, elders, and the community as a whole.
- Youth are encouraged to learn from elders while they are helping them, and they feel more connected with them.
- Youth learn traditional skills through culture-based community service.
- Youth receive hope for the future, always knowing they are an integral part of a community that strives to keep them connected.

Figure 2: Tribal Youth Courts

Tanana Chiefs Conference Tribal Youth Court Program

The Tanana Chiefs Conference in Interior Alaska is assisting 14 tribes in establishing youth courts in their villages. Currently there are six youth courts in various stages of development in six villages. The primary purposes of the youth courts are:

- To encourage responsible behavior and choices.
- To empower youth with decision-making capabilities when problems arise among their peers.
- To promote healing of offenders and victims.
- To foster tribal values and cultural practices.

The structure and process of the youth courts may follow two forms: Circle Style or Panel Style. Youth courts are normal components of the tribal court. Therefore, youth court decisions are typically formalized in a tribal court order. The Circle Style approaches often include *justice circle* processes that allow participants to discuss the presenting problem and all other contributing factors not directly identified in a written petition or referral. This process encourages the youth, family, relatives, and/or other community members to participate in discussions and formulate plans with the referred youth. The Panel Style involves three to four youth plus one regular tribal court judge to sit as a panel to hear cases. The presiding judge for each case is picked from among the youth judges, but cannot be the regular tribal court judge. After everyone has had an opportunity to speak, they are excused so the youth judges can make decisions regarding the disposition. This is done through private deliberations among the youth judges until consensus is reached. The decision is written and entered as a tribal court order. The regular tribal court serves as the appeals court for both the Circle Style and Panel Style youth courts. Training is provided for new youth members in both the Circle Style and Panel Style courts.

Kake Tribal Youth Court

The Kake Tribal Youth Court in Alaska operates as a diversion program and follows the Circle Peacemaking process. The youth court handles misdemeanor violations, (e.g., tobacco and alcohol consumption, theft, vandalism, and trespassing) committed by youth in grades seven through 12 and under 18 years old. The goals of peacemaking include:

- Encourage responsible behavior and choices.
- Show respect for self, others, and community.
- Build self-esteem and self-confidence.
- Empower people with the ability for prudent decision making when problems arise.
- Promote healing among offenders, victims, and the community.
- Learn, teach, and encourage use of tribal values and cultural practices.
- Hold people accountable for their actions so they will accept responsibility for damages.

Youth members facilitate the circle sessions, although adults, such as the Community Justice Advocate, a counselor, or someone from the referring agency may participate. Other participants include parents of the offender, the victim (if applicable) and family, and at least one community elder. The Kake District Court, Department of Family and Youth Services, Division of Juvenile Justice, and family or schools may make referrals to the program. Participation in the youth court is voluntary; therefore, offenders and their families must enter an agreement to participate and follow the peacemaking guidelines and peacemaking decisions. The guidelines include the defendant bringing an elder to the peacemaking sessions. Elder participation demonstrates the value the offender and family place on peacemaking and the elder represents the offender and family's commitment to follow peacemaking resolutions. The decision is recorded as a contract that the youth and family must follow. The Youth Court Coordinator monitors the contract for compliance.

Taos Pueblo Teen Court

The Taos Pueblo Teen Court is a Peer Jury Model designed as an alternative sentencing program for first time offenders between 12 and 17 years old. The mission of the teen court is to provide an alternative sentencing program, which offers an opportunity for education and experience not only for the youth, but also by involvement of their families, peers, and community. An important goal is youth offender accountability, which is achieved by helping youth defendants learn about the justice system, its purposes, and how personal wrongdoing harms oneself, family, relatives, and the community. The program requires active participation by parents, who are routinely included in dispositions.

The Tribal Court Judge generally serves as the presiding judge although a retired judge can also serve. Youth fulfill roles as jurors, prosecuting and defense attorneys, court clerks, and bailiffs. Youth are recruited for positions; however, offenders may become jurors as a part of the disposition. The Peer Jury Model is based on the concept that most youth offenders will not repeat their actions when a jury of their peers deliberates and decides on an appropriate and constructive sentence. Another deterrent effect is involvement of youth who are not involved in the court system because it promotes learning about the Taos justice system by offending and non-offending youth and parents.

Referrals are received from the Taos Tribal Court, the Taos Juvenile Probation Office for the 8th Judicial District, and the Taos School District. The latter referral sources are possible through an intergovernmental agreement between the probation office and the school, which increases the ability of the Pueblo to address youth tribal members' problems when they occur off Pueblo lands.

Gila River Teen Court

The Gila River Indian Community Teen Court Program is a diversion program for first time, non-violent youth offenders, ages 12 to 17. It provides an alternative for the Children's Court to refer the youth to teen court instead of a lengthy adjudication process and incarceration. Through specially designed consequences, the program allows the youth offenders to repair the harm they have caused and to be held accountable for their actions. Many of the community youth are unaware of the history or cultural values of Gila River. As part of the teen court requirements, youth who participate with the program must attend or become part of a Gila River Cultural event. The premise is to make the youth aware of the sacred history of the community. The teen court is not just for youth offenders. The program has attracted numerous youth from the community to participate as volunteers. The youth volunteers are interested in learning about the court system and showing the youth offenders the behavior they are exhibiting is unacceptable. All youth offenders are given an invitation to stay with teen court as volunteers once they have completed all of the consequences that were assigned to them.

Gila River currently operates two models of teen court. The first is the Adult Judge Model. This model operates as a normal courtroom. The only adult who participates in the trial is one of two presiding Children's Court judges. The task of the judge in this model is to provide directions to the youth during the trial. The youth volunteers serve in the remaining roles. They serve as the bailiff, clerk, youth attorneys, and jury members. This model serves five districts in Gila River. The second model operating is the Peer Jury Model. This model is designed for a panel of five to 10 youth volunteers who address the youth offender in a relaxed environment. The youth offender is asked questions directly by the jury panel. The Peer Jury Model is usually less confrontational, but questions tend to be directed more to the youth's overall conduct with his or her family, school, and community. The Peer Jury Model serves two districts in the community.

The teen court receives referrals from two sources in the community. The first source is the detention hearing in Children's Court. When a youth is arrested and booked into the detention center, he or she must have a hearing within 24 hours. At the detention hearing, the judge may refer the youth to teen court if charges are not filed. The second source is the Law Office. The Law Office decides if formal charges are going to be filed or referred to teen court.

- Interest in school increases as a result of being involved with youth court.
- Youth learn how to deal with problems and conflicts in an appropriate way, especially in programs based on peacemaking principles.
- One of the reasons for bringing youth into peacemaking is to have adults act as role models to show youth appropriate ways to act and resolve issues and/or problems.
- Youth courts strengthen relationships among tribes and agencies such as social services, probation, and schools.
- Youth courts increase opportunities for partnerships among tribal systems and programs to address shared responsibilities aimed at helping youth succeed.
- Youth courts are early intervention programs that can identify and address the underlying issues that bring youth to court.

Major Tasks in Youth Court Development

Some of the major tasks that program organizers must undertake when developing a youth court include:

- researching and understanding the youth court concept and principles,
- forming community partnerships and developing advisory committees to assist with development tasks,
- conducting needs and resources assessments,
- examining legal issues,
- securing monetary and in-kind support,
- securing office and courtroom space,
- hiring staff,
- determining an appropriate youth court program function and model,
- developing a strategic plan for the program,
- determining the types of cases the program will accept,
- outlining a process for receiving and screening referrals,
- designing program services and dispositional options,
- developing effective case management and data collection procedures,
- developing an evaluation plan, and
- recruiting and training volunteers.

There are myriad resources available from the National Youth Court Center and its allied agencies to assist communities in developing youth courts and in helping youth courts enhance services that they provide (go to www.youthcourt.net for information on available resources). These resources, however, were developed based on the mainstream American justice systems. While they still can help tribal communities examine various issues related to program development and

management, AI/AN communities will need to consider their unique cultural issues, values, and philosophies when making programmatic decisions. The next section discusses some of the more notable issues that may need to be addressed to build a culturally relevant youth court in tribal communities.

Building Culturally Relevant Youth Courts in Tribal Communities

There is no single right way to operate a youth court; however, there are national guidelines to provide guidance for developing and operating effective programs and for maintaining the integrity of the youth court concept.¹³ There is flexibility within the guidelines so that communities can tailor their programs to meet their unique values, needs, and resources.

The most important aspect of a tribal youth court is making sure that it is a community-based and culturally relevant court. It is important to note that culture has a significant role in administering justice to AI/AN children on four levels:

1. *Professional and agency competency.* Agency or program professionals and paraprofessionals need to be culturally sensitive and competent. That is, staff should be knowledgeable about the tribe's history, language, beliefs, practices, and socioeconomic and other cultural nuances, and also be able to apply this knowledge in compassionate and competent ways;
2. *Sensitivity to youth cultural level.* The youth's level of cultural competence or proficiency needs to be assessed, and services provided accordingly;
3. *Promotion of cultural approaches and interventions.* Interventions and programs need to promote both cultural competency and sensitivity in order to adequately address the needs of the Indian youth and determine the most appropriate course of action; and
4. *Cultural relevance.* Programs need to incorporate interventions and remedies that reflect the culture of the tribe served. Indian nations are the most appropriate source for determining what is culturally appropriate for their youth, and the states and federal governments need to be supportive of these efforts. This includes recognition of decisions made by the indigenous justices systems (traditional courts) operated by some Indian nations.

The following section describes a few additional areas that AI/AN communities may need to consider when developing a culturally relevant youth court.

Defining the Youth Court's Purpose

Most mainstream youth courts focus on sentencing youth. Albeit there is an emphasis on community service and involvement, there is a difference in the type of connection to and understanding of communal responsibility and accountability that is important in AI/AN communities. Tribal communities tend to adhere to indigenous values aimed at restoring the balance and peace in the community rather than punishing someone who has done something wrong. This approach helps youth view themselves as important and valuable community members with a responsibility to

maintain community peace, safety, and harmony. Therefore, who is involved in and provides input into the hearing process and the way the types of consequences are assigned may reflect these differences in youth courts in AI/AN communities.

Selecting a Program Model

Some youth courts in AI/AN communities model themselves following the structure of the four primary mainstream youth court program models; however, youth courts in tribal communities often have difficulty structuring themselves according to mainstream models because these models are so different from the way tribal justice systems work.

There are stark philosophical and structural differences between the American justice system and that of indigenous and modern tribal courts that can present challenges when selecting a program model and when providing training for youth volunteers. For example, the separation of powers doctrine articulated in the U.S. Constitution would not tolerate a governor serving as the judge as occurs in traditional courts among the Southwest pueblos. Tribes with dual or multiple justice systems may have written criminal and juvenile codes presided by judges who may or may not have law degrees, but who do have extensive cultural knowledge. Similar to American courts, modern tribal courts allow attorneys to practice. However, attorneys are not allowed in the traditional systems due to the customary law that only those with a vested and continuing interest in the well-being of the individuals involved may attend and participate, not those who expect monetary compensation for representing interests. For many AI/AN tribes, the preferred process for handling youth misconduct is to settle the matter traditionally.

The mainstream youth court program models are based primarily on the way the American justice system is structured. It is relatively easy for youth involved with those programs to understand the various volunteer roles (e.g., attorneys, clerks, bailiffs) and for them to have adults in their communities who serve in these roles in the court system to train them and serve as mentors. In a tribal community, the roles of attorneys, clerks, and bailiffs may not be found in their regular processes for handling delinquent and criminal conduct, so youth courts in AI/AN communities may find it easier to develop new program models with different types of volunteer roles that more accurately reflect their systems of justice to meet their needs. See Figure 4 for some sample ways that tribal communities have created or modified program models to better replicate their systems of justice.

