

The Organization and Operation of Teen Courts in the United States: A Comparative Analysis of Legislation

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A B S T R A C T

Teen courts are juvenile justice diversion programs found in most states. Programs vary significantly between, and even within, states, making regulation cumbersome. Their grass roots nature requires legislative latitude so each program can meet the specific needs of the communities they serve. States have passed both specific and broad legislation acknowledging their existence and providing referral sources. This article examines teen court legislation from every state, analyzes each, and draws conclusions about teen courts from a legislative perspective.

with teen court programs, and those with teen court legislation.

Table 2 illustrates the breakdown of states with teen court legislation including: 1) states whose

Teen courts, also called youth or peer courts, are juvenile diversion programs where youths appear before their peers for disposition and sometimes a fact-finding trial. In 2001, the National Youth Court Center¹ reported over 785 active teen court programs in the United States, with many more programs under development.² Programs are found in 45 states and the District of Columbia.³ This figure reflects an increase from 250 teen courts in October 1995, when they were located in 30 states and the District of Columbia.⁴ Youth courts have been in existence for many years prior to 1995,⁵ but their surge in popularity since then is unprecedented.

This article reports nationwide, state by state research that identifies legislation and legal opinions concerning youth, teen, and peer courts. An analysis of teen court legislation provides an interesting picture of teen courts. Twenty-five states have passed some form of legislation relating to teen court programs. Twenty-one states and the District of Columbia have teen court programs but no legislation. Table 1 illustrates the states

legislation provides only appropriations for these courts; 2) states in which teen court programs are listed only as dispositional options for other formal courts; 3) states whose legislation addresses five or fewer areas; and 4) states whose statutes provide more comprehensive legislation. The combination of legislation that addresses five or fewer restrictions and the comprehensive legislation is hereafter referred to as "substantive legislation."

Factors Leading to Teen Court Legislation

States legislate teen courts for a number of reasons. Well-intentioned citizens may start a teen court without a clear understanding of what teen courts can legally do, of their role in their community, and of other community services. At its worst, lack of such information may cause

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T A B L E 1
Existence of Teen Courts and Legislation
2001

STATES	TEEN COURTS*	LEGISLATION	STATES	TEEN COURTS	LEGISLATION
Alabama	Yes	No	Montana	Yes	No
Alaska	Yes	Yes	Nebraska	Yes	No
Arizona	Yes	No	Nevada	Yes	No
Arkansas	Yes	Yes	New Hampshire	Yes	No
California	Yes	Yes	New Jersey	No	No
Colorado	Yes	Yes	New Mexico	Yes	Yes
Connecticut	No	No	New York	Yes	Yes
Delaware	Yes	No	North Carolina	Yes	Yes
District of Columbia	Yes	No	North Dakota	Yes	No
Florida	Yes	Yes	Ohio	Yes	No
Georgia	Yes	Yes	Oklahoma	Yes	Yes
Hawaii	Yes	No	Oregon	Yes	Yes
Idaho	Yes	Yes	Pennsylvania	Yes	No
Illinois	Yes	Yes	Rhode Island	No	Yes
Indiana	Yes	No	South Carolina	Yes	No
Iowa	Yes	No	South Dakota	Yes	No
Kansas	Yes	Yes	Tennessee	Yes	Yes
Kentucky	Yes	Yes	Texas	Yes	Yes
Louisiana	Yes	No	Utah	Yes	Yes
Maine	No	No	Vermont	Yes	Yes
Maryland	Yes	No	Virginia	Yes	No
Massachusetts	No	No	Washington	Yes	No
Michigan	Yes	No	West Virginia	Yes	Yes
Minnesota	Yes	Yes	Wisconsin	Yes	Yes
Mississippi	Yes	Yes	Wyoming	Yes	Yes
Missouri	Yes	No			

* Listed with the National Youth Court Center, November 2001.

teen courts to fail; in other cases it may produce lack of accountability and authorization. Without direction, a rogue teen court may possibly operate below acceptable standards⁶ or even be harmful to the participants. Persons who have a bad experience with a rogue program will understandably paint all teen court programs with the broad brush of the rogue program, assuming that the one is representative of all programs. Legislation can define acceptable standards for teen court programs, benefiting and protecting all programs. This argument likewise supports the sponsoring of legislation by persons who are not themselves involved in teen courts, but are inter-

ested in their proper development.⁷

Those who promote teen court legislation vary. Leaders in the teen court movement in a state have a motivation to introduce legislation in an effort to shape the regulation that will govern their activities. They may also be motivated to increase the standards for operating teen courts within their state.

