



Court of Common Pleas

**WARREN COUNTY**

*Probate - Juvenile Division*

# WARREN COUNTY YOUTH COURT MANUAL

*An Experienceship Opportunity*



## **Youth Court Vision Statement**

Youth Court strives to achieve excellence in providing creative, innovative and restorative sanctions while providing educational enlightenment into legal processes to youthful offenders and families in Warren County.

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## **I. GENERAL INFORMATION**

### **HISTORY AND OVERVIEW OF YOUTH COURTS**

Since Youth Courts came into creation, they have been successful at diverting thousands of teens from the juvenile justice system.

Youth Courts are designed for misdemeanor offenders. The process begins with a case being referred to Youth Court. In order for a case to be heard by Youth Court, the child must first admit responsibility for his/her actions and both the parents and the child must consent to participating in Youth Court. The victim is not required to attend but is encouraged to participate.

Youth Courts train local teenagers (referred to herein as “Volunteers” or “Participants”) to serve in every facet of a juvenile court proceeding - - youth judge, youth bailiff, youth prosecutor, youth defense counsel, and youth jury - - to serve in real-life cases involving their peers. The goal of a Youth Court is to use positive peer influence to ensure that young people who have committed minor offenses pay the community back and receive the help they need to avoid further involvement in the justice system. While Youth Courts vary from one jurisdiction to another, the Youth Court here in Warren County uses youths who live in Warren County, who are in grades 9 – 12, to handle the cases of juveniles who have been cited for misdemeanor offenses such as theft, criminal damaging, and disorderly conduct.

Youth Courts pursue multiple goals at the same time. First, they hold young people accountable for their actions by requiring them to accept responsibility and repay the community. The sanctions that are imposed in Youth Court emphasize restoration, encouraging the offender (known as the “Respondent” because he/she is “responding” to an allegation of wrongdoing) to make amends through such actions as performing community service and writing letters of apology. Second, Youth Court provides participants with experiential learning that is designed to complement classroom lessons about government. High school students learn first-hand how courts work, stepping into the role of the judge, the bailiff, the prosecutor, the defense attorney, and the jurors, all under the watchful eye of a jurist, a licensed attorney, or law student from a neighboring law school, when available.

As stated previously, a Respondent must accept responsibility for committing the offense to participate in Youth Court. The Respondent’s version of the incident does not need to match the referral sources exactly, but the Respondent must admit to being guilty of what they are charged with.

## GOALS

The Warren County Youth Court is intended to serve as: (1) an early-intervention program for young people charged with certain misdemeanor offenses; (2) a leadership development program for the youths who serve as the judge, bailiff, prosecutor, defense lawyer, and jurors (“Participants”); (3) an oral advocacy and professional development opportunity for students; and (4) an experienceship opportunity to integrate a variety of groups (juvenile court, local volunteer attorneys, law students if available, and high school students) to advocate for positive change in our legal system.

We work to achieve these goals through the following:

### ***Service***

For *Respondents* our goal is to prevent future contact with the justice system and repair the harm done to the community.

For the *Participants* our goal is to teach the value of civic duty through volunteering and service to our community.

### *Accountability*

Our goal is to teach *Respondents* the importance of accepting responsibility for their actions and conduct and being accountable to the community and to themselves. The focus is on reflection and choice.

### *Professionalism*

Our goal is to improve students’ public speaking skills such as interviewing, arguing and oral advocacy.

### *Leadership*

For *Respondents* our goal is to assist Respondents in making better choices for themselves in the future.

For *Participants* our goal is to develop leadership skills.

## **ROLES**

### **Participants/Volunteer Youth**

Youth Judge: The Youth Judge will preside over all of the cases on their assigned date. They will be under the supervision of one of the jurists in Warren County Juvenile Court.

Youth Bailiff: The Bailiff will open and close Court and maintain order.

Youth Jurors: The Jurors are high school students who will decide the sanction the Respondent will receive. Jurors will complete ethics and confidentiality training prior to participation.

Youth Advocates/Attorneys: You could be the Youth Prosecutor and your job is to represent the State of Ohio and the victim in the case if there is one. Your job is to advocate the type of punishment that will hold the youthful offender accountable to the victim and the community by allowing them to “right a wrong.” If you are the Youth Defense Attorney, you will be representing the Respondent. You will put forward the best information you have available to “mitigate”, or lessen, the punishment.

### **Respondents**

Respondents: Respondents are those young people whose cases are referred to Youth Court for a hearing. These youths typically interact with Youth Court immediately before, during, and after the hearing until they have completed their assigned sanctions.

## **CONFIDENTIALITY**

*What type of information is considered confidential?*

All Youth Court records are sealed and ultimately expunged. Sealed records may only be accessed on a limited basis, but expunged records are treated as though they never took place. If someone asks about an expunged record, the law requires us to answer: “We have no such record of that matter.”

Youth Court hearings are closed to the general public. Only Youth Court Participants, the Respondent and his/her parents or guardians, victims (and their parents if the victim is a minor) may participate. Everything that happens during a hearing and deliberation is confidential.

*Who is bound to confidentiality?*

Everyone. The only party not bound by confidentiality is the Respondent and his/her parents or guardians.

## SANCTIONS

All requirements given to the Respondent by the Diversion Officer of Warren County Juvenile Court, **and any of the following sanctions, as well as any other sanction a youth jury decides upon:**

### WRITING DISPOSITIONS:

Letter to your future self: This can be used to read in the event the idea of repeating your bad behavior comes to mind in the future.

Essay:

- The essay submitted should be related to the Respondent's offense. There is a 500-word minimum and a 2,500-word maximum. The topic of the essay will be determined by the jury (Example: "How Drugs Damage the Body").