Defining Adult and Elder Roles

The adult or elder¹⁴ role in youth courts varies from tribe to tribe. As in mainstream youth courts, adults or elders may serve as judges, as coordinators, as court clerks, or to oversee service-learning activities. Other adult or elder roles may include responsibility for program sustainability, program evaluation, and overall management and administration.

In some youth courts in tribal communities, adults and elders are mentors who teach youth cultural skills. When youth spend time with an elder mentor,

Figure 4: Culture-Based Youth Courts

A panel of judges (typically three), rather than one person, hears cases in traditional courts. The panel determines sentences and employs traditional values for group decision-making and problem solving. Youth courts could also use a three-panel judge system to hear cases and determine consequences; thus allowing cultural values of working together to solve problems and sharing responsibility to occur.

Another aspect of traditional courts is the inclusion of extended family members to participate in proceedings and provide input on cases. This allows judges to hear from family, friends, and relatives, and enables informed decision-making regarding dispositions. Youth courts can replicate this process to achieve the same purposes related to informed decision-making. This supports cultural values that hold families responsible and accountable for helping young people make things right for those they may have harmed and for themselves. Impaneled peer judges can hear from everyone and determine the appropriate consequences.

traditional knowledge flows through history lessons, storytelling, and other learning activities and tasks. Some youth courts have a corps of volunteers and/or mentors to match with clients. Others allow the family, most often the family elder, to select someone related to them or a well-known community member to serve as a mentor. This selection process differs from mainstream youth courts that use formal screening processes to enlist and assign mentors and other volunteers. Community and/or elder mentors are natural human resources who tribal youth courts can use in their programs. While they may need training in some areas, most of what they use to help young people will come from their rich cultural knowledge and expertise, and what is in their heart. Respect for and involvement of elders contributes significantly to youth and families following youth court decisions or orders.

As stated previously, youth courts by definition are youth-driven programs. In mainstream youth courts, unnecessary intervention by and dominance of adults can have a negative effect on youths' feelings and sense of empowerment. Therefore, adults in mainstream youth courts are advised to serve as "guides" or "mentors" to youth, rather than to position themselves in a role of power or authority in the process.¹⁵ Some AI/AN communities struggle with the concept of adults taking a backseat in the youth court because this is in contrast to some tribal views that elders should be active participants in all processes.

In a few tribal youth courts, adults are active participants alongside youth in peacemaking or circle processes. In mainstream youth courts, adults do not assume active roles within the youth court proceedings. The one exception is those mainstream youth courts that use an adult judge. However, the adult judge's role is to preside over the hearing—not to intervene unnecessarily or make dispositional decisions.

To account for the cultural differences that stem from adult/elder/youth relationships within many tribal communities, it may be necessary to relax the rules of adult participation in the hearing process (e.g., have adults serve as circle participants or panelists to ask questions). However, the final distinction that makes a youth court a youth court by definition is that young people are the ones who are responsible for making the decisions about what the consequence should be for their

peers. This is where the line is sometimes blurred between what is an actual youth court and what is another type of program that involves youth. If adults or elders are active participants in the decision-making process, then it cannot be considered a youth court program. Mere inclusion of youth in a peacemaking circle or similar type process does not make a program a youth court by definition. That is not to say that involving adults or elders is wrong—it just means that the program cannot be classified as a youth court program as defined by the *National Youth Court Guidelines*. However, the fact that AI/AN communities are beginning to involve youth in their justice and peacemaking circles is a positive result that should be recognized and can often be attributed to the influences of the youth court concept. Over time, some of these communities may find themselves evolving into a youth court that fits within the established definition.

Establishing Tribal Youth Court Dispositions and Services

Youth courts in AI/AN communities have similar dispositions to mainstream programs. These include community service, restitution, essays, research papers, counseling, organizing events, beautification projects, and youth sharing what they learned with others. The Gila River Youth Court includes ways for defendants to give back to the youth court, by recruiting them to serve as prosecuting or defense attorneys, or jurors.

Youth courts in AI/AN communities who employ peacemaking principles make community service more meaningful in that it is specific to the wrongdoer (respondent) and village or community. Wrongdoers do not choose where to work from a list of service organizations; rather the group defines the community service. Community service is more specific in that it is not just a certain number of hours (e.g., you have to clean the cemetery or prepare for ceremonies, regardless of how long it takes). The point is not to “do your time,” but to perform a specific task for the community to make amends, restore a relationship, demonstrate remorse, and/or regain respect. It is purposeful community service and not just busy work.

Every tribal institution has a responsibility to teach young people cultural values that they will perpetuate. The tribal youth court process assists youth to open their eyes and gain greater understanding about what they are supposed to do to facilitate healthy choices. Knowledge and skill building activities promote opportunities to learn from elders. The educational component often is more hands on than with mainstream youth courts, especially when it involves cultural teachings (e.g., preparation of ceremonial offerings) or skill building (e.g., erecting a sweat lodge).

Involving Family and Community

Most youth courts in tribal communities promote a higher level of involvement of the parents, family, and community than is typically applied in mainstream youth court programs. Community involvement is vital for tribes. The very nature of being a tribe defines it as a cohesive community with each member having

shared responsibility for raising children and youth. Tribal youth courts can and do incorporate strong communal aspects that nurture vested interest in each youth participant's success. Therefore, the structure of tribal youth courts supports greater inclusion of parents, family, and community, especially to use distributive justice principles that hold each member equally responsible for accepting blame, problem solving, designing solutions, accountability for compliance, and enforcement of youth court decisions.

Youth courts following circle processes rely on elders, families, and the community to influence compliance. In some instances, the tribal council may call in parents to explain reasons for their child's or their own non-compliance with youth court decisions. Some conduct a series of circles over several weeks to keep a pulse on the process and to monitor progress. These programs are more family-focused than youth-focused, which allows for greater review of all family factors contributing to non-compliance. Everything is re-examined to see what is not working and why problems with non-compliance are occurring. This may lead to a modification of the original agreement, reinstatement of the previous agreement, or development of a new one. The greatest hindrances to ongoing circles are high caseloads and not enough staff or volunteers. Most youth courts provide mechanisms for elders and other mentors to report progress to the program, but a clear distinction is made between reporting and compliance monitoring.

Developing Partnerships

Partnerships with internal and external agencies vary from tribe to tribe and from state to state, but are essential to help tribal youth courts maximize access to resources. Frequently partnerships are informal and based on personal relationships across programs or across jurisdictions. Recently, the trend has been towards formalizing partnerships through interagency or intergovernmental agreements that identify areas of mutual interest and responsibility along with the roles and responsibilities of each partner. Youth court partnerships occur with the following types of governmental and non-governmental agencies and organizations:

- tribal, county, and state probation;
- on- and off-reservation schools;
- Indian Health Services;
- treatment programs;
- Boys and Girls Clubs; and
- Elderly centers.

Partnerships vary depending on the location of the tribe. Some tribes are near urban centers that increase their ability to access financial and other types of resource partners from mainstream groups such as churches, private businesses, non-profits, and schools. Rural and/or remote tribes have more challenges to recruit or establish similar partnerships. Recently, state and county agencies have become more amenable to working with tribal programs through development of formal

intergovernmental agreements supported by state statutes and policies. For example, the New Mexico Children's Code mandates state criminal and juvenile justice administrators and practitioners to consult with the New Mexico tribes when an Indian child is involved in the state system. The purpose for the consultation is to exchange information and provide an opportunity for the tribe to be involved in the fashioning of dispositions or placements or treatment of the court-involved Indian child. Tribal court orders are also recognized through intergovernmental agreements between the tribal courts and the state. These statutes support the agreements among the Pueblo of Taos and the Taos Probation Office and the Taos Public Schools.

Usually youth courts seek partnerships to expand services for diagnostic assessments, mental health and other types of counseling, treatment, tutoring and homework support, law-related education, sports, and recreational resources. Frequently the only partners available are internal tribal programs or federal agencies such as the Bureau of Indian Affairs and the U.S. Indian Health Service. Tribal programs provide enormous assistance to youth courts by providing in-kind services such as training and technical assistance and options for inclusion in dispositions. Several tribal programs provide counseling services, assessment and diagnostic support, community service support, parenting support and referral services. Community health aides often provide referral services and help look after youth and families in the community by providing ongoing non-coercive support.

Community partnerships help youth courts in AI/AN communities fulfill important cultural components such as accessing traditional healers or medicine men and women, spiritual healers, community mentors, storytellers, and traditional artists and craftsmen and women. There may be different mentors assigned to the same youth for different tasks and purposes. Communities have become tremendous resources for youth courts because they provide natural helpers who can teach youth cultural history, tribal philosophy and knowledge, and traditional skills. The highest and most revered are elders, traditional healers, traditional artisans, and tribal leaders. Tribal leaders and judges can teach about tribal government in law-related education courses. Elders can instruct on tribal philosophy and language. Artisans can teach youth how to make drums and moccasins, and design dance regalia. Spiritual leaders can teach youth important ceremonial protocols, and how to pray and give thanks. Use of natural helpers turns the community into a resource that is involved in addressing youth needs and issues.

Programmatic Challenges to Operating Tribal Youth Courts

Several factors present challenges to effective operation of tribal youth courts that may or may not apply to some mainstream youth courts. The following are most notable.

Environmental Factors

Environmental factors such as weather, geography, and remoteness may interrupt or interfere with sessions or even prohibit the establishment of a youth court in the community. Youth court participants may find it difficult to attend

sessions due to frequent bad weather in places such as Alaska and the Northern Plains.

Planning and Development Factors

Planning and development factors play a key role in the success of youth courts. Tribal staff have great ideas and know their community's needs, but may lack essential resources for putting ideas into action over the long term. Tribes are often reluctant to ask for training and technical assistance; therefore, planning and development support must be accessible, interactive, and include a strong outreach component so that tribes know about planning resources and how to access services.

Not giving enough thought to the goals and objectives of the program may cause programs to promise more than they can deliver and set the program up for failure. No program can meet all the needs of a community, so purposeful planning is necessary to define goals, objectives, and outcome measures. Such planning can begin with a thorough assessment to identify needs, pulse community readiness, and see what resources are available in the community. Another design aspect is inclusion of effective screening and intake to ensure the appropriateness of referrals and acceptance into the youth court program. The tribal youth court program must be clear about the criteria for youth and adult participation.

Capacity Building Factors

Capacity building factors include access to resources to develop tribal youth courts. Resource needs include funding and places where youth court sessions can occur. Some tribal courts have limited office space and may not be able to provide the necessary space to house the program. Other courts may not have the manpower to provide the necessary support to operate the program. The tribal court may need strengthening before establishing a youth court. Some programs are not getting enough initial training, which hinders staff and volunteer performance. Providing effective capacity building support to tribal programs requires expertise beyond knowledge of a particular topic and technical skills. Understanding the impact of issues such as culture and tradition, jurisdiction, socio-economics, access to resources, technology, the structure of tribal systems, and relationships between entities are prerequisites to providing effective and appropriate assistance.

Recruitment Factors

Recruitment factors are affected by the availability of adult and youth volunteers in communities. Reliance on volunteers may not be possible for some small tribes because they may already be overextended with other community activities. Other issues include the lack of anonymity for safety purposes and maintaining objectivity. Youth courts need to have meaningful incentives for youth and adult volunteer retention.

Community Factors

Community factors include awareness of community readiness issues that could hinder implementation of youth court programs and strategies. Community

readiness issues may include the lack of community knowledge or awareness about juvenile crime and delinquency issues. Not knowing what to do about it may contribute to less overt urgency to address youth crime problems. Communities may also be in denial that there are problems with youth or the current system, which hinders people from seeing youth crime, delinquency, and victimization as a local problem. There may also be the assertion that “nothing can be done,” which, if echoed by community decision makers, may inhibit the development of viable alternatives to address youth problems. These attitudes contribute to communities becoming reactive, rather than proactive in dealing with problems when they are small and easier to handle, and can hinder strategies to implement early intervention programs such as youth courts.