Legislation officially recognizes teen court programs and lends a degree of legitimacy. Legislation can also establish particular practices and achieve consistency in teen court programs. It does so, however, at a cost. Teen court programs are typically organized by

T A B L E 2
Levels of Legislation

APPROPRIATIONS ONLY	DISPOSITION OR DIVERSION OPTION ONLY	LESS THAN FIVE COMPONENTS	COMPREHENSIVE
2001 Ga. Laws 214	ARK. STAT. ANN. §9-27-323 (2001)	CAL R. CT., DIV I R 6.56 CAL EDUC. CODE §51220.2 (DEERING 2001)	ALASKA STAT. §47.12.400 (2001)
2001 Idaho Sess. Laws 241	KAN. STAT. ANN. §38-1635 (2000)	CAL EDUC. CODE §32295.5 (DEERING 2001)	COLO. REV. STAT. §19-2-1101 TO 1105 (2000)
2000 Ky. Acts 549	MINN. STAT. ANN. §299A.296 (2000)	FLA. STAT. §938.19 (2000) FLA. STAT. §985.21 (2000) FLA. STAT. §943.0582 (2001)	MISS. CODE ANN. §43-21-751 (2001) MISS. CODE ANN. §43-21-753 (2001)
2001 N.M. Laws 64	OKLA. STAT. TIT. 10, §7302-3.1 (2000)	ILL COMP. STAT. ANN, CH. 705, PARA. 405/5-301 (2001) ILL COMP. STAT. ANN, CH. 705, PARA. 405/1-12 (2001) ILL COMP. STAT. ANN, CH. 705, PARA. 405/5-315 (2001)	MISS. CODE ANN. §43-21-755 (2001) TENN. CODE ANN. §37-1-701 TO 704 (2001) TENN. CODE ANN. §37-1-706 TENN. CODE ANN. §39-17-1505(c)
		N.Y. CRIM. PROC. §380.90 (CONSOL. 2001) N.Y. EDUC. §2801-A (CONSOL. 2001) N.Y. FAM. CT. ACT §301.2 (CONSOL. 2001) OP. ATT'Y GEN. 87 INF. OP. NO. (CONSOL. 2001) 84-12 (1984)	TEX. FAM. CODE ANN. §54.032. TEX. CODE CRIM. PROC. ANN. ARTICLES 45.052 (A) AND (C) (WEST 2001)
		N.C. GEN. STAT. §7B-1501 (2000) N.C. GEN. STAT. §7B-1706 (2000)	UTAH CODE ANN. §78-57-101 TO 110 (2001)
		2002 OR. LAWS 250 AND 2002 OR. LAWS 485	Vt. STAT. ANN. TIT. 12 §7101 TO 7111 (2001)
		R.I. GEN. LAWS §8-10-23.1 (2001)	W. VA. CODE §49-5-13D (2001)
		Wis. STAT. §118.16 (2000)	WYO. STAT. § 7-13-1201 TO 1205 (2001) WYO. STAT. § 14-3-306. WYO. STAT. § 14-6-247 W.R. GOV. TEENS CTS. RULES 1-4 (2000) W.R. GOV. TEENS CTS. APPX., FORMS A-C (2000)

The statutes referenced in columns three and four are collectively referred to as "substantive legislation."

T A B L E 3
Statutory Names

TEEN COURT	YOUTH COURT	MULTIPLE REFERENCES
ARK. STAT. ANN. §9-27-323 (2001)	ALASKA STAT. §47.12.400 (2001)	CAL EDUC. CODE §32295.5. (DEERING 2001) TEEN OR PEER
COLO. REV. STAT. §19-2-1101 (2000)	2001 IDAHO SESS. LAWS 241	
FLA STAT. §985.21 (2000)	KAN. STAT. ANN. §38-1635 (2000)	ILL. COMP. STAT. ANN. CH. 705, PARA. 405/5-301(F)(1)(e)(vii)(2001) TEEN OR PEER
2001 GA. LAWS 214	N.Y. CRIM. PROC. §380.90 (CONSOL. 2001)	2002 OR. LAWS 250 AND 2002 OR. LAWS 485. YOUTH COURT, TEEN COURT, PEER COURT OR PEER JURY
2000 KY. ACTS 549	UTAH CODE ANN. §78-57-101 (2001)	
MINN. STAT. ANN. §299A.296 (2000)	VT. STAT. ANN. TIT. 12 §7101 (2001)	
MISS. CODE ANN. §43-21-751 (2001)		
2001 N.M. LAWS 64		
N.C. GEN. STAT. §7B-1501 (2000)		
OKLA. STAT. TIT. 10, §7302-3.1 (2000)		
R.I. GEN. LAWS §8-10-23.1 (2001)		
TENN. CODE ANN. §37-1-701		
TEX. FAM. CODE ANN. §54.032		
W. VA. CODE §49-5-13d (2001)		
WIS. STAT. §118.16 (2000)		
WYO. STAT. §7-13-1201 (2001)		

courts, law enforcement agencies, juvenile probation departments, schools, municipalities, or non-profit organizations.⁸ Locally designed programs intended to meet individual community needs may differ from urban to rural areas. The individuality of a teen court program is a strength, and states should take care to fashion legislation that allows teen courts to maintain their individuality, while providing broad mandates to help all teen court programs maintain acceptable standards.