Apology Letter:

- The Respondent submits an apology to the victim and/or complainant regarding their participation in the offense. This apology may be made face to face or in written form (Example charges: Any charge).

### COMMUNITY SERVICE AND RESTITUTION:

- The Defendant will participate in volunteer hours at a community agency. **A minimum of 10 hours must be assigned and a maximum of 30 hours.** Respondent must be at least 13 years old. (Example charges: Criminal Damaging, Receiving Stolen Property, Theft, Trespassing, etc).
- Restitution: Recommend restitution be ordered.

### ONLINE EDUCATION INTERVENTIONS

#### STOPLIFTING

- STOP Lifting is an on-line education course for teen shoplifters. It provides facts about shoplifting, personalized feedback to the student taking the course, and skills training to help the person change their attitude and behavior about the crime of shoplifting. The course work can be completed at home and requires a computer (Example charges: Petty Theft).

#### Marijuana 101

-This web-based course for teens (ages 15 and older) is appropriate for marijuana or other drug misdemeanor violations. The lesson plan includes a discussion regarding the potency of the drug, the addiction potential, how marijuana affects the brain and other health risks.

#### Under the Influence (alcohol)

-This is a nine-lesson, web-based course for older teens and young adults (ages 12-18) charged with under 21, public intoxication, open container, and other alcohol related offenses. Students learn about alcohol and health

issues, personal risk factors, level of alcohol use, consequences of abuse, drinking and driving, how to manage stress levels, and making healthy choices.

#### Anger Management Class

-Used specifically for anger management and identifying techniques to control out-of-control behaviors.

#### Bullying

-This web-based course provides vital information to individuals on how to recognize and stop bullying behavior.

#### Life Skills

-This web-based program offers a 4-hour course that teaches youth how to make better decisions. Life is full of difficult choices and this program provides insight on how to navigate them. Topics covered: Responsibility, Appropriate Thinking, How to Handle Everyday Problems, Budgeting, Time Management, Character Building, Integrity, Self-Esteem, Communication Skills, Boundaries, Conflict Management, Positive Thinking, and Motivation.

#### Respect and Resolve Course

-Designed in the motivational interviewing style, Respect & Resolve explores crucial concepts for building self-esteem, emotional health, and communication and conflict resolution skills. It covers abusive relationship awareness, strategies for recognizing coercive behavior, and safe, positive, active bystander strategies. Students determine their preferred bystander intervention style and their own strategies for overcoming peer pressure and other coercive pressures; they also work on their communication with peers and adults and learn to give and receive respect. Students complete the course at their own pace, receiving personalized feedback through each lesson.

### **OTHER DISPOSITIONS:**

- Creative Dispositions:

- The Jury may also create new dispositional options, which must directly relate to the offense or the circumstances surrounding the offense.

- No Disposition Warranted:

- The Jury may decide that the defendant has been sufficiently punished, and that no further sanction is necessary.

***[\* Most sanctions should be completed within 45 days of the hearing, but the Judge has the discretion to determine the sanction deadline; however, all sanctions must be completed within three months.]***

## II. PARTICIPANTS

Every Warren County student who is in 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, or 12<sup>th</sup> grade can submit an application for consideration.

All Youth Court members are required to sign a *Student Contract* and *Confidentiality Agreement*, obtain parental consent, complete an *Emergency Medical Authorization*, and abide by the *Code of Conduct*.

You will receive a packet which includes:

- (1) Code of Conduct
- (2) Emergency Medical Authorization
- (3) Confidentiality Agreement
- (4) Juror Information

### *Attendance policy:*

The overall goal of our attendance policy is to keep all Participants in the program through clear and consistent expectations and consequences.

If a Participant is confirmed for a particular hearing date, they must attend that hearing date. If an emergency arises and a Participant cannot attend on that date, they must immediately notify Sharon Eisenhut at 513.695.2686, or email her at: [youthcourt@co.warren.oh.us](mailto:youthcourt@co.warren.oh.us).

If a Participant does not show up on the assigned date and does not provide any notice, either before the hearing date or immediately after, they must meet with the Youth Court Coordinator to determine if they can continue to participate.

Participants must arrive no later than 5:00 p.m. and are expected to stay until the conclusion of all the hearings – which is estimated to be 7:15 p.m. Late arrival may preclude your participation.

If selected to participate, you are expected to attend all assigned Youth Court sessions, follow the Code of Conduct, be respectful of other Participants, Respondents, parents, and lawyers, and maintain the Oath of Confidentiality.



# CODE OF CONDUCT

Youth Court participation is a privilege, not a right. This privilege can be lost if you fail to act in a responsible manner and within the confines of the law. As a Youth Court Participant, you are expected to serve as a role model for your peers at all times. Therefore, you must maintain high standards of conduct and encourage other members to do the same. You should be temperate and dignified and refrain from all illegal and morally unacceptable conduct. Because of your position, even minor violations of the law may tend to lessen public confidence in the entire Youth Court Program. Most importantly, since Youth Court is designed to promote law-abiding behavior, your behavior must be consistent with that purpose.

I understand that I must abide by the following rules and that failure to conduct myself in conformity with these rules may result in my suspension / removal from the Youth Court Program:

1. You must not engage in illegal conduct.
2. You must maintain the confidentiality of Youth Court proceedings.
3. You must not violate the rules and regulations adopted by your school district.
4. You must participate free of bias toward a person's age, race, sex, gender identity, religion, national origin, or disability.
5. You must appear promptly.
6. You must perform your role as effectively and competently as possible.
7. You must not engage in undignified or discourteous conduct during any Youth Court session.
8. You must not ask any question that is intended to harass or degrade the Respondent or other witness.
9. You must not let any outside influence, such as parents, fellow students, or your own self-interest affect your actions and decisions in how to proceed.
10. You must treat with courtesy and consideration all persons involved.
11. You must dress appropriately.
12. You must notify the Youth Court Coordinator immediately if you are arrested or suspended from school.
13. Make your participation meaningful and be engaged. In other words, put your phone away.