Resource Factors

Resource factors include time limitations for training and technical assistance to support program development and capacity, and staff and volunteer capabilities. Finding the right people who are culturally knowledgeable and competent to help tribes with local capacity building is critical. Support must be from a diverse team of skilled and experienced professionals who have technical skills, research skills, program development skills, teaching skills, and practitioner experience. Tribes must work collaboratively with other Indian and non-Indians, and governmental and nongovernmental agencies to increase the quantity of capacity building resources, improve the quality of resources, and make better use of resources and services available to tribes. It is important for tribes to build capability to maximize use of community resources.

The limited labor pool that tribes have to draw from to employ their own people hinders the ability of tribes to address juvenile justice problems effectively. Additionally, tribes must spend more time and financial resources to create a skilled and knowledgeable labor force. Challenges for acquiring knowledgeable and skilled workers often impacts tribal readiness and capability to address youth needs, problems, and issues.

Collaboration Factors

Collaboration factors involve several levels of interaction with youth, adults, elders, communities and government and non-governmental agencies to support youth court activities either as recipients of services, providers, or as financial or human resource partners. There needs to be a willingness by all groups to practice good communication, cooperation, and information and resource sharing, and to focus on youth court implementation issues rather than personal, territorial, or political issues. Since Indian youth are citizens of three sovereigns—tribe, state, and national—it is essential to build intra- and inter-tribal partnerships along with intergovernmental partnerships by finding a common ground and identifying mutual interest and responsibilities to address Indian youth needs. Tribal youth courts also need to collaborate with private and non-profit organizations such as the National Youth Court Center to access training and technical assistance resources. Finally,

collaboration builds trust horizontally across governments and programs, and vertically with program recipients, staff, volunteers, and communities.

Safety Factors

Safety factors address several areas related to personal emotional, physical, spiritual, and community safety. More often than not, many tribes are small, rural, and remote. As a result, tribal members know everyone in their community or are related to a majority of them. Retaliation by other youth or family members can be a problem if the structure and process of the tribal youth court do not include safety and protection measures. Retribution may not be violent; it could just be isolation and rejection from the group, which can be damaging to adolescents' self-concept and feelings of belonging to the community. Tribal youth courts must ensure everyone knows what to expect and is not blindsided by what occurs in youth court programs.

The infiltration of gangs in some AI/AN communities adds another dimension on safety from fear of gang-related retaliation. Indian gangs threaten the very fabric that constitutes family strengths, extended family relations, and cultural values that keep them together. Parents do not understand the gang's control of their children, how to regain their leadership and authority status over their children, how to prevent the children from joining gangs, or how to protect them from gang violence. Dominant society has contributed to the decline of Indian value systems within the family and tribal community because these value systems conflict. The pursuit of individual happiness and success are highly valued in dominant society, while Indian communities highly value and depend on communal harmony over individual rights. The lack of clear cultural values from the home contributes to low self-esteem, which influences negative Indian identities to develop, and increases youth vulnerability to join gangs and become engaged in acts of violence. These have all increased the incidence of family disruption and intra-family violence by youth, and weakened the extended family.

Another aspect of safety deals with the ability of youth and others to show respect and maintain confidentiality about youth court cases. Breaches of confidentially lower community trust with the youth court and of the staff and volunteers. Lack of trust and credibility can hinder the willingness of persons and agencies to share information that may be helpful in a hearing. Different jurisdictions may have different rules for the type of information that should be confidential. Therefore, youth courts must identify their own confidentiality parameters within the context of their own community expectations and needs.

Cultural Relevancy Factors

Cultural relevancy factors include finding, creating, or fine-tuning a model, structure, and process that works for the community. The youth court must find ways to incorporate cultural strengths into their program, while adhering to the core tenet of youth court being a youth-driven program in which youth make dispositional decisions. Additionally, the cultural component must be relevant to the

tribe's culture and not one based on generalities or pan-Indian practices. For example, smudging or sweat lodge ceremonies are not applicable to all tribes. It is important for youth courts to conduct assessments to obtain information about relevant and appropriate cultural values, practices, and activities to include in the program.

Diversity Factors

Diversity factors involve differences in population, language, and culture, proximity to resources available from urban areas, geographic location, and the unique relationship the Indian nations have with federal and state governments, which influences responses to youth crime and delinquency issues. The diversity of law and order systems challenges the development of programs and curriculum that can meet the needs of all tribal youth court programs. Some tribes have juvenile courts with codes, and others are traditional, with unwritten customary laws. Law enforcement services are also diverse, with some tribes relying on traditionally appointed officials (e.g., sheriffs, deputies, *fiscales*, and *mayordomos*), and others having a mixture of traditional officials supported by Bureau of Indian Affairs (BIA) police and tribally operated law enforcement. Specialized juvenile officers are lacking in most tribal and BIA law enforcement departments. All these are factors youth courts should consider in their design.

Sustaining Youth Courts in American Indian and Alaska Native Communities

Once a decision to implement a youth court is made, program organizers need to start planning for long-term sustainability and integrating the program into core activities of relevant organizations within the community. Development of programs often occurs without a commitment of continued funding or without sufficient planning toward long-term viability. Ultimately, program duration is a key factor in achieving sustained effects over time.¹⁶

A sustainability plan is key to insuring ongoing service delivery beginning at the conceptual stages and becoming part of the initial program design. The goal of a sustainability plan is fourfold.¹⁷

- First: The plan must address community integration strategies so that the program is not only accepted by the community, but also is well used by the community.
- Second: The plan should identify community involvement strategies to institutionalize the program into local systems so it becomes an indispensable part of a larger network of services and resources, thus creating a niche for the program and increasing its community value.
- Third: The plan ought to extend program relationships by developing new partnerships and enhancing existing relationships.
- Fourth: The plan should describe strategies for program evolution using evaluation methods that identify the appropriate points at which the program should diversify or specialize, grow or maintain its size, absorb or be absorbed.

Sustainability is not possible without support for the program. Gaining that support may be the most important task in any sustainability effort. Support for a program relies on relationships the program has with its clients, internally within the program, with tribal and project administration, with the community at large, and with funding agencies. The basis for that support is developing and maintaining sustainable relationships built on and thriving on trust, communication, reciprocity, and commitment. If any of these elements are missing, relationships become tenuous, and the result may be a loss of support. Each of these different relationships requires different approaches and priorities. For example¹⁸:

- Client support develops through provision of user-friendly services, good services, and empowering the client through meaningful involvement.
- Internal support occurs through staff development, team building, comprehensive planning and evaluation, and program flexibility.
- Support from policy makers and administrators is gained by sharing the program's vision, mission, goals, and outcomes with administrative staffs and tribal leadership.
- Documentation and data gain support by providing evidence of program success to everyone—the target population, tribal leadership, the community, funding agencies, and other appropriate audiences.
- Social marketing becomes important in conveying the image the program wants the community to have. This involves strategies to make known the important issues, problem-solving and other services the program provides to the target population and how program efforts benefit the community. For example, marketing the positive results of a youth court program to tribal court and law enforcement agencies would encourage their use as viable court alternatives. One could market the cost savings and benefits of employing early intervention strategies compared to the cost of confinement and preventing further penetration of young people into the juvenile justice and correctional system.
- There is more to developing community support than promoting an image. The program must meet the needs for which it was designed, and the community needs to feel that they are an integral part of the program's processes—not just consumers.
- For the funding agencies, support is easier to get if the program is stable and capable. Having established and effective policies and protocols that are followed helps to build program credibility and reliability. In addition, documentation and accountability are necessary components to gain support from funding agencies.
- Sustainable relationships need to be cultivated with other agencies that interact with the program. The same principles of trust, communication, reciprocity and commitment are also necessary to maintain relationships with other agencies.

Sustainability is best achieved through program development that includes a long-term focus and provides for ongoing structural review and program evaluation, has and follows consistent policies, produces reliable data, and has tribal leadership and community interest and support.

Developing an Evaluation Plan

A good evaluation begins with a thorough needs assessment at the front end of program development. Needs assessments provide direction for adapting or developing services specific to the needs of a community, based on the perceived goals, needs, wants, and characteristics of the tribal community. Community services and agencies need accurate, useable information that reflects local needs and characteristics. This information allows for rational decision-making, better use of limited resources, a way to determine priorities, and provides a basis for program review and revision. In order to eliminate gaps and redundancies in services, communities need reasonably reliable and valid information.¹⁹ Assessments, program planning, implementation, and evaluation are most credible when communities are involved in all four processes.

Evaluation begins with a clear understanding of program goals, objectives, activities, tasks, and assumptions. Program evaluation is important for:

- *Program Feedback*: Provides guidance for program operations.
- *Program Accountability*: Demonstrates success of program.
- *Program Development*: Guides positive program expansion.

Foremost, AI/AN tribes must build evaluable programs and define success based on measurable goals and objectives. This requires sound program design and development, effective implementation strategies, consistent program data collection that supports tracking program progress, and tracking participants during and after program completion. Tribal youth courts should evaluate:

- *Effort*: Activities, staffing, and services.
- *Efficiency*: Cost, time, and resources.
- *Effectiveness*: Achievement of program goals and objectives.
- *Appropriateness*: Relevancy to the needs of the community, right clients, cultural relevance, and right methods and approaches.

Tribal programs often lack the resources to develop, implement, and evaluate projects effectively. High levels of need and limited resources often demand that tribal programs focus solely on service delivery, often bypassing the need for developing a solid and evaluable framework. Tribal youth courts need to advance program technology and build on existing resources to develop alternative solutions and create multiple pathways to achieve goals that lend themselves to evaluation. It is noteworthy to highlight that evaluation fulfills important capacity and capability building roles; therefore, funding for evaluation is an essential aspect of tribal youth courts. Below are some outcomes that tribal youth courts may consider to measure success.

Youth Outcomes

It is important for tribal youth courts to increase self-esteem, which, while difficult to measure, may be done through pre- and post- program client satisfaction evaluations to see how youth perceptions, attitudes and feelings changed attributable

to the youth court intervention. One could measure youth empowerment by including questions in pre- and post-program evaluations and also by assessing the degree and variety of participation by program participants with youth and/or community issues during and after the program. A measure of civic consciousness and empowerment could be tracking whether youth court participants vote in tribal, state, and national elections.

Youth courts should strive to increase competence and academic achievement, but it is essential for youth courts to demonstrate that they are the reason for youth improvements in both of these areas as articulated in goals and objectives and demonstrated by program activities. Measures could include monitoring school attendance, grades, and school incidences. A long-term measure could include tracking youth court participants who go on to have careers in a justice field.

To measure reduction of community risk factors, youth courts need to have baseline information to measure direct program impact on such risk factors as high suicide rates, domestic violence, substance abuse, etc. Again, there should be direct program goals and objectives that link such outcomes to activities or interventions provided by the program. For example, youth courts that address underage drinking or driving while impaired may provide activities or interventions aimed specifically at reducing community tolerance for such violations by youth. Youth courts could include effective referrals and linkages to needed services for mental health services, family counseling, or shelters.

Community Outcomes

Communal values are important aspects of life carried out by many tribal institutions. A tribal youth court could make increased community involvement a goal through service learning and other activities. Measures of success could include how active youth are in their community by tracking the number of community service activities a youth performs during the program. Measures could also include the number of community events, traditional ceremonies, or community causes youth become involved in during and after the program. Again this could be measured with pre- and post-tests.

Adult Involvement

Effective adult involvement is important for all youth courts. One measure is to track adult and youth mentoring or volunteer relationships during the program. This can occur through personal interviews with adults and youth, or through client and provider satisfaction surveys. Another is to track mentoring relationships to see if they continue beyond the youth court obligation. Another way could be to conduct oral surveys of client and adult or elder mentors or volunteers at various intervals (three, six, to twelve months) after the program.