While not statutory mandates, discretionary “guidelines” may be promulgated by national, state, or local teen court organizations, or sponsoring entities that operate teen court programs. The National Youth Court Center has published and widely disseminated the National Youth Court Guidelines.⁹ Few state or local guidelines could be located. National and state guidelines are beyond the scope of this article but are another vehicle for regulation.

Features of Teen Court Legislation

This article assumes that legislative practices and provisions that appear more often are more important to regulators of teen courts than those that appear less often. Those more common practices are addressed first, ending with less common provisions.

Program Names

As Table 3 demonstrates, teen court legislation refers to programs by at least four different names: teen courts, youth courts, peer courts, and peer juries. Nineteen of the 25 states with legislation refer to their programs as “teen” courts.¹⁰ California and Illinois use the name “peer” court along with “teen” court.¹¹ Oregon refers to “peer court,” “teen court,” and “peer jury.”¹² Seven states use the term “youth court,” although that term presents problems in Mississippi and Montana where their traditional juvenile or family court is called

T A B L E 4
Dispositional or Adjudicatory

DISPOSITIONAL	ADJUDICATORY	SILENT
COLO. REV. STAT. §19-2-1103 (2)(A)(2000)	ALASKA STAT. §47.12.400(c)(1)(2001)	ARKANSAS
MISS. CODE ANN. §43-21-753(2001)	CAL EDUC. CODE §51220.2(b)(1)(DEERING 2001)	FLORIDA
TENN. CODE ANN. §37-1-702(2001)		GEORGIA
TEX. FAM. CODE ANN. §54.032 (A)(2)		IDAHO
UTAH CODE ANN. §78-57-103(1)		ILLINOIS
Vt. STAT. ANN. TIT. 12 §7104(2001)		KANSAS
Wis. STAT. §938.245(8)(c)(2000)		KENTUCKY
WYO. STAT. §7-13-1202(iv)(2001)		MINNESOTA
		NEW MEXICO
		NEW YORK
		NORTH CAROLINA
		OKLAHOMA
		OREGON
		RHODE ISLAND
		WEST VIRGINIA

“youth court.” The fact that statutes refer to a particular title for teen courts does not necessarily mean that all programs within the state will use that title, but it shows at least a legislative preference for the title.

At least one state, New York, has criticized use of the term “court” for any body that is not part of the state’s judicial system. New York statute prohibits the use of:

the term ‘court’ as part of or in connection with the name of any body, board, bureau, association, organization or corporation, or in referring to any body, board, bureau, association, organization or corporation, in such manner as to be calculated reasonably to lead to the belief that the body, board, bureau, association, organization or corporation is vested with judicial power or is a part of the judicial system of the state; the use of such term being expressly limited by this section for reference to a court of record or a court not of record, duly organized and existing under

the laws of the state as a part of the judicial system of the state.¹³

Violation of the statute is punishable as a misdemeanor. An informal attorney general’s opinion issued in 1984, indicated that use of the word “court” in the “Tarrytown Youth Court Program” was inadvisable and may violate this statute.¹⁴ Despite the opinion, New York thereafter enacted three education statutes referring to teen courts.¹⁵ Following the majority of states, this article refers to “youth courts,” “peer courts,” and “teen courts” collectively as “teen courts” unless otherwise indicated, even where the state statutes distinguish themselves differently.

*Dispositional or Adjudicatory*¹⁶

Teen courts are traditionally dispositional in nature because particular training and expertise is required of volunteer participants who act as fact finders. Accordingly, an admission by the offending youth of

their involvement in the behavior that brings them before the court is generally a prerequisite to participation in the program. Table 4 divides states into three groups: states with dispositional teen courts, states with adjudicatory teen courts, and states with legislation silent on this distinction.

The statutes that require dispositional treatment are more restrictive than those that are adjudicatory, because adjudicatory programs could also provide the dispositional option, whereas dispositional programs are unable to offer both. Of the states silent on this issue, some provide teen courts as an option for juvenile court intake officers. If used as an intake option, it would generally anticipate the youth's admission to the conduct that brought them before the juvenile intake officer, and make the teen court involvement dispositional. This does not necessarily mandate that all teen court proceedings in the state are dispositional.