*I have read and understand the rules stated above and agree to abide by them.*

Student's Name (Print) \_\_\_\_\_

Student's Signature \_\_\_\_\_ Date \_\_\_\_\_

# EMERGENCY MEDICAL AUTHORIZATION

**Purpose:** To enable parents and guardians to authorize the provision of emergency treatment for children who become ill or injured while participating in Youth Court when parents or guardians cannot be reached.

NAME OF CHILD \_\_\_\_\_

**Consent:** The above-named youth: \_\_\_\_\_ **Has** \_\_\_\_\_ **Does Not** have my permission if he/she considers it necessary to call a physician or emergency care assistance for my son/daughter in case of sickness or accident. I understand that in the event of a serious emergency, I will be notified immediately for further instructions. I also understand that I am responsible for any medical expenses related to my child's care.

In the event reasonable attempts to contact me at the numbers given on this form have been unsuccessful, I hereby give my consent for:

a. The administration of any treatment deemed necessary by our family practitioner:

Dr. \_\_\_\_\_ (preferred physician) at \_\_\_\_\_ (phone)

**OR**

b. In the event the designated practitioner is not available, by another licensed physician. I also grant permission to transfer the child to the hospital of choice (as listed below) or the nearest medical facility.

Hospital of choice \_\_\_\_\_ (Hospital name)

This authorization does not cover major surgery unless medical opinions of two licensed physicians or dentists concurring in the necessity for such surgery are obtained prior to the performance of such surgery.

Information concerning the child's medical history including medical allergies, medication, or impairments to which a physician should be alerted is as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of Parent or Legal Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Emergency Contact and Phone Number

# Media Release Form

Please provide all the information asked for below:

Name: \_\_\_\_\_

Parent/Guardian's name: \_\_\_\_\_

Home address: \_\_\_\_\_  
\_\_\_\_\_

I, the parent/legal guardian of (child's name) \_\_\_\_\_ hereby grant permission to the Warren County Youth Court to use the above named child's photo or video, and likeness for the purpose of promotion, by Warren County Youth Court for all forms, media, and manners, for the following, but not limited to, news releases, photographs, video, audio, website, marketing, advertising, trade, promotion, exhibition for an indefinite period.

I give unrestricted permission for images, videos, and recordings of my child to be used in print, video, digital and internet media. I agree that these images and/or voice recordings may be used for a variety of purposes and that these images may be used without further notifying me.

I further acknowledge that I will not be compensated for these uses and the Warren County Youth Court owns all rights to the images, videos, and recordings, and to any derivative works created from them.

This release form expresses my understanding of this form.

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

Date: \_\_\_\_\_

Relationship to child: \_\_\_\_\_

# CONFIDENTIALITY AGREEMENT

The importance of honoring the Confidentiality Agreement cannot be overstated. The business of appearing in any court is a personal matter. All aspects of a Youth Court hearing are **CONFIDENTIAL**. Failure to respect this agreement can result in dismissal from participation in the program.

“I solemnly declare that I will keep confidential any information that comes to my knowledge in the course of a Youth Court case presentation. I will not identify, directly or indirectly, either audibly or in writing, any person participating as a Respondent in the Youth Court Program.”

\_\_\_\_\_  
Youth Court Participant's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Youth Court's Participant's Signature

## CONFIDENTIALITY TRAINING

*What type of information is confidential?*

Any information that would identify the Respondent. For example: name, parent's names, or school.

### Example One:

Sara, a Youth Court Participant learned during a Youth Court hearing that her best friend was involved in a drug-related offense. Sara had no clue that her best friend was involved. Sara talks to her friend later that night and asks her about what happened. Is this okay? **Answer: NO**

### Example Two:

Brandon, a Youth Court Participant, recently heard a case that revealed that a child who committed an offense had been molested when he was younger. Brandon is very concerned about this and goes home and talks with his dad about the case. Is this respecting the Respondent's confidentiality? **Answer: NO**

### Example Three:

Jack, a Youth Court Participant, is at a birthday party for their cousin Joe. Jack notices that Joe's friend Bob was a Respondent in one of the Youth Court sessions that he participated in. Joe politely asks Bob how things are going and if he had straightened up since that day in court. Is this right? **Answer: NO**

### Example Four:

Lexi is a Youth Court Participant and knows one of the kids who is being tried in Youth Court. The kid, Krishna, is very disrespectful in Court and the case is sent back to the Juvenile Court. Lexi goes to school the next day and tells her best friend what happened. Is this appropriate? **Answer: NO**

### Example Five:

Connor gets back from serving as a Youth Court Participant and is asked about the hearing by the school principal who knew the Respondent and the case. Connor informs the Principal about the details of the case. Since it was a principal who asked, is it okay that Connor disclosed the details of the case? **Answer: NO**

### Example Six:

After a Youth Court session, Braden's dad picks him up. His dad is curious about his involvement in Youth Court and wants to know what happened when he served. Braden tells his dad in detail what the cases were like and who the offenders were. Is this okay? **Answer: NO**

Example Seven:

Andrew, a Youth Court Respondent, sees one of the youth jurors the day after he had his hearing. Andrew approaches the juror and says “thank you for what you said last night during my hearing. Do you think I am a bad person?” Can the youth juror answer the Respondent’s question? **Answer: YES**

Example Eight:

Another Youth Court Participant who hasn’t been to court yet to hear any cases asks another Youth Court Participant who has gone to court all about the cases that he has heard. Since they are both participants in Youth Court, can they talk about cases that one of them heard and the other one didn’t? **Answer: NO**

***[We want this to be a meaningful experience for you, so remember it is always okay to tell others about your experience – just don’t say anything that would identify the Respondent.]***

## **ETHICS TRAINING**

*Rule One: Be Respectful of Everyone in Court*

Do not make faces or gestures during hearings. The environment that you create in the courtroom must be serious or the Respondent will not take you seriously. And, give your undivided attention at all times . . . so no cell phones.