Reduce Recidivism

A common goal of youth courts is the prevention of further law-violating behavior by participants. This can be measured by analyzing youth arrests and/or court referrals within specified time periods and for certain types of offenses. There

is great variation in determining measures for recidivism across programs. Each program will need to define the determining variables that constitute recidivism or relapse into previous bad conduct or addictions.

Cultural Outcomes

Tribes have high expectations of tribal institutions and programs to develop programs that strengthen traditional ways of life, cultural beliefs, customs, and practices. Throughout Indian country, cultural renewal and revitalization are the mantra to reclaiming our youth and equipping them with knowledge, skills, and abilities found only in indigenous philosophy and practice. One can measure cultural knowledge by using culturally relevant intake instruments that include questions about culture. For example, questions could include levels of language usage; knowledge of tribal history, clanship, moiety, or societies; participation in cultural events, ceremonies, or dances. Other questions could include family mobility to determine consistent contact with the child's tribe and self-reported attachment to the tribal culture and AI/AN religious practices. The intake data can establish the baseline for measuring increases in a youth's knowledge, skill, and use of tribal culture, beliefs, and practices due to participation in the program. Tribal youth courts can contribute to the resurgence of culture by building programs that promote the use of native languages and indigenous law and principles, along with other culture-based activities. Many tribes overlook capturing cultural information due to the oral nature in which information and skills are passed from generation to generation. By using culturally relevant data collection instruments and processes, tribal youth courts can document their contribution to increasing youth cultural strengths.

Conclusion

Youth courts present a viable alternative for tribal courts—modern and traditional—to include in the options available to address the needs of court-involved youth. As noted above, tribes can determine the design and structure of their youth court to fit the cultural, spiritual, and/or philosophical values of their tribe. The most important aspect is to maintain the youth-driven control over the design of consequences that peers receive from youth court proceedings. Youth courts provide an opportunity to engage youth, elders, and communities in meaningful partnerships to work together to help troubled or troublesome Indian youth. Most importantly, these Indian youth are enabled to work on their issues and needs while in the community and with help from their own people.

Ada Pecos Melton is the President of American Indian Development Associates in Albuquerque, New Mexico.

Endnotes

¹ American Indian and Alaska Native (AI/AN) is used interchangeably with Indian nation, Indian, and Native American and is inclusive of terms used to describe AI/AN tribes, villages, pueblos, and rancherias.

- ² Most tribal courts, police, and jails were established after passage of P.L. 93-638, the 1975 Indian Self-determination Act. This law enabled Indian nations to receive funding directly from the Federal government (through the Bureau of Indian Affairs and Indian Health Service) to operate and manage programs and services for their communities. Another 1970's Federal program, the Law Enforcement Assistance Administration, funded jail construction.
- ³ The Major Crimes Act, 18 U.S.C. § 1153 (1885, Supp. 1986), the Indian Country Crimes Act, 18 U.S.C. § 1152 (1817), the Assimilative Crimes Act, 30 STAT. 717 (1898), Public Law 83-280, Indians—Criminal Offenses and Civil Causes-State Jurisdiction, 18 U.S.C. § 1162, 25 U.S.C. §§ 1321-1326, 28 U.S.C. § 1360 increased government control by ending exclusive tribal jurisdiction and allowing the Federal government to have shared jurisdiction in certain crimes committed in Indian country.
- ⁴ Smith, S. (1999). *American Indians and crime*. Washington, DC: U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- ⁵ Adapted from the National Indian Justice Center Legal Series, Petaluma, CA.
- ⁶ For further discussion of tribal court development see Vicenti, C.N. (1995). The Re-emergence of tribal and traditional justice systems. *Judicature*, Volume 79, Number 3, November/December.
- ⁷ Melton, A. P. (1995). Indigenous justice systems and tribal society. *Judicature*, Volume 79, Number 3, November/December.
- ⁸ Godwin, T.M., Heward, M.E., and Spina, T. (2000). *National youth court guidelines*. Lexington, KY: National Youth Court Center, American Probation and Parole Association.
- ⁹ Godwin, T.M., Fulton, B.A., and Steinhart, D. (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; Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.
- ¹⁰ Pearson, S. (2003). Youth court—A path to civic engagement. *National Youth Court Center Policy Brief*. Lexington, KY: National Youth Court Center, American Probation and Parole Association.
- ¹¹ Godwin, T.M., Fulton, B.A., and Steinhart, D. (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.
- ¹² National Youth Court Center Database as of January 2004. Unpublished data.
- ¹³ The *National Youth Court Guidelines* were developed by the National Youth Court Center. You can obtain a free copy by contacting the National Youth Court Center at PO Box 11910; Lexington, KY 40578; Phone: 859-244-8193; Fax: 859-244-8001; Email: nycc@csg.org. It is also available online at www.youthcourt.net.
- ¹⁴ Variation exists with who is considered an elder. While age is one criterion, other life experience and involvement in other aspects of community life are factors that may determine when one is donned with elder status in a given AI/AN community. For example, elder status may occur sooner for individuals fulfilling community roles and responsibilities such as tribal leadership roles, medicine men and women, spiritual leaders, or those recognized by tribal members as having expert knowledge in the cultural ways of life and law in the tribe.
- ¹⁵ Godwin, T.M., Heward, M.E., and Spina, T. (2000). *National youth court guidelines*. Lexington, KY: National Youth Court Center, American Probation and Parole Association.
- ¹⁶ Health Canada. (2001). *Preventing substance use problems among young people – A compendium of best practices*. Available at www.hc-sc.gc.ca/hecs-sesc/cds/publications/substanceyoungpeople/chapter3.htm.
- ¹⁷ Kaufman, M. (2002). *Building sustainability in demonstration projects for children, youth, and families*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- ¹⁸ Chino, M. (2002) *Program sustainability: Developing strategies for maintaining programs over the long-term*, for the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention., Albuquerque, NM: American Indian Development Associates.
- ¹⁹ Chino, M. & Melton, A.P. (2000). *A guide to conducting needs assessments in American Indian and Alaska Native communities*. Albuquerque, NM: American Indian Development Associates.

A Comparison of Statewide Youth Court Associations and Networking Groups

by Tracy Godwin Mullins and Karen L. Dunlap

Introduction

Generally recognized as developing from “grass roots” community efforts, youth courts benefit from partnerships with multiple community agencies, including juvenile court, juvenile probation, law enforcement, schools, legal and civic organizations, and local businesses throughout their development and operation. The broad community support enjoyed by youth courts contributes to making it one of the leading community crime intervention and prevention programs in the nation today (Butts and Buck, 2000). Seeing the benefits that local networking and partnerships provide, some youth court programs are organizing on a state level as a means to foster more support for the concept. Currently, 48 states have active youth court programs, and, of these, 19 states have developed state-level associations or networking groups for youth courts. See Figure 1 for a listing of statewide youth court associations or groups.

The National Youth Court Center (NYCC) recently interviewed representatives of state youth court associations and networking groups to determine their purpose, organizational structure, and activities as well as to identify advantages of forming an association and challenges states faced during their organizational process. The purpose of this paper is to share the “lessons learned” from existing organizations and to provide information to other youth court programs interested in joining together to form a statewide association or group.

Three Primary Organizational Approaches

After reviewing information provided by state-level contacts, statewide youth court associations or groups tend to be organized (1) as a formalized self-governing association; (2) as a formalized group under a state or statewide agency/organization, or (3) as an informal networking group. The following section provides a brief description and characteristics of each approach. However, it is always a challenge to determine exact categorizations from a national level. There are always instances where a state may lean toward one categorization, yet also have one or a few attributes of another categorization.

Self-Governing Organization

Statewide youth court organizations classified as self-governing associations are described as those that are membership-based and have elected officers. Most

Figure 1: List of Statewide Youth Court Associations and Networking Groups

<i>Formalized Self-Governing Organizations</i>	<i>Under State or Statewide Agency/Organization</i>	<i>Informal Networking Group</i>
Florida Association of Teen Courts, Inc.	Illinois Youth Court Association	Minnesota Teen Court Advisory Group
Maryland Teen Court Association, Inc.	Kentucky Teen Court Program	Youth/Teen Court Association of Kansas
Missouri Peer Court Association, Inc.	Tennessee Youth Court Association	
New Mexico State Teen Court Association, Inc.	Utah Youth Court Board	
New York State Youth Court Association, Inc.	Washington State Youth Court Committee	
North Carolina Teen Court Association, Inc.		
Oregon Youth Court Association, Inc.		
South Carolina Youth Court Association, Inc.		
South Dakota Teen Court Association		
Teen Court Association of Texas, Inc.		
United Youth Courts of Alaska, Inc.		
Wisconsin Teen Court Association, Inc.		

of these associations also have obtained a 501(3)(c) nonprofit status. Currently, there are 10 states that have self-governing youth court associations. The Teen Court Association of Texas was the first state association to formally organize (see Figure 2 for more information).

Membership is defined differently among state associations. Some allow only a youth court program (typically the program coordinator) to be a member of the association, while others may allow program coordinators, adult and youth volunteers, and other interested persons and organizations to become members. Most of these associations charge membership dues. Some have one type of membership, and others have different levels of membership (e.g., regular members, affiliate membership, associate membership, youth membership). Some associations have different dues structures based on the type of membership. On average, membership dues are nominal and range from \$25 - \$100 per year; however, the United Youth Courts of Alaska charges \$500 for regular membership and \$100 for an affiliate membership. Voting privileges within the association are often determined

Figure 2: Teen Court Association of Texas, Inc. – Profile and History

Initial Formulation

In the fall of 1990, the coordinators of eighteen teen court programs from around the state of Texas met at the invitation of Tyler Teen Court and the Junior League. It was an exciting networking opportunity to meet other professionals involved in the same field, with similar goals and challenges. The stated purpose of this initial conference was as follows:

Teen courts exist throughout the state of Texas, and new programs are being formed each year. Communication between these programs has, in the past, been sparse at best. This conference will unite those working with and interested in teen courts and begin a communication system that will benefit all who attend. In addition, experts from around the state will share information and ideas that will be invaluable to all. The conference is open to all interested in starting a teen court as well as those working in established programs.

Establishment of the Association

At this 1990 conference, the association was officially established. Officers were elected, dues set, and goals established. These goals included: increasing interaction among teen courts, affecting legislation, building coalitions, promoting and publicizing the teen court concept, providing training and education, and encouraging the development of other teen courts in Texas. The ultimate goal was to reduce juvenile crime.

Growth and Development

Throughout the 1990s, association membership grew steadily. An annual conference is held each fall, hosted by an existing court in its city or town. A “Spotlight Award” is presented each year to a member court for outstanding accomplishment during the year. A manual was developed entitled “How to Start a Teen Court” which is currently available on the Teen Court Association of Texas’ website. An association newsletter is published quarterly. The Association often participates in the annual Texas Municipal League conferences with an education booth on teen courts.

The Association Today

Currently the association maintains a membership of 50 to 75 individuals each year. The stated goals are to potentially reduce juvenile crime, provide education and training, provide networking and interaction among courts, and help promote and develop teen courts around the state. Judging by the growth over the last 13 years, the Teen Court Association of Texas has become a strong and viable group in the state. A conference is held each year that allows teen court staff to support each other and provide educational and networking opportunities. New courts and those in implementation stages also benefit from the education and support provided at the conference. An association website (www.texasteencourt.com) has been developed and maintained. The support and assistance provided by helping each other with new ideas and solutions for difficulties encountered in day-to-day operations are by far among the best benefits of membership in the Teen Court Association of Texas.

Submitted by: Anne Dubinsky, President, Teen Court Association of Texas

based on the type of memberships offered and the structure of the organization.