In states with comprehensive legislation, only West Virginia does not identify its programs as dispositional or adjudicatory, leaving the adjudication option potentially open.¹⁷ The statute refers to dispositional requirements, which could obviously be imposed after adjudication or an admission. This statute has a unique provision indicating that "in no case may the court require a juvenile to admit the allegation against him or her as a prerequisite to participation in the teen court program."¹⁸ This provision leaves open the potential need to adjudicate the youth's involvement in the offense that brings him before the teen court, and to treat the program as adjudicatory.

Alaska is the only state with comprehensive legislation that specifically identifies the teen court system as adjudicatory.¹⁹ The only other statute that refers to adjudication, albeit briefly, is California's.²⁰

Interestingly, while comprehensive statutes have overwhelmingly identified their programs as dispositional or adjudicatory, silent statutes are arguably not restricted in the type of program they may run. New York statutes are silent, but in describing the practice of teen courts, a state attorney general's opinion clearly describes an adjudicatory process.

Under the program, a case is diverted to the program upon the consent of the accused minor, his or her parents, and the complainant, where it is

'adjudicated' by the accused's peers, who serve as judge, jury, prosecution and defense. Procedure in 'Youth Court' is patterned after formal judicial procedure. Thus, a defendant may plead guilty and be 'sentenced,' or may plead innocent and face a jury trial. If 'convicted,' a minor may be 'sentenced' to perform restitution or community service work. Appeals are heard by a panel of peers. Participants in the program receive training from local members of the legal profession.²¹

In summary, the issue of dispositional versus adjudicatory programs is addressed in all but one state with comprehensive legislation. Comparing all legislation that has addressed the issue, only Alaska and arguably California have specifically provided for the adjudicatory option. The issue of dispositional versus adjudicatory is still an open issue in 35 of the states with teen court programs.

Types of Cases

Statutes overwhelmingly specify the type of cases that teen courts may handle. Misdemeanors are the most common offenses, specifically listed in 10 of the 17 states with substantive legislation.²² Some of the 10 states limit the type of misdemeanors that may be handled. For instance, Texas limits the misdemeanors to "fine only."²³ Utah excludes class A misdemeanors and a number of specific offenses that are gang-related or require mandatory dispositions if they were before the juvenile court.²⁴ Wyoming limits the misdemeanors to those punishable by not more than six months or \$750.00.²⁵ Oregon requires teen courts enter into an agreement with the juvenile court that sets forth the cases to be handled by the program.²⁶

In Florida and Illinois, offenses may be handled as part of a non-judicial "station adjustment,"²⁷ or juvenile court intake procedure.²⁸ Those procedures limit the offenses that can be handled to broad categories of lesser offenses, generally falling into the "misdemeanor" category.

Some states give very broad discretion to established referral sources. Mississippi juvenile courts²⁹ have discretion to refer any appropriate case to teen courts.³⁰ Vermont likewise vests authority in the Windsor County court diversion program or state's

attorney to refer appropriate cases.³¹ Although limiting teen court cases basically to B and C misdemeanors with restrictions, Utah also vests authority in an independent decision maker, allowing teen courts to handle any offenses with the permission of the juvenile court and prosecutor that would otherwise adjudicate the offense.³² Rhode Island allows felony offenses to be handled by teen courts with written consent from the chief justice of the family court,³³ and the Wyoming juvenile courts may use teen courts as a sanction for any level of offense.³⁴

Tennessee is unique in specifying a number of specific offenses the teen courts may handle which include offenses such as burglary, theft, and forgery.³⁵ It also includes violations of several specific sections of the Tennessee Drug Control Act,³⁶ offenses which in Utah and North Carolina were specifically excluded.³⁷ New York was the only state with legislation that does not set forth the offenses teen courts may handle.

In summary, the offenses teen courts may handle are an important component of teen court legislation. They overwhelmingly include misdemeanors, infractions, status offenses, and ordinances. A number of statutes specifically limit even these lesser offenses. Tennessee specifically provides teen court authority for more serious offenses. Other states give authority to a referral entity to determine what offenses the teen court may handle.