*Rule Two: Be a Positive Role Model*

This can be as simple as being at Youth Court on time and attending when you are scheduled. You are a role model to the Respondents, so you cannot engage in unlawful behavior.

*Rule Three: Maintain Confidentiality*

You signed a confidentiality agreement and you will take an oath before each hearing.

*Rule Four: Speak Up When You Have a Conflict*

When you feel that you cannot give a fair, unbiased opinion, do not participate in that particular hearing.

## SENTENCING TRAINING FOR YOUTH JURORS

In a nutshell, you will listen to what the prosecutor suggests what should happen to the offender and you will listen to what the offender has to say about their offense.

You will be encouraged to ask them questions. Apply common sense to the case you are involved in and ask the questions that you think the Respondent needs to answer, such as “did you apologize to the victim?” “What did you say?” “Was this face to face or did you write a letter?”

You may also hear from the family of the offenders and you may hear what affect, if any, it had on the victim if there is one.

YOU will decide the penalties the offender receives. YOU will decide how the offender will repair the harm that has been done – what sanctions are necessary for the offender to provide accountability – and what they must do to see the error of their ways so that they can move on to be a positive member of the community.

This is an awesome responsibility. You must also strive to be role models and live up to the standards you are imposing on the offender.

### General Considerations:

1. *Deterrence of the Respondent*: punishes the Respondent so as to discourage him/her from committing offenses in the future.
2. *Deterrence of Others*: punishing those who violate the law is a deterrent to others who might be so inclined to commit similar offenses.
3. *Rehabilitation*: punishment may be fashioned so as to assist the offender to learn to modify his/her behavior in the future.
4. *Retribution*: When an offender violates the law and, in the process, causes harm to a victim or to the community in some way, that sense of wrong is avenged by punishing the offender.

Any fair sanction must also consider Respondent’s individual factors:

- *Age* (did immaturity contribute to the offense or was the Respondent of sufficient age that he/she should have known better?)
- *Health* (did the Respondent suffer from any health problems which contributed to the offense?)
- *Family Circumstances* (does the Respondent’s home life contribute to the wrongful conduct?)
- *Prior Incidents* (has the Respondent had prior arrests/problems at school?)
- *Academic Record* (has the Respondent demonstrated a reasonable dedication to schoolwork?)

- *Extracurricular Activities* (does the Respondent participate in any extracurricular activities?)
- *Employment Record* (has the Respondent held any jobs, and if so, what is her/his employment record?)
- *Punishments Already Imposed* (has the Respondent already received some punishment for his/her conduct by parents or school officials?)
- *Intent* (did the Respondent display an intent to commit the offense or did they act recklessly or in the heat of the moment?)
- *Motive* (did the Respondent commit the offense to help another person or himself/herself or to injure another person?)
- *Victim* (is the victim especially vulnerable or did the victim provoke the offense?)
- *Role in the Offense* (if the Respondent participated with others in the offense was he/she an organizer or leader of the illegal activity or was he/she a follower?)
- *Acceptance of Responsibility* (does the Respondent acknowledge responsibility and demonstrate remorse or does the Respondent excuse, minimize, or attempt to avoid responsibility?)



## WHAT TO EXPECT AS A YOUTH JUROR

*Function:* The function of the jury is to decide the appropriate sentence of the Respondent after hearing the evidence and the argument of the prosecutor and defense counsel. One of the purposes of Youth Court is to allow Respondents to be judged by a jury of their peers. The right to have a jury of one's peers sit in judgment is one of the basic constitutional rights in our democracy.

Your first order of business is to pick a foreperson who will be the leader of the jury and guide your deliberations. The foreperson's vote on a particular sanction is entitled to no greater weight than that of the other jurors.

*The foreperson has the following duties and obligations:*

1. Lead the jury's deliberations by stimulating discussion among the jurors;
2. Maintain order in the jury room, ensuring that everyone's voice will be heard so that an open discussion of the facts and the appropriate sanction can be discussed;
3. Require each juror to state his/her views as to what the Respondent's sanction should be and why;
4. Call for a vote during the deliberations as to the appropriate sanction;
5. Stand in open court and read the jury's verdict and offer encouraging words.

*The hearing will proceed as follows:*

1. The Respondent has previously admitted guilt.
2. The prosecutor and defense counsel will both make opening statements.
3. The prosecutor then gets to argue what sanctions they are seeking and present a victim impact statement when appropriate.
4. The defense counsel can call the Respondent and any witnesses that he or she wants to call to offer testimony in mitigation of his sanctions (how he or she took responsibility, has remorse, etc.). The Respondent will make a statement.
5. At the conclusion of the hearing, the jurors will deliberate for 15 minutes to decide what sanction is appropriate.
6. The Respondent will return to the courtroom.
7. The foreperson will stand in open court and read the sentence.
8. The jury will remain in the courtroom to hear the next case. (The jury will hear two 45-minute hearings back-to-back, with a 15 minute break in between. We will take 10-15 minutes to debrief and will conclude for the night).