Formal governance of the self-governing associations is under the direction of an elected executive committee or board of directors. In most of the state youth court associations, elected officers may consist of a president, vice-president,

secretary, and treasurer (or the equivalent thereof). A few associations also have a larger board of directors that includes representatives from other member youth courts.

The majority of associations do not have youth serving in elected positions; however, in Alaska all elected officers are comprised of youth, as well as one half of the board of directors. Some of the state associations do have youth who serve as board members or committee members to assist on special projects such as planning conferences or creating youth-specific policies. For example, in New Mexico there is a separate youth executive board that provides input on youth volunteer training needs to the Adult Executive Committee of the New Mexico Teen Court Association.

Most self-governing associations do not have a paid staff person to oversee association management. This responsibility is placed on the elected officers and board of directors and is performed by these individuals on a volunteer basis. However, a few states have been able to secure grant funds or receive in-kind support from an existing organization for a part-time staff person to help in the day-to-day management of the association (e.g., United Youth Courts of Alaska, South Carolina Teen Court Association, Oregon Youth Court Association).

Formalized Under a State or Statewide Organization

There are five states (i.e., Washington, Tennessee, Kentucky, Illinois, Utah) that have a formal statewide youth court network that is coordinated or managed by a state-level government or nonprofit organization. Typically, all of these state networks were initially designed to promote the youth court concept and assist communities in establishing or enhancing youth court practices—and this continues to be their primary purpose. Most also help coordinate or arrange annual or periodic training programs or conferences for coordinators and/or youth volunteers.

The Illinois Attorney General's Office and Washington Council on Public and Legal Education became the host of their states' initiatives on youth courts primarily because someone in their organization was interested in youth courts and saw a need to promote the concept in the state. In Kentucky, the Kentucky Teen Court Program was developed under the auspices of the Administrative Office of the Courts (AOC) due to an administrative order by the former Chief Justice of the Kentucky Supreme Court that placed teen courts in the state that handle delinquency cases under the auspices of the Kentucky Administrative Office of the Court's law-related education initiative. The Kentucky AOC has set comprehensive guidelines that stipulate how teen courts are to operate in the state.

The Tennessee Youth Court Program and the Utah Youth Court Board were developed as a result of state youth court enabling legislation. After enabling legislation was passed in Tennessee, the group that initiated the legislation (i.e., the Tennessee Select Committee on Children and Youth) felt it would be helpful to hire a person to help promote and develop teen courts throughout the state. They approached the Tennessee Bar Association to see if they would be interested in having this type of position developed within their organization. Grant funds were

secured for the position, and a state coordinator was hired. In Utah, the enabling legislation for youth courts also created the Utah Youth Court Board to set policy and minimum standards for establishing and operating youth courts in the state. As a result, the Utah Youth Court Board developed a voluntary state certification process for youth courts, which a majority of youth courts in the state choose to do.

All the state networking groups have some type of formal state advisory committee or coordinating council to provide input on the state agenda for youth court programs, with the exception of the Kentucky Teen Court Program. Often the members of advisory committees or coordinating councils for state networking groups are appointed by someone within the managing agency, rather than being elected to serve as committee or board members as is often the case in self-governing state associations. Most of the state networking groups' committees or councils include representatives from a variety of stakeholder groups (e.g., state attorney general's office, lawyers, law-related education coordinators, state Department of Education, juvenile justice professionals, state Department of Transportation) and also include a few representatives from local youth court programs. Chairs of these committees or councils are usually appointed by the group or assigned based on someone's interest in serving.

The only state networking group that uses the term "membership" is the Illinois Teen Court Association. However, membership is free and open to anyone since the association is operated by the Illinois Attorney General's Office.

None of the state networking groups have formal roles for youth on their advisory committees or councils. If input is sought from youth, it is on an informal basis or for a specific purpose.

One of the advantages that the state networking groups have is that most have some staff time dedicated to coordinate aspects of the association's or group's work. In Tennessee and Kentucky, there is at least one full-time staff person designated to work on youth court issues. In Illinois and Washington, there are staff who work for the Illinois Attorney General's Office and the Washington Council on Public and Legal Education, respectively, who have a portion of their time allocated to work on youth court issues, but youth court is not their only job responsibility. In Utah, the state Attorney General's Office donates a nominal amount of support staff time to do tasks such as send out correspondence; however, most Utah Youth Court Board activities are done by volunteer members of the board.

Most state networking groups, while not necessarily opposed to the idea, do not have immediate plans to develop self-governing, membership-based youth court associations; the current process appears to meet their states' needs. However, if the designated state entity decided not to continue serving as the coordinator of the state's youth court initiative; it is unclear how services for youth courts on a state-level would continue to be provided. In South Carolina, the South Carolina Bar Association served as the state-level entity to promote the development of youth courts within the state; however, in 2002 the South Carolina Teen Court Association became a self-governing, membership-based association. The South Carolina Bar Association continues to donate a small amount of staff time to assist the association

with coordination; however, the association has an elected executive committee and board of directors who direct the association's activities.

Informal Networking Groups

Although they have not developed formal, structured statewide youth court associations or groups, in states such as Kansas and Minnesota, youth court coordinators make efforts to meet periodically for the primary purpose of networking and information sharing. These meetings are often designed for coordinators to learn about what others around the state are doing and to serve as a system of support for one another and new programs. They may sometimes provide training at their meetings on topics such as national resources available to youth courts. These informal networking groups provide a way for local programs to avoid isolation. Sometimes one person takes the lead in setting and organizing meetings. Other times, attempts are made to share responsibilities by assigning different persons tasks and rotating hosting of the meetings.

In Kansas, they began organizing on a state level and worked toward obtaining a 501 3(c) status; however, the formality and structure that resulted from seeking that status was stifling their ability to share information and network. Therefore, they abandoned their efforts at seeking the formal status so they could focus more on their original reason for wanting to gather together.

Benefits and Challenges to Organizing on a State Level

Regardless of the type of approach youth courts have taken to organize on a state level, there are benefits and challenges that are commonly shared.

Benefits

Benefits to organizing on a state level include the ability to network with others working in youth court programs, plan and organize education and training events for youth court staff and/or youth court volunteers to help them enhance services and their skills, and assist new programs in their development. State associations and networks also have an enhanced ability to promote the youth court concept and to work toward gaining more political and financial support within the state. There is also a more structured opportunity for increased interaction among youth courts and other stakeholder groups (e.g., judges, state agencies, law enforcement, schools), which can help break down barriers between these groups and improve communication. The communication among local youth court programs also is increased, and it is easier to make local programs aware of current issues (e.g., legislation, funding) that may affect youth courts in the state.

A few states involve youth directly in the work of the association (e.g., youth serve as Executive Committee members or Board of Director members). Some of the new skills and knowledge that youth learn when they serve in these roles include how to plan and run meetings, plan trainings and conferences, work collaboratively with adults, and assist in setting policy or guidelines for local programs. Youth working in the association also can share their experiences with other youth involved

in programs. Youth involvement also benefits the association by bringing in a fresh perspective on issues. On a local level, youth courts are youth-driven programs which place young people in decision-making roles. There is the potential for youth court organizations to model the youth-driven nature of youth courts on a state

Figure 3: United Youth Courts of Alaska

The United Youth Courts of Alaska (UYCA) was started by a student member, Loren Absher, of the Kenai Peninsula Youth Court in Homer, Alaska. At the 1998 statewide youth court gathering in Anchorage, Loren was struck by how all participants agreed there was a need for a statewide organization, but no one had done anything towards that goal other than talk about it. Loren took action. That night he created an initial proposal stating some of his ideas and action steps for creating a statewide association. The next morning he asked the conference facilitator for program time, and proceeded to challenge all the youth participants to get working on the development of a state association.

Months later, UYCA was incorporated as an Alaska non-profit corporation. Program directors Sharon Leon, Wendy Leach, Lisa Albert-Konecky, and Ginny Espenshade assisted Loren as he drafted articles of incorporation and by-laws. Tom Begich (current chair of the Alaska Juvenile Justice Advisory Council and formerly of the Alaska Native Justice Center) provided advice and funds from the Governor's Conference on Youth and Justice. These were key ingredients in the organization's first steps, as was the two-year partnership with the Alaska Native Justice Center in hiring the first and only UYCA staff person. The Alaska Division of Juvenile Justice has funded UYCA's continued operation with funds from both the Juvenile Accountability Incentive Block Grant Program and Community Juvenile Justice Program grant. The Alaska Bar Foundation has also provided funds through its Interest on Lawyers' Trust Accounts grant program.

Inherent to UYCA's charter is that of youth leadership within the organization. Youth provide high-level organizational guidance by filling half the seats and serving as the executive officers of the UYCA Board of Directors. Additionally, they chair and design both the website and quarterly newsletter publication, co-facilitate an annual statewide youth court gathering, attend community events and learn what it means to be an effective, engaged board member. The latter is one of the challenges the organization most routinely faces. With the exception of the annual board meeting held during the annual gathering (often noted as their favorite experience during the event), board meetings are held via conference calls throughout the year. UYCA is constantly striving to find ways to keep the energy behind learning and engagement between one another.

Clearly the successes are that an organizational culture is created in which youth feel valued, and their contributions are vital and important to the statewide organization. Other civic learning projects have emerged from bringing UYCA youth leaders together. In 2002, youth spearheaded a legislative effort to secure sustainable funding at a state level. They formed a coalition which successfully secured legislation (HB 303) which remains in active status heading into the next legislative session in 2004. Many involved used the experience for government and social studies high school courses and highlighted their learning through class and community presentations. One student raised enough funds in her community of Nome to fly to Juneau and testify on behalf of the bill.

UYCA is a rich and diverse combination of perspectives and investment that faithfully reflects the depth of its members' commitment to support youth courts and honors the integrity of each community—challenges and successes.

Submitted by: Krista Scully, former Executive Director, United Youth Courts of Alaska

level as well. See Figure 3 for more information on the youth-driven philosophy of the United Youth Courts of Alaska.

For state associations that are self-governing and incorporated as a 501 3(c) nonprofit organization, there is the ability to accept donations and seek alternate funding streams that may not be available to state or local government organizations. Self-governing associations also have the ability to set and control their own agenda and time frames for accomplishing tasks.

Networking groups or associations that are under state government or state-wide organizations, often have access to a wider range of constituents who can be a source of political and financial support. They also may have credibility that may stem from being associated with the oversight organization. In addition, most of the time, there is a certain level of staff time within the oversight organization's budget that is allocated to assist in the management and coordination of the association or group. Therefore, they do not necessarily have to rely on volunteers to manage association or networking group services.

Challenges

Organizing on a state level can be very time intensive, especially for states that do not have the advantage of having a partial or full-time staff position allocated to coordinate association/network activities. Persons who volunteer to assist in the development of the association must devote a substantial amount of time and energy to accomplishing the task. Some tasks may involve coordinating meeting times, locations, and other logistics to discuss and conduct association business. While other tasks may be more cumbersome and time consuming, such as seeking nonprofit 501 3(c) status, determining the association's or group's mission, or developing by-laws.

The expense involved in traveling to meetings and other events can also hinder participation. Some state associations and networking groups take advantage of alternate forms of communication (e.g., conference calls, email, teleconference, video conference) for some of their work to alleviate some of the expense and travel time involved.

Another challenge faced by state associations and networking groups is youth involvement. For the states that want to involve youth, transportation, meeting times, getting youth released from school, meeting locations, and travel expenses are all considerable barriers. Some strategies for addressing these challenges include limiting the amount of in-person meetings held in a year and utilizing alternate forms of communicating and conducting association business (e.g., conference calls, teleconferences, listservs, chat forums on websites).