Establishment of, and Court Involvement in, Teen Court Programs

The involvement of municipal courts, justice of the peace courts, district courts, and juvenile or family courts (hereafter "juvenile courts") is a common practice in the statutes surveyed. This may be true for a variety of reasons. Courts offer a ready referral base and the resources to make a teen court program successful. Juvenile courts have experience working with youths, which enables them to promote sound practices. Juvenile courts also often serve as a repository of information regarding delinquent youths; reporting cases diverted to teen courts facilitates more complete record keeping and allows teen courts to assure that they are working with appropriate youths. Finally, the juvenile court may want to maintain some control over youth programs, including teen courts, to assure that they are

operated in compliance with accepted juvenile court standards.

In the states categorized as having substantive legislation, Illinois provides that a county board or municipality's corporate authorities may create or contract with a community-based organization to establish a teen court.³⁸ Oregon requires that any person or entity establishing a teen court do so only with the county juvenile department's agreement and cooperation.³⁹ All the comprehensively legislated states provide some court involvement in the teen court program. Only two states, Texas and West Virginia, do not provide specific legislation regarding establishment of a teen court. Each comprehensively legislated state is discussed below.

The Alaska statute allows the establishment of teen courts by municipalities⁴⁰ and non-profit organizations⁴¹ who are recognized by the juvenile court commissioner. Non-profit organizations are required to follow specific standards.⁴² The juvenile court may use teen courts as an option in adjusting cases which are the subject of a preliminary inquiry.⁴³ The commissioner may compel attendance at teen court proceedings by issuing subpoenas and punish disobedience as contempt.⁴⁴ Teen court records are also kept by the commissioner.⁴⁵

In Colorado, a "supervising court" is specifically defined as the juvenile court for Denver, the district courts of the state outside of Denver, and any municipal court.⁴⁶ The supervising court is authorized to establish a teen court program, with a specific procedure to determine eligibility for teen court participation.⁴⁷ Supervising courts are responsible for establishing teen court procedures.⁴⁸ Procedures for teen courts are set forth in the statute,⁴⁹ but supervising courts may modify the procedures as the respective jurisdictions deem appropriate.⁵⁰

Mississippi and Tennessee allow their juvenile courts to establish teen court programs. Mississippi specifically lists the counties that may establish a teen court program. The proceeding's dispositional phase is under the guidance of and approved by the juvenile court. A juvenile court judge, or a licensed attorney designated by the judge, presides. The juvenile court also must establish rules and regulations for the teen court.⁵¹

Tennessee authorizes any juvenile court judge to establish a teen court program. It requires the juvenile court to defer judgment, conditioned upon successful

completion of the teen court program.⁵² A juvenile court judge supervises a five-member teen court panel who hears evidence relevant to disposition, deliberates, then submits a written decision to the judge.⁵³ The teen court decision is a recommendation to the juvenile court judge who may accept, modify, or reject it.⁵⁴ Juvenile court judges select a prescribed number of teenagers to serve as teen court members, specifically attempting to choose those not otherwise active in extra-curricular activities.⁵⁵ As in Colorado,⁵⁶ Tennessee allows for modification of procedures in the statute as the respective jurisdictions deem appropriate.⁵⁷

Texas authorizes juvenile courts,⁵⁸ justice, and municipal courts⁵⁹ to defer adjudication proceedings to a teen court program. The statutes do not require those courts to operate or establish the teen court programs. They do require that the juvenile court approve the teen court program to which it refers cases.⁶⁰ When the youth successfully completes the teen court program, the court with original jurisdiction dismisses the case with prejudice.⁶¹

Like Texas, Utah does not require involvement of the juvenile court, but specifically requires that a teen court be established by a "sponsoring entity"⁶² or a non-profit organization under the supervision of a sponsoring entity.⁶³ A supervising entity is broadly defined as any political subdivision of the state, including a school or school district, juvenile court, law enforcement agency, prosecutor's office, county, city, or town.⁶⁴ A sponsoring entity is required to oversee formation of the teen court, assist with application for certification of the program, and provide training assistance.⁶⁵ Utah is somewhat unique in establishing a state teen court board⁶⁶ with specific members⁶⁷ who establish minimum standards and a certification process for teen court programs.⁶⁸

Vermont likewise sets up a teen court advisory board⁶⁹ with specific members,⁷⁰ and requires a certification process. Unlike Utah,⁷¹ however, certification is for youths who participate as volunteers in the teen court program.⁷² Vermont is unique in that the statute establishes only one teen court, the Windsor County Youth Court.⁷³ Like Tennessee,⁷⁴ the teen court recommends a disposition that is reviewed by the Windsor County court diversion program which has the authority to accept, reject, or modify the recommendation as it deems appropriate.⁷⁵ Court diversion is restricted,

however, from making a more onerous disposition than what the teen court recommended.⁷⁶

Like Alaska, Texas, and Utah, West Virginia confers broad authority on counties to establish teen courts.⁷⁷