### III. RESPONDENTS

#### SCHEDULING

A youth who is accused of wrongdoing may be a good candidate for Youth Court. For those that are, we will explain to them that successful completion of Youth Court will eliminate the need to have a formal proceeding in Juvenile Court.

1. Start off by telling the Respondent that he/she must first take responsibility for their actions and admit to what they did wrong. The benefit of this program is if the Respondent successfully completes Youth Court the incident will not go on her/her official record.
2. Hearings are in the evening and you will have a scheduled time that your case will be heard. That way if you want to have other people offer a statement on your behalf, they will know what time they will need to be there.
3. Explain the expectations that will be placed on the Respondent and family (i.e., your child may be asked to do community service or complete other sanctions).
4. Explain that the Youth Court is only about the sanction. The Respondent has already admitted fault, so all that is left is the matter of his/her sanction. The goal is to help the Respondent reflect upon the experience and limit recidivism.
5. Ask if the parent and Respondent consent to participate in Youth Court.

*If the youth/parent agrees to participate in Youth Court:*

1. Schedule the hearing.
2. Confirm the Respondent's address and email (if applicable) and explain that you will mail and/or email a letter to confirm the hearing, a consent form, and information about the process ("Participant Information"), and someone will call the week of the hearing to remind them about the process.
3. Explain that the advocate who will be representing the Respondent will be available prior to the hearing to discuss the strategy of what information the Respondent wants to present. Therefore, it is critical that the Respondent has those people meet them at Court that evening so they can offer their statement.
4. Notify (e-mail) Juvenile Court of the docket for each completed youth court hearing date and the times that you have scheduled for each Respondent/family. Juvenile Court will mail each Respondent a confirmation letter with the date, time, and location for their hearing.

*If a Respondent youth does NOT agree to participate in Youth Court:* Notify Juvenile Court and the case will go the official route.

## **RESPONDENT INFORMATION**

The purpose of the Youth Court is not punitive, but to help youth appearing before the court to refocus their efforts in a positive direction.

The child will be represented by an advocate (a youth defense counsel). Instead of being sentenced by a Judge, a jury comprised of peers (high school students in 9<sup>th</sup> through 12<sup>th</sup> grade) will hand down the sanction.

All Youth Court hearings and proceedings are confidential.

The complaint and Youth Court process does not establish an official Juvenile Court record for the child. The record of the charge and proceeding will be immediately sealed upon completion of the disposition. However, the Juvenile Court will retain information to identify your child as having participated in a Youth Court hearing for a period of five years. Any additional charges will prevent the opportunity to participate in additional diversion programs in that five-year period.

If the parents, child, or the victim are dissatisfied with the result of the hearing, they may request that the matter be referred back to Juvenile Court. In the event the child does not complete the sanctions, the child and parents may be brought back for further hearings or the case may be returned to Juvenile Court for further action.

# YOUTH COURT NOTICE LETTER TO RESPONDENT

**RE:** \_\_\_\_\_

Dear Parents: \_\_\_\_\_

On \_\_\_\_\_, a complaint was filed with the Court alleging that your son/daughter was involved in an offense. As a result of this complaint, the case has been referred to the Youth Court program.

Youth Court is a program designed for first time misdemeanor and status offenders who have no official court record. A description of the program is enclosed for your review.

During a phone call with Youth Court personnel, you verbally consented to your son/daughter's participation in the Youth Court program. Your court date is \_\_\_\_\_ at \_\_\_\_\_. If you do not arrive by \_\_\_\_\_, your child will forfeit their opportunity to participate and your case will be sent back to Juvenile Court for formal adjudication.

The Youth Court hearing will be held at the Warren County Juvenile Court located at 900 Memorial Drive, Lebanon, Ohio 45036. There is ample parking available.

**If you have any questions, please call Sharon Eisenhut at 513.695.2686 or email her at: [youthcourt@co.warren.oh.us](mailto:youthcourt@co.warren.oh.us).**

# YOUTH COURT CONSENT FORM

I acknowledge receipt of the unofficial complaint and an explanation of the Youth Court Program.

1. I admit the allegations contained in the complaint. Yes \_\_\_\_\_ No \_\_\_\_\_
2. I want my case to be heard by Youth Court. Yes \_\_\_\_\_ No \_\_\_\_\_

## **In order to participate in Youth Court, we agree and understand that:**

1. Youth Court is a voluntary, pre-court diversion program for low-level and non-violent offenders where the youth has taken responsibility for his/her actions. It provides the juvenile with an alternative to Juvenile Court involvement. If you decide not to participate in Youth Court, your case will be sent back to Juvenile Court.
2. I (the juvenile) admit my participation in the incident that has been referred to Youth Court. I understand that I must take responsibility for my actions in order to qualify for participation in Youth Court. Youth Court will not engage in a determination of "guilt or innocence," but will consider factors surrounding the offense in determining an appropriate sanction.
3. I (the juvenile) agree to abide by the sanction of the Youth Court and understand that if I fail to abide by the conditions of the sanction, this matter will be referred to Juvenile Court for further action.
4. We (juvenile and parents) understand that Youth Court has no authority to compel our appearance or participation in Youth Court. It is totally voluntary.
5. We (juvenile and parents) understand that the Youth Court will be comprised of juveniles who have been sworn by an oath of confidentiality regarding the proceedings.
6. We (juvenile and parents) understand that upon successful completion of the terms and conditions imposed by Youth Court, this case will be destroyed from the official records.
7. We (juvenile and parents) understand that I/our child is being represented by a youth volunteer advocate. If law students or lawyers from the community volunteer to help, and advocate for my/our child, then I/we understand that this representation does not create an attorney-client relationship and I/we cannot hold the advocate liable for his/her actions

or inactions related to this case.