For self-governing associations, all or the majority of association management is the responsibility of the elected leadership, who are volunteering their time. Finding persons who have the time and desire to serve in elected leadership positions can be challenging. This can be compounded when the association is trying to organize a board that is representative of the state, both in program size and geographically. Often the leadership in these groups is placed on a core group of very committed individuals who over time have difficulty maintaining the pace

that is required of them. Staff turnover also tends to be high within youth courts, which can affect the stability of associations with elected boards when board members move on to other jobs outside of the youth court field. Some strategies identified by self-governing associations to alleviate these barriers include maintaining consistent and regular contact with their membership about what the executive committee is working on; encouraging other members within the association to be involved in planning events or working on tasks with the executive committee; setting term limits for executive committee members; and having current executive committee members ‘mentor’ newly elected executive committee members so they will feel more comfortable in their roles.

Sometimes the associations or networking groups organized under the auspices of a state-level entity can be viewed as providing their services from a more “top down” approach. Depending on their structure, there is not always as much opportunity for local youth courts to have input into or the primary responsibility for directing the association’s or group’s activities. For example, advisory committees may be comprised of a variety of stakeholder groups and only have one or two youth court representatives. The groups may also be more subject to the bureaucracy and regulations of the state-level organization to which they are associated. In addition, if increased opportunity for funding is a reason for wanting to organize, associations or groups operated out of state government organizations may be limited to the type of funds they can apply for on behalf of the local programs, unless they develop a separate nonprofit agency or corporation that can be used when applying for those types of funds.

States that have informal networking groups often have more difficulty with locating all of the youth courts in their state and with maintaining effective lines of communication. There is often no defined leadership within the group, so activities outside of mere networking and information sharing (e.g., training programs, conferences, seeking passage of enabling legislation, seeking joint funding) may be more difficult to organize and accomplish. Selecting someone to serve as the coordinator or leader of the activities for a specified period of time or carefully delineating who is responsible for various tasks can help alleviate some of these obstacles.

Common Activities of State Youth Court Associations/Groups

The primary purpose for which youth courts organize on a state level is to help gain support for the youth court concept and to help promote development of programs. Other activities that are performed by some of these state groups include:

- conducting training programs for youth court staff,
- holding annual conferences or training programs of youth court volunteers,
- developing state guidelines or standards for developing and operating youth courts,
- developing alternate ways of maintaining communication and fostering information sharing among youth courts in the state (e.g., newsletters, list serves, websites, teleconferences, email groups),
- seeking state or other types of funding for all programs in the state,

- advocating for the passage of youth court enabling legislation,
- gathering data from local programs in an effort to compile statewide youth court data, and
- becoming more involved and partnering with other organizations throughout the state that share common goals.

Tips for Organizing on a State Level

Statewide youth court associations and networking groups, similar to individual youth court programs, are often a result of the collaborative partnerships among individuals and agencies. They also can be tailored to meet the needs and resources of the particular state. The following are some recommendations to consider when organizing on a state level:

- *Contact other youth courts in the state.* In the very early stages of planning, locate and contact all of the youth courts in the state to inform them of the possibility of organizing on a state level. Invite them to participate in a planning meeting (either by conference call or in-person) to discuss the idea of and need for organizing or to provide their input on the subject. The first few meetings may be difficult as obstacles to organizing are identified and as the persons involved get to know each other and get used to working together on a joint venture. There may be turf issues; there may be fear of competition among programs for limited funds or other types of support; there may be concerns about a state group developing guidelines, standards, or policies that affect all local programs. These types of issues will need to be addressed so that they can ultimately be resolved and set aside so the group can work toward building consensus.
- *Find a core group of committed individuals willing to carry the ball to get the association/networking group up and running.* Recognize that organizing formally on a state level can be time consuming. Therefore, find several individuals who are willing and able to devote their time and energy to the development and organizational process.
- *Involve youth.* Youth courts cannot function on a local level without youth volunteers; therefore, it is recommended that youth courts organizing on a state level involve youth in the development process and have youth serve in official positions within the association or networking group once it is developed. These youth will offer a unique perspective and can inform other youth of the group's activities. By undertaking meaningful roles and tasks, they also will gain valuable skills and knowledge when actively participating in this type of process. When involving youth in governing positions, associations should talk with legal advisers about any legal considerations that should be addressed (e.g., liability as it applies to boards of directors).
- *Consider where and how often the association or networking group will meet.* A common obstacle identified by all types of state-level youth court associations or networking groups is the time and expense involved in traveling to meetings.

Where and when meetings are held also can impede youth and other stakeholder involvement. Efforts should be made to meet at times when it is convenient for most of the leaders or members to attend. Choosing a central location or rotating meeting locations is another option. Utilizing other methods of communicating (e.g., having persons who are unable to physically attend the meeting attend the meeting by a conference call or speakerphone) is also a viable solution.

- *Contact other state associations and networking groups.* The more information you can obtain from existing state associations and networking groups (e.g., sample by-laws), the easier it will be for you to develop your own processes. Learn from their success, as well as from their mistakes.
- *Determine your purpose for organizing.* To be effective, youth courts that organize on a state level should be able to define a common goal for organizing and what type of activities the association will provide and/or functions it will support (e.g., training programs, conferences, fundraisers). Some youth courts want to organize to help secure more funding for youth courts; others want to organize so they can share information and be supportive of one another. The reason why a group of youth courts wants to organize and what the group wants to be able to accomplish on a state level should play a key role in determining the best type of state organization to develop. For example, developing a self-governing association can be time intensive and require many hours of volunteer work from local youth court coordinators to get established and to maintain operations. If the purpose is to just have a forum to share ideas and be supportive of one another, having a self-governing association may not be necessary; an informal networking group may suffice. If the group wants to seek funding as a unit, however, it may be more beneficial to become self-governing and incorporate as a 501 3(c). If youth courts are struggling to gain credibility in the state, it may be helpful to become formally affiliated with a recognized and highly regarded state entity (e.g., state bar association, attorney general's office). It may be helpful to develop and provide persons with a description of two or three possible models for organizing on a state-level so that they have something to refer to when making these types of decisions.

If there are disagreements concerning why youth courts should organize on a state level, programs may need to communicate and develop a consensus on the purpose that can be shared by all involved. Programs also may have to set aside their own issues and concerns in order to focus on the shared benefits of collaboration.

- *Identify and contact local stakeholders that may be able to assist you in your organization and development efforts.* Youth courts on a local level rely on community volunteers for various types of assistance. Youth courts organizing on a state level can also benefit from involving key stakeholders in their processes. For example, if the youth courts in the state decide they want to form an association and obtain 501 3(c) designation, a local attorney may be willing to donate his/her time to assist with the legal portion of the process.

- *Identify if there are any existing state-level government or nonprofit organizations that are interested in housing and coordinating the association's or networking group's activities.* Having the association or networking group formally associated with an existing state-level organization can bring together a wider group of stakeholders in which to expand the support for and credibility of youth courts. Also, these types of entities may be able to share a staff person or donate a portion of staff time to assist in coordinating association or networking group tasks, as well as with providing in-kind support for items such as office space, photocopying, and postage.
- *Determine who will be members of the association or group.* Consider expanding membership outside the boundaries of just youth court programs. Involving other key stakeholder groups (e.g., judges, lawyers, educators, law enforcement officers, probation and parole officers, school officials, mental health professionals) may open up doors that allow the state association/networking group more access to financial and political support. Involving other stakeholder groups also helps promote and build the credibility of youth court among different types of professions. Different levels of membership (e.g., regular, affiliate, associate) can be offered to different types of stakeholders, if preferred.
- *Keep the membership informed, involved, and engaged in the process.* Operating a state association or networking group should not be continuously relegated to being one person's (or a small group of persons) responsibility; rather, it should be seen as a team effort among the leadership and membership. To be truly effective and to keep the core leadership or association staff from burning out, it is important for everyone to stay involved and contribute to association or networking group activities. When assigning tasks, keep individuals' talents and time constraints in mind and place them in roles that capitalize on their strengths (e.g., having a lawyer examine and address legal issues, having an educator assist with training plans, having a person with grant writing skills work on fundraising). Sharing the workload will help stretch limited human resources.

Developing means for maintaining consistent communication (e.g., brochure, newsletter, website, database) with the membership is also important so that persons feel connected to the activities of the association or group.

- *Be flexible.* Recognize that developing and operating a state youth court association or networking group will have its up and down times. When the momentum is strong among the leadership and members, capitalize on that. When momentum lags, possibly as a result of local program budget issues that require leadership or members to re-focus their efforts on a local level, then know when to pull back, re-structure, or narrow the group's focus. There may be times when the original purpose for organizing on a state-level may change, and so the manner in which the group meets or the types of activities conducted may also change. Also, do not be afraid to re-evaluate your purpose for meeting when you are in the development and organizational phases. If your original plan was to become a self-governing 501 3(c), and the core group is getting frustrated and bogged

down with the details of seeking the nonprofit status, re-evaluate whether the 501 3(c) status is necessary to achieve your group’s purpose. You can always start the legal process of obtaining a 501 3(c), and if interests wanes, you can put it on hold until interest increases again or the need to obtain the status becomes necessary.

Conclusion

The benefits of organizing on a state-level (e.g., increased interaction among programs, opportunity to share information, mechanism for seeking joint funding, working toward the passage of enabling legislation, ability to provide training opportunities for staff and youth volunteers) seem to outweigh many of the challenges encountered during the development and organizational process. The options available—informal networks, formal networks under the auspices of a state government or nonprofit organization, and self-governing associations—make it easier for youth courts within states to choose what will work best for them considering their unique interests, needs, resources, and capacity.

Tracy Godwin Mullins is the Director of the National Youth Court Center in Lexington, Kentucky. Karen L. Dunlap is a Research Associate with the American Probation and Parole Association in Lexington, Kentucky.

Reference

Butts, J. and Buck, J. (2000). Teen courts: A focus on the research. *Juvenile Justice Bulletin*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

For a complete list of and contact information for state youth court associations and networking groups, go to www.youthcourt.net. Click on the “Resources” button.

Media Access Guidelines for Youth Courts

by Michelle E. Heward

Introduction

Media and/or “public” access to youth courts presents interesting issues for programs to consider. On the one hand, the First Amendment to the United States Constitution expresses the importance of media access in our democratic society. Throughout its history, the media has operated as a check on the government¹ acting not only as a powerful and effective watch dog, but also to publicize the progress of the government and to strengthen and improve it² On the other hand, while the United States Supreme Court has held that the public has a right of access to adult criminal trials,³ the Court has not yet squarely addressed the issue of public access in juvenile court proceedings.⁴ Citing concerns for the rehabilitation of minors and the sensitive nature of its proceedings, juvenile court statutes provide for confidentiality of juvenile proceedings in most every state.⁵

The type of media coverage may include, but is not limited to print (electronic, paper, or a combination), radio, or television. Each medium presents unique issues of potential benefit and harm to the program, as well as to youth respondents and volunteers, their families, victims, and witnesses. The media can be a powerful, positive force and can even be sought after by the program. It has the power to educate the public about the benefits of youth court programs, which in turn can help promote financial and community support and more active involvement from community members. However, media coverage which discloses confidential information and/or the identity of those involved can be problematic. Further, the public tends to generalize their perceptions based upon what they see in the media.⁶ Therefore, negative media coverage, or inappropriate use of media by a few youth courts, could have a detrimental effect on all youth court programs.

Because access to the media may involve legal issues, it is strongly recommended that all youth courts seek the assistance of competent legal counsel to discuss the benefits and possible ramifications before making decisions or policy related to media access. The following guidelines represent a starting point for discussions and are not intended to take the place of legal counsel who can evaluate the potential issues facing a particular youth court program.

These guidelines supplement the *National Youth Court Guidelines*, published in 2000, and are intended to assist youth court programs in balancing competing interests, and give them a framework within which to make sound policy related to media access.

Guideline 1: Programs should consult state statutes, rules, and practice to determine the media access that would be allowed in their local courts where juvenile

cases are heard (e.g., juvenile, family, municipal courts). At a minimum, written program guidelines should provide at least as much protection to youth as would be provided by the local court of jurisdiction for juvenile cases. If a program operates in collaboration with a school or other entity (e.g., probation, law enforcement, private non-profit organization), the appropriate administrator should also be consulted to assure that media access is consistent with its privacy requirements and interests.

Guideline 2: Even where local law and practice allow media access, programs should assure that pictures, names, and other identifying characteristics of the offending youth are not disclosed by the media.

Guideline 3: Even where local law and practice allow media access, programs should not allow access to the program's deliberation process.

Guideline 4: Even where local law and practice allow media access, all youth and their parents/guardians should be given full disclosure of the nature and extent of the media access and the potential outcomes for them if they agree to media access. Media access should not be allowed without the written, informed consent of the youth and their parents/guardians. Written consent should also be obtained from victims and witnesses whose identities may be disclosed.

Guideline 5: Even where local law and practice allow media access, programs should enter into written agreements with the media that:

- allow the program some level of control over the scope of the media coverage;
- allow the program, as a condition of access, to review and approve the final edited version of the material to be published; and
- include an understanding that the media will depict the youth court process in a dignified manner.

Guideline 1: Programs should consult state statutes, rules, and practice to determine the media access that would be allowed in their local courts where juvenile cases are heard (e.g., juvenile, family, municipal courts). At a minimum, written program guidelines should provide at least as much protection to youth as would be provided by the local court of jurisdiction for juvenile cases. If a program operates in collaboration with a school or other entity (e.g., probation, law enforcement, private non-profit organization), the appropriate administrator should also be consulted to assure that media access is consistent with its privacy requirements and interests.

Rationale

The United States Supreme Court has held that the public has a right of access to adult criminal trials.⁷ The Court has determined that jury trials are not necessary in juvenile court delinquency cases, citing the intimate, informal nature of these traditionally closed proceedings,⁸ but has not yet squarely addressed the issue of

public access to juvenile court proceedings.⁹ Lower federal and state courts that have considered the issue have generally held that there is not a First Amendment right requiring access to juvenile proceedings although a stronger claim to access appears to exist when youth are tried as adults.¹⁰ Citing concerns for the rehabilitation of minors and the sensitive nature of its proceedings, almost every state juvenile court provides for confidentiality of juvenile proceedings. States disagree, however, on the level of confidentiality required to protect delinquent minors.¹¹

Historically, to ensure that a juvenile could reintegrate into society after committing an offense, state laws required juvenile justice officials to close juvenile proceedings and to keep juvenile records confidential. “States viewed these protective measures as offering juveniles a second chance. Thus shielded from the public eye, delinquent juveniles could complete their commitments and get on with their lives without fear of public disgrace.”¹² Confidentiality requirements for juveniles are beginning to be relaxed, primarily for those who are transferred into the adult system. Most states open the proceedings and records of juveniles who are held accountable for their actions in the adult system.¹³

In a related guideline, Guideline 1 of the legal issues chapter of the *National Youth Court Guidelines*¹⁴ suggests that regardless of whether the proceedings are open or closed, the records of youth court proceedings should not be open to public inspection. For further reasoning and tips for implementing that guideline, see *National Youth Court Guidelines*, pages 37-39.

Critics of the still mostly closed juvenile court system maintain that opening the proceedings to the public would serve useful purposes.¹⁵ Even among the critics, however, restricting identifying information of the youth is widely accepted as appropriate.¹⁶ Nonetheless, balancing the competing interests of the juvenile to confidentiality against the public’s interest in the proceedings, most states continue to limit or deny public access to juvenile courts.

Youth courts do not operate in a vacuum, and their policies can affect partnering agencies/organizations. Many youth court programs operate as part of or in collaboration with another entity such as a school, municipality, probation department, police department, or juvenile or family court. Oftentimes these partner agencies/organizations provide referrals to the youth court. It would be inappropriate for the youth court program to disclose material that could, and/or should not be disclosed by the referring entity itself. For example, if a youth court program is operating under the auspices of a school, yet also hears delinquency cases referred by the juvenile court, the program should determine what access would be allowed according to school policy, and should also consider the confidentiality provisions and access requirements of the local court of jurisdiction. Youth courts should adhere to the policies of the local juvenile court or the partner organization that has the most restrictive access provisions.

On a further note, Guideline 1 of the legal issues chapter of the *National Youth Court Guidelines* suggests, in part, that youth court programs “establish written policies or guidelines concerning whether their court proceedings will be open to the general public.”¹⁷ Policy restricting access of the *public* to programs also

includes the access of the media as a representative of the public. Policy that applies to the media should be policy that applies equally to all members of the public. Public access to the program can be restricted either in whole or in part. For instance, policy may require that anyone who has access to a hearing promise not to disclose any of the information they learn from the hearing, or it may require the identity of any of those involved with the court remain confidential. Another restriction may be in the use of photography (still or video) or sound recording of the proceedings. In determining the appropriate policy for their program, programs should treat the media as a representative of the public.

While programs should provide at least the same protection from media access that would be afforded to juveniles having their cases heard in local juvenile courts or partnering agencies, there may be important reasons to provide more protection to juveniles having their cases heard in youth courts. Youth court programs are free to provide more restrictive access to the public if the program believes it is in the youth's best interest. Discussion with local legal counsel, stakeholders, and partnering agencies should be made to determine the extent of confidentiality that is in the best interests of those involved in the program. Suggestions for that discussion are included in the following tips.

Tips for Implementing Guideline

- Consult state statutes, state judicial rules and local court rules. State statutes and rules are readily available; however, local court rules may not be as easily accessible. Look under both the family and juvenile codes for rules regarding public access and media rules. Do not forget to look under the Judicial Rules of Practice and Procedure or your local equivalent. Media rules may appear under rules that apply to all courts and therefore would not be found in the juvenile or family code. Programs could consult directly with a local juvenile/family court judge or their state's Administrative Office of the Court, or equivalent for direction.
- If the program is operating as an extension of a school or other entity, state and federal school privacy laws, local policies, and practice should also be consulted to assure that the program conforms its policies to the expectations of the collaborating entity. A meeting should be held with key stakeholders and referral sources to get their input and to secure support for the policy adopted by the youth court program.
- Consider options that will provide the benefits of appropriate media coverage and protect the youth's interests. The type of media access (i.e. print, radio, television) requested should be considered along with how local juvenile/family/municipal court or school disciplinary proceedings would handle the request. For instance, Utah statutes allow the public (and therefore media) to observe some cases where the juvenile is charged with a violation of the law.¹⁸ However, local custom and informal agreements reached with the news media keep the identification of all juveniles confidential. Therefore, if the local media cover a juvenile story, they do so without identifying the juvenile. Finally, in Utah court rule prohibits filming, video recording, audio recording, and still photography in

all trial courts.¹⁹ This limits the type of media coverage that can occur inside of the courtroom, while still allowing media access to the proceedings.

- Meet with local juvenile/family court judges, court administrators, school superintendents, principals, and other stakeholders to discuss issues concerning media access. Consider the following as a starting point for discussion.
 - Do different rules apply to different forms of media access? For instance, would the juvenile/family/municipal court allow a newspaper reporter to sit in court and do a public interest story? Would they allow the same reporter access to report on a particular youth who has committed an offense of interest in the community? Would the identity of the youth be exposed? Would they allow a television crew access to their courtroom to do the same stories? Would they allow a court television program access to broadcast the proceedings of their court?
 - Do different rules apply to different types of cases? For instance, would a request by the media for access to serious offenses or waiver cases into the adult system be treated differently than access for lesser violations such as status offenses or misdemeanors? What about school rule violations or other disciplinary proceedings from the school? What impact do these have on youth court proceedings?
 - Under what circumstances is it appropriate to disclose the identity of the offender or his or her family?
 - Under what circumstances are victims' or witnesses' identities disclosed?
 - What confidential information does the youth court have access to that should or must be shielded from public disclosure?
 - When media is allowed, what restrictions are placed on them?
 - What releases and/or waivers are obtained from respondents, their families, victims, witnesses, and volunteers when the media is allowed to attend proceedings?
- Consider consulting with other youth courts in your state or area (via state youth court associations, networks, or other means) to research the applicable law and custom of your juvenile/family courts and schools. It may be helpful to produce consistent statewide youth court policy regarding media access.

Guideline 2: Even where local law and practice allow media access, programs should assure that pictures, names, and other identifying characteristics of the offending youth are not disclosed by the media.

Rationale

As in juvenile courts, rehabilitation and treatment of youth is a strong tenet of youth court programs. The primary reason for confidentiality in our juvenile justice system has been the beneficial effects confidentiality has on the prospects for

rehabilitation. Anonymity can aid rehabilitation in four primary ways by: (1) preventing the self-perpetuating stigma of delinquency; (2) deterring youth from committing crimes for the sake of publicity or attention; (3) eliminating an accompanying stigma on family members which could otherwise seriously impair the juvenile's familial relationships; and (4) preventing a deterioration in the juvenile's interaction with his peers, the educational system, and the surrounding community.²⁰

Particularly with respect to youth court programs, many youth and parents choose to participate to avoid permanent juvenile records. Media access that discloses the identity of the offender to the public creates a public record of the youth's indiscretions. It does not allow for any protection from the public eye, and the offense may never effectively be expunged.²¹ This record, enhanced by the search capabilities of the electronic age, could potentially be accessed by future employers, people conducting security clearances, or the media.²² They might be more likely to search if the youth becomes a public figure, but it can be done if he or she does not become famous.

Tips for Implementing Guideline

- Consider ways to allow public access without public reporting of identifying characteristics of the youth, victims, or witnesses. This helps establish a balance between the media's interests and the interests of the youth, their families, and the program.
- Discuss confidentiality rules and the reasons for the provisions with reporters to help them understand the youth court program's concerns.
- Always consider the repercussions for the offending youth, their family, victims, witnesses, and volunteer youth if the proceedings are made public. Their needs should take priority over the needs and interests of both the media and the youth court program itself.
- In recognition of confidentiality concerns, some juvenile courts and media organizations have rules and/or agreements not to identify juveniles in their reporting.²³ Check to see if these rules or agreements are in place in your area. If so, determine if the youth court could also be included in this agreement. If no such rules or agreements exist, consider working with the local court and media to determine if they would be beneficial.

Guideline 3: Even where local law and practice allow media access, programs should not allow access to the program's deliberation process.

Rationale

Jury deliberations are closed in adult civil and criminal proceedings for good reasons. Closed deliberations protect against outside influences and allow the free exchange of ideas and information. Allowing media in deliberations may create a distracting and unnatural setting. Youth jurors or judge panels who know that they

are being taped or otherwise recorded may not engage in a free and open discussion essential for the deliberation process. Further, things may be said in the confines of deliberation that would be inappropriate for public disclosure. Finally, youth jury or judge panel members may have their own personal reasons for wanting to protect the confidentiality of the deliberation process (e.g., the volunteer may be acquainted with or go to school with the respondent).

Additionally, some programs allow their juries access to confidential information such as school attendance and scholastic records during the deliberation process. The release of this information via media coverage would be inappropriate, and may even be unlawful. The utmost care should be taken to maintain confidentiality over this information.

Tips for Implementing Guideline

- If the program chooses to allow media access, consider allowing the media to speak to jurors or judge panels *after* the deliberation process. In adult cases the media may have the opportunity to talk to adult jurors who want to discuss their decision and deliberation. This is never mandatory, but a permissive process. If youth volunteers agree to discuss their deliberations, they could be “debriefed” by others, including the media. Adult advisors should be present to help protect against the inadvertent disclosure of confidential material by the youth volunteers and to help protect the best interests of the youth volunteers and respondents.