8. Any questions regarding Youth Court have been explained to our satisfaction.

\_\_\_\_\_  
Youth Name (Print)

\_\_\_\_\_  
Parent/Guardian Name (Print)

\_\_\_\_\_  
Youth Name (Signature)

\_\_\_\_\_  
Parent/Guardian Name (Signature)

Date \_\_\_\_\_

# WARREN COUNTY YOUTH COURT SANCTION FORM

We, the jury, find the Respondent, (Respondent's Name) has admitted his/her involvement in Youth Court case number (state case number). We sentence the Respondent to complete the following sentence:

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This sentence is to be completed by (due date).

Failure to comply with the above sanction by the agreed date will result in this case being reassigned to the Official Docket of the Warren County Juvenile Court.



I have read and understand the above sentence as handed down by the Youth Jury and agree to complete the same. I further understand the consequence of not completing the sentence is to return to the Warren County Juvenile Court system for formal action.

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Guardian

## **POST HEARING MEETING**

*Immediately after the hearing, an employee from Warren County Juvenile Court will meet with the Respondent and his/her parent(s) for a private meeting.*

1. Ask and answer questions.
2. Assess their experience of the process (Example: Was the hearing what you expected?)
3. Recap the jury's decision and review the sanctions in detail. Fill out the Sanction Form, copy it, keep one for our files and give the other form to the Respondent/parent.
4. Discuss with the parent/guardian how the Respondent can successfully complete the sanction, and enlist his/her help addressing any possible barriers to successful completion.
5. Remind the Respondent that if he/she successfully completes all sanctions, the offense will not go on his/her official record.
6. The Youth Court Coordinator will follow-up to ensure compliance.

*If the Respondent fails to complete some assigned sanctions, the case may be considered successful or unsuccessful based on the determination of the Juvenile Court:*

1. Immediately after a missed sanction assignment, contact the Respondent and parent by phone and attempt to reschedule the sanction.
2. If you are unable to speak with the Respondent or parent within one week of a missed sanction assignment, send a letter informing the Respondent he/she is at risk of failing to complete Youth Court.
3. If you do not receive a response within two weeks of sending the warning letter, send a letter informing the Respondent that, due to non-compliance with some of the assigned sanctions, the case has been referred back to the Juvenile Court, who will determine whether the Respondent met the conditions of the referral.



*If the Respondent fails to complete ALL assigned sanctions:*

1. Immediately after a missed sanction assignment, contact the Respondent and parent by phone and attempt to reschedule the sanction.
2. If you are unable to speak with the Respondent or parent within one week of a missed sanction assignment, send a letter informing the Respondent he/she is at risk of failing to complete Youth Court. After three days, attempt to contact Respondent and parent again by telephone.
3. If you do not receive a response within two weeks of sending the warning letter, the case is closed as “unsuccessful.” Notify Juvenile Court and send a letter informing the Respondent that, due to non-compliance with assigned sanctions, the case has been closed and this information is being provided to the Juvenile Court.

## RESPONDENT'S PARENT'S SURVEY

Please take a moment to fill out this survey honestly and completely. Your answers will be confidential. This survey will only be used to evaluate the program. Thank you in advance for your cooperation.

1. What grade is your child in? \_\_\_\_\_
2. What was your child's violation/offense? \_\_\_\_\_
3. Has your child had previous violations?  Yes  No How many? \_\_\_\_\_
4. Did you feel your Son/Daughter's hearing:
  - a. Increased his/her understanding of who was harmed?  Yes  No
  - b. Helped him/her repair the harm caused?  Yes  No
  - c. Helped him/her learn and grow from the experience?  Yes  No
5. What was your Son/Daughter's sanction? \_\_\_\_\_
6. Do you think your son's sanction was:  
 Too Lenient  Fair  Too Harsh Please explain. \_\_\_\_\_  
\_\_\_\_\_
7. Did Youth Court explain what they expected of you?  Yes  No If no, please tell us what was unclear to you. \_\_\_\_\_  
\_\_\_\_\_
8. Were you happy with your child's advocate? What could they have done better? \_\_\_\_\_  
\_\_\_\_\_
9. What did you like about Youth Court? \_\_\_\_\_  
\_\_\_\_\_
10. What changes could we make to improve Youth Court? \_\_\_\_\_  
\_\_\_\_\_

## RESPONDENT'S SURVEY

Please take a moment to fill out this survey honestly and completely. Your answers will be confidential. This survey will only be used to evaluate the program. Thank you in advance for your cooperation.

1. What grade are you in? \_\_\_\_\_
2. What was your offense/violation? \_\_\_\_\_
3. Did you feel your hearing:
  - a. Increased your understanding of who was harmed?  Yes  No
  - b. Helped you repair the harm you caused?  Yes  No
  - c. Helped you become more involved in the community?  Yes  No
  - d. Helped you learn and grow from this experience?  Yes  No
4. Did Youth Court explain what they expected of you?  Yes  No  
In no, please tell us what was unclear to you. \_\_\_\_\_  
\_\_\_\_\_
5. Do you think your sanction was:  Too Lenient  Fair  Too Harsh  
Please explain. \_\_\_\_\_  
\_\_\_\_\_
6. What was your sanction? \_\_\_\_\_
7. Were you happy with your advocate? What could they have done better?  
\_\_\_\_\_
7. What did you like about Youth Court? \_\_\_\_\_  
\_\_\_\_\_
8. What changes could we make to improve Youth Court? \_\_\_\_\_  
\_\_\_\_\_

## **IV. ATTORNEYS**

### **ROLE OF THE PROSECUTOR**

#### *I. Function*

The function of the prosecutor is to represent the interests of the community. All crimes affect not only the victim in each case, but the community as a whole.

#### *II. Duties and Obligations*

The prosecutor has an obligation to recommend that a specific sanction be imposed and to offer evidence in support of that recommendation. A prosecutor in Youth Court must evaluate the facts of each case and determine what sanction is appropriate in order to:

1. Punish the Respondent for what he/she did;
2. Deter the Respondent from committing future criminal acts;
3. Deter others from committing similar crimes;
4. Compensate the victim for any harm suffered (restitution);
5. Rehabilitate the offender.

More specifically, the prosecutor has the following duties and obligations:

1. Investigate the circumstances of the offense by reviewing the file.
2. Decide what sanction to recommend.
3. Prepare for a sentencing hearing.
4. Present a final argument or summation to the jury as to why the recommended sanction is appropriate.
5. Act fairly and in the interest of justice.

# PROSECUTING ATTORNEY CHECKLIST

1. This is not an adversarial process. The role of the “prosecutor” is to present the facts both positive and negative. The goal of the program is to assist the Respondent in understanding their mistakes and helping them move forward in a positive direction.
2. Read whatever reports are available to you and pick out the important details. There may also be a Victim Impact Statement.
3. Prepare your opening presentation to the court.
4. Suggested Opening to the Court: Your Honor, Opposing Counsel, (Respondent’s Name) and Family, Ladies and Gentlemen of the Jury. Good evening, my name is \_\_\_\_\_ and I represent the State of Ohio. Before the Court is (Respondent’s Name) on a charge of \_\_\_\_\_.
  - Name of the Defendant
  - Age of the Defendant
  - Date of the Offense
  - Nature of the Offense
5. After the defense gives their opening presentation, you can call witnesses that are available to you (which might be unlikely). Here are some of the appropriate Questions to ask the victim (if applicable)
  - a. What happened?
  - b. How did it make you feel?
  - c. What damage was caused?
  - d. How would you like to see the damage repaired?
  - e. How did the Respondent behave toward you?
  - f. Did the Respondent take any steps to repair the harm that was caused?
  - g. What affects has this had on your life – emotionally, physically, and financially?
  - h. What would you like to see happen?
6. After the defense has put on their witnesses, you will be able to ask questions of each witness. Then you will give your final argument which will consist of what your recommended sanction is to the Jury.

## **ROLE OF THE DEFENSE ATTORNEY**

### ***I. Function***

The function of the defense counsel is to represent the Respondent—the person who committed the offense.

### ***II. Duties and Obligations***

The defense attorney must evaluate the facts and the Respondent's background and determine what sanction is appropriate to recommend to the jury.

More specifically, the defense attorney has the following duties and obligations in Youth Court:

1. Investigate the circumstances of the offense by interviewing the Respondent and reviewing the file.
2. Review the statute violated.
3. Investigate the background of the Respondent.
4. Decide what sentence to recommend.
5. Prepare for a sentencing hearing.
6. Present a final argument or summation to the jury as to why the sentencing recommendation is appropriate.
7. Act fairly and candidly.

## DEFENSE ATTORNEY OVERVIEW

1. This is not an adversarial process. The role of the “Defense Attorney” is to present the facts in a positive light. The goal of the program is to assist the Respondent in understanding his or her mistakes and help them move forward in a positive direction.
2. Read whatever reports are available to you and pick out the important details. There may also be a Victim Impact Statement.
3. Prepare your presentation to the Court. Your job is to argue mitigation to the jury. You are not arguing the facts of the crime.
4. Try and meet with whatever witnesses the Respondent wants you to call in their case. Introduce yourself to the Respondent, his/her parents, shake hands and explain your role as the “Defense Attorney.”
5. Follow the “Attorney Checklist” on the next page for each client.
6. Listen to the Prosecutor’s presentation. Listen for any differences between his/her description and the Respondent’s version of the offense.
7. Suggested Opening to the Court: Your Honor, Opposing Counsel, (Respondent’s Name), and Family, Ladies and Gentlemen of the Jury. Good evening, my name is \_\_\_\_\_ and I represent\_\_\_\_\_.
8. Make your presentation to the jury.
  - Clear up any differences
  - Provide the information you gathered from the checklist and interview
9. Be prepared to present a recommendation for disposition to the Jury before deliberation.
10. Accompany the Respondent when he/she is asked to return to the courtroom for disposition.
11. Stand with your client when the disposition is read. Shake his/her hand and wish him/her good luck.
12. Exit the courtroom.

# DEFENSE ATTORNEY CHECKLIST

(Remember to ONLY tell the jury “good” things about the Respondent)

## Checklist of things to tell the Respondent and parent(s)/guardian(s)

1. Let the Respondent and parent(s)/guardian(s) know what your role is.
2. Explain the general process of what will happen in the hearing.
3. Let the Respondent know they will be given an opportunity to make a statement and will have to answer questions from the Jury and Judge.
4. Let the parent(s)/guardian(s) know they will be able to make a statement to the Jury and Judge.
5. Explain to the Respondent that the Jury will make their decision by considering the Respondent’s body language and respect to the Court, the facts of the incident, the statements made by the Respondent and parent(s)/guardian(s) and the answers to the questions.
6. Generally explain the possible dispositions to the Respondent and parent(s)/guardian(s).
7. Ask them if they have any questions.