Guideline 4: Even where local law and practice allow media access, all youth and their parent/guardians should be given full disclosure of the nature and extent of the media access and the potential outcomes for them if they agree to media access. Media access should not be allowed without the written, informed consent of the youth and their parent/guardian. Written consent should also be obtained from victims and witnesses whose identities may be disclosed.

Rationale

Parents have the ultimate responsibility to protect their children’s best interests. Programs should assure that parents have all of the information on the type and potential benefits and ramifications of media coverage to make an informed decision. Memorializing this agreement in writing impresses the importance of this decision on youth and parents and gives them the final decision-making authority. It also provides a record that may protect the program in the event the youth or parent is later unhappy about the child’s exposure and seeks to hold the program responsible for the disclosure.

Federal and state law may also protect some information from disclosure without appropriate consent. For example, the Family Educational Rights Privacy Act of 1974 (FERPA)²⁴ established a parental right to access a child’s school records

and set the requirements for parental consent for release of those records except in limited circumstances. The Improving America's Schools Act of 1994 (IASA) amended FERPA, and permits educators, pursuant to a state statute, to disclose information to state and local officials, as long as the disclosure concerns the juvenile justice system. Since many youth court programs involve the disclosure of school records and information, informed consents from parents/guardians should cover these and other applicable laws.

Although not likely to be as much of a problem, some states may require written releases from volunteer youth and their parents/guardians before they are identified in the press. Negative outcomes of media exposure for volunteer youth are not generally as much of a concern compared to offending youth. Further, the potential legal liability is fairly low when the exposure involves reputable media sources who are not identifying the youth. Liability and concern greatly increase when offending youth are identified along with their offense, or when tabloid media sources are involved.

Another concern arises from the disclosing the identities of victims and witnesses. To protect their needs, interests, and safety, they should also be informed and give their consent prior to media coverage that will identify them in any way.

Tips for Implementing Guideline

- Consult competent legal counsel to explore potential liability for the program related to media access, and draft appropriate waivers and releases. If releases are provided by the media, they should be reviewed by a competent legal advocate for the program to assure that the waiver protects not only the media, but also the youth court program.
- Potential ramifications of media exposure will vary depending upon whether the youth is identified along with his or her offense. If the youth is identified, potential ramifications to be disclosed to parents/guardians and youth should include, but not be limited to:
 - the inability of the youth to expunge the record of the disclosure to the media, which potentially could affect future activities;
 - the potential for disclosure of sensitive information during the process; and
 - the public exposure of the youth's mistakes, which may result in a stigma of delinquency.
- If media access is allowed, obtain a waiver signed by the parent/guardian and the youth (both offender and volunteers) prior to the hearing.
- Inform and obtain waivers and releases from victims, witnesses, and anyone else who may be identified by the media, along with their parents/guardians if they are minors.
- Any consent or agreement entered into with a minor should be signed by both the minor and the parent/guardian, because the minor likely does not have the authority to enter into the contract on his/her own. If there is a conflict between

the minor and the parent/guardian regarding media access, and an amicable resolution cannot be made, no media access should be allowed.

Guideline 5: Even when a program allows media access, it should enter into written agreements with the media that:

- allow the program some level of control over the scope of the media coverage;
- allow the program, as a condition of access, to review and approve the final edited version of the material to be published; and
- include an understanding that the media will depict the youth court process in a dignified manner.

Rationale

The public tends to generalize their perceptions based upon what they see in the media.²⁵ Consequently, the public may generalize their perceptions of all youth court programs based on what they see about one youth court program.²⁶ Therefore, a youth court program that is featured in the media has a duty not only to its own program, but also to other youth court programs. The featured youth court should strive to put its best foot forward at all times, but particularly when it is under the scrutiny of the media. Care should be taken to portray the youth court process in a dignified manner and to request that the media do the same.

The needs of the respondents, families, victims, and volunteers should not be compromised for the sake of a story. Media coverage may be a benefit to youth courts both locally and nationally. Negative consequences may occur, however, if the program and media are careless about how the program and those who are participating in the program are portrayed. Youth court programs themselves are in the best position to determine the dangers of certain information being released or to determine if a story may have unintentional negative consequences for those involved. Protection of youth, families, victims, volunteers, and witnesses should always be a priority.

Tips for Implementing Guideline

- Have an open discussion with the media regarding the goals of the program and what the media goals are. Where the goals are similar, the concerns raised by this guideline will be lessened. If the goal of the media or its practice has been to entertain as opposed to inform the public, the youth court should consider whether media coverage is in the youth's best interest. In considering the motives of the media coverage, programs may consider whether the media is interested in reporting the usual case that comes before the court or is looking for a case in which someone was hurt or embarrassed, or did something particularly egregious. The best interests of the youth offenders, victims, and witnesses should come before those of both the media and the youth court program itself.

- Request in a written agreement to have approval of the final edit of what is going to be publicized. Get input and approval from major stakeholders, referral sources, boards of directors, or other important principals to determine whether the media coverage is an appropriate representation of the youth court program and protects the interests of those portrayed in the coverage.
- Seek local legal counsel to help write or review contracts with the media.
- Consult with National Youth Court Center staff who can help weigh potential benefits and consequences of media coverage.

Expected Outcomes

Youth court programs can reasonably expect the following outcomes if they adhere to the guidelines recommended in this paper:

- Fair and consistent access of the public to youth court programs.
- A mechanism in place for the public to see what a youth court program does, while protecting the interests of respondents, their families, volunteer youth, victims, witnesses, and the youth court program from inappropriate public disclosure of private information.
- Higher level of public confidence in youth court programs.
- Respectful relationship with the media.

Michelle E. Heward is an Associate Professor of Criminal Justice at Weber State University, an attorney, and former chairperson of the Utah Youth Court Board.

Endnotes

- ¹ See: Sheppard v. Maxwell, 384 U.S. 333, 349-50 (1966) cited by Shannon F. McLatchey, Media Access to Juvenile Records: In Search of a Solution, 16 Ga. St. U.L. Rev. 337, 345 (Winter, 1999).
- ² See McLatchey, *id.* at 345-46, citations omitted.
- ³ Richmond Newspapers v. Virginia, 488 U.S. 555 (1980) (In a defendant's fourth trial for murder, the court ruled the right of the public and press to attend criminal trials is guaranteed under the First and Fourteenth Amendments. Absent an overriding interest articulated in findings, the trial of a criminal case must be open to the public.); Globe Newspaper Co. v. Superior Court, 457 U.S. 596 (1982) (Struck down a state statute requiring the closing of sex-offense trials during the testimony of juvenile sex crime victims. Court required the showing of a compelling governmental interest on a case-by-case basis before the public could be excluded); Press-Enterprise Co. v. Superior Court (Press I) 464 U.S. 501 (1984) (In a rape and murder case of a teenage girl, held the six-week voir dire examination of potential jurors was presumptively an open public proceeding.); and Press-Enterprise Co. v. Superior Court (Press II) 478 U.S. 1 (1986) (A qualified First Amendment right of access attaches to preliminary hearings which cannot be closed except in specifically delineated instances.) Cases cited and discussed by Hon. Heidi S. Schellhas, Children in the Law Issue: Contributors Open Child Protection Proceedings in Minnesota, 26 Wm. Mitchell L. Rev. 631, 642 (2000),
- ⁴ See Heather A. Doherty, The Maryland Survey: 1995-1996: Recent Decisions: The Maryland Court of Appeals, 56 Md. L. Rev. 656, 660 (1997), citations omitted.
- ⁵ See Kathleen M. Laubenstein, Comments: Media Access to Juvenile Justice: Should Freedom of the Press be Limited to Promote Rehabilitation of Youthful Offenders?, 68 Temp. L. Rev. 1897, 1908 (1995).

- ⁶ See McLatchey, *supra* note 1, p. 344, arguing that the media's focus on violent juvenile crime has skewed the public's perception of juvenile crime.
- ⁷ See cases cited and Schellhas, *supra* note 3.
- ⁸ McKeiver v. Pennsylvania, 403 U.S. 528 (1971) (plurality opinion). Justice Blackmun, for the plurality, wrote Alf the jury trial were to be injected into the juvenile court system as a matter of right, it would bring with it . . . the traditional delay, the formality, and the clamor of the adversary system and, *possibly, the public trial*. Emphasis added. Discussed by Laura Cohen, Section III: Developments in the United States: Kids, Courts, and Cameras: New Challenges for Juvenile Defenders, 18 *Quinnipiac L. Rev.* 701, 711 (1999).
- ⁹ See Doherty, *supra* note 4, at 660, citations omitted.
- ¹⁰ See Cohen, *supra*, note 9, at 712-13.
- ¹¹ See Laubenstein, *supra* note 5, at 1908.Id.
- ¹² McLatchey, *supra* note 1, at 340. Citations omitted.
- ¹³ *Id* at 341-2. Citations omitted.
- ¹⁴ See Tracy M. Godwin, et al., *National Youth Court Guidelines*, (American Probation and Parole Association National Youth Court Center 2000).
- ¹⁵ See McLatchey, *supra* note 1 at 343, arguing that increasing public access to juvenile records would produce two benefits: (1) the public would become more educated about the juvenile justice system, and (2) the system would become more accountable. *Id* at 345-6 suggests that access by the media operates as a check on governmental agencies, publicizes their progress, and would encourage those in the system to act appropriately. Citations omitted. See also Schellhas, *supra* note 3.
- ¹⁶ McLatchey, *supra* note 1 at 358.
- ¹⁷ For reasoning and tips for implementing this guideline see Tracy M. Godwin (2000), *National Youth Court Guidelines*, pp 37-39, Washington, DC: American Probation and Parole Association, National Youth Court Center; Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice; National Highway Traffic Safety Administration, U.S. Department of Transportation; and Office of Elementary and Secondary Education, U.S. Department of Education.
- ¹⁸ '78-3a-115(1) U.C.A. (2000) provides for the admission of all persons who have a direct interest in the case. In the event the offending youth is 14 years or older, the court shall admit any person if the minor is charged with a felony level offense or charged with an A or B misdemeanor and the minor has a prior record of an A or B misdemeanor. The judge has authority to close the court upon a finding of good cause.
- ¹⁹ Rule 4-401 Rules of Judicial Administration U.C.A. (2000). Provides for still photography, filming and audio and video recording for ceremonial or court approved public information programs when arranged through the presiding judge of the court. Still photography may be permitted at the discretion of the trial judge under certain delineated findings.
- ²⁰ See Laubenstein, *supra* note 5, at 1901, citations omitted. She continues with other policy reasons to maintain confidentiality at 1902-1908.
- ²¹ For a review of the effects of media coverage on juvenile cases, see Cohen, *supra* note 8 at 703-09. The cases discussed are those with high media coverage although analogies to cases covered by youth courts may be appropriate.
- ²² Also note legal guideline 2 which suggests that "Youth court volunteers should be required to sign a statement agreeing to keep youth court matters confidential." Certainly if those who are involved in the youth court process are to keep the matters of youth court confidential, that should not be defeated by members of the public who are making the matters public. See Godwin, *National Youth Court Guidelines*, *supra* note 14.
- ²³ For instance, in Utah, media has an agreement not to publish the names of juveniles covered in juvenile court unless and until the juvenile is waived into the adult system (for a serious felony offense) and treated as if he or she has committed an adult offense.
- ²⁴ 20 USC '1232

- ²⁵ See McLatchey, *supra* note 1, at 344, arguing that the media's focus on violent juvenile crime has skewed the public's perception of juvenile crime.
- ²⁶ Youth courts should do all they can to assure that accurate information about youth courts is conveyed to the public. Statements that youth courts prevent recidivism or that they are better at handling cases or are more effective than some other entity or program should not be made, absent clear research and evaluation.