### A. Personal Information

1. Name \_\_\_\_\_
2. Age \_\_\_\_\_
3. Phone number (include cell number) \_\_\_\_\_
4. Who do you live with? (names/ages)
5. Occupation of parents?
6. Any significant problems at home? (e.g., both parents work at night, leaving the child at home unsupervised)
7. What school do you attend? What grade?
8. What classes are you taking? Grade point average? (this year vs. last year)



9. Favorite class?
10. Involved in committees/school organizations/sports?
11. What do you think of your school?
12. What are you doing this summer?
13. Any problems at school (harassment/bullying)?
14. Have you ever had a job? (lawn mowing and babysitting count)  
Where? How long? Position?
15. Involved in any volunteer or community activities?
16. Find out at least two positive attributes of the Respondent (i.e., helps grandmother take out garbage, is a good friend to others, etc).

## **B. Incident**

1. When and Where?
2. In your own words, what happened?
3. Who was involved?
4. Your conduct?
5. Conduct of others?
6. Why did you commit the crime?
7. Have you ever done anything like this before?
8. Are you sorry?
9. When you were caught did you tell the truth to the authorities?
10. If the crime involved a victim, what would you say to that person now?
11. What have you learned from this experience?
12. How did your parents feel about what you did?
13. Were you punished at home? What was your punishment?

14. Have you been asked to pay, and/or have you paid any restitution?

15. Have you apologized to the victim?

**C. Other**

1. Future plans? College? (where) Employment? (where) Military?

2. Have you ever been arrested before?

3. What have you learned from this experience?

4. What would you do if the same circumstances were to arise?

5. (In peer pressure cases) Are you still associating with the other individuals involved?

6. How can we assure the jury that you will not reoffend?

7. Are there other things about you that will help the jury decide this case?

**D. Respondent's Statement**

You can either call Respondent and ask him/her questions on the stand or encourage the Respondent to make a statement. However, this is not required. Make sure you explain that any statement should be short and from the heart – apologizing, taking responsibility for his/her actions, and explaining why it won't happen again.

**E. Questions for Parent/Guardian** (if time permits)

1. How is he/she at home?

2. Does he help around the house?

3. How would you describe his general attitude?

4. Has he/she ever been in trouble before?

5. If so, for what?

6. Did his/her conduct surprise them in this case?

7. If so, why?

8. How did you react when you learned of this conduct?

9. Did you punish your child?

10. If not, why not?

11. If so, what is the punishment?

12. Does he/she appear remorseful?

13. Anything else I should know about him/her?

## V. BAILIFF

**Focus:** The function of the bailiff is to help ensure the orderly operation of the court. The bailiff is a neutral participant.

### **Duties and Obligations:**

1. Determine the names of the attorneys for each case docketed for that evening.
2. Advise the Respondent/family of the rules before entering the Courtroom.
3. Escort the Respondent and his/her family in and out of court proceedings.
4. Call the Court to Order.
5. Administer the oath.
6. Render general assistance during the court sessions as requested by the Judge.
7. Help maintain order in the courtroom (i.e., proper conduct in court by the participants).

## VI. JUDGE

**Focus:** The function of the judge is to preside over the hearings. The Judge, in a sense, is like a referee who ensures that the correct procedures are followed in all cases.

### **Duties and Obligations:**

1. Be fair and impartial.
2. Preside over jury deliberations, answer juror questions.
3. Take jury attendance and collect all required forms from the new Juror(s).
4. Preside over the hearing.
5. Explain the sanctions to the Respondents, parents, and guardians and answer any questions.
6. After hearings are complete, return all Juror paperwork, sanction forms and consent forms to the Youth Court Coordinator.

## **VII. YOUTH COURT PROCEDURES**

### **HEARING SCHEDULE**

4:50 - 5:00 pm:	Participants and Respondent arrive
5:15 - 6:00 pm:	First hearing takes place
6:00 - 6:15 pm:	Break
6:15 - 7:00 pm:	Second hearing takes place
7:00 - 7:15 pm:	Hearings concluded. Conclusory remarks/Dismissal

## **HEARING PROCESS**

### *On the Day of the Hearing:*

There will be one - two cases heard on the day of the hearing. The Respondents and parent(s) will remain in the hallway until we are ready for the Respondent. Defense counsel will meet with the Respondent prior to the scheduled hearing. The Respondent whose case is going second on the day of the hearing needs to understand that their case will be delayed because the first case will be completed first.

## **JURY DELIBERATIONS**

Jurors must select sanctions that fit the offense before the Court (not previous offenses or other behavior shared during testimony). Jurors may select any combination of sanctions and may decide to not assign any sanctions at all (although this is rare and must be clearly justified by the evidence). It is extremely important that jurors work as a team and come to an agreement and that those in minority opinions feel that they have been heard and are supportive of the group's decision.

The jury foreperson's goal is to create a list of sanctions that all of the jurors can agree on, even if individual jurors have differences of opinion on specific sanctions.

If the votes for a specific sanction are not unanimous, the foreperson or Judge asks jurors to state why they think the sanction is or is not appropriate, reminding them to base their reasons on the case review and the goals of Youth Court. The foreperson or any other Juror can suggest a modification to the sanction so that the majority of the jurors agree with it.

After all sanctions have been voted on and discussed, the foreperson reads the proposed sanction(s) to jurors and calls for confirmation.

Jurors verbally confirm the sanction(s).

Once jurors confirm the sanction, it is documented on the Sanction Form and considered locked.

The Judge does not intervene in the jury deliberation with the following exceptions: to clarify/correct case facts, to instruct the foreperson to focus the group if they go off topic, to clarify information about available sanctions, or to answer questions that arise. If the jury is unable to reach a sanction, the judge should work with the foreperson and jurors to reach the best decision possible and discuss the challenges during the debriefing later.

***[It is very important that the hearings stay on schedule on the deliberation process.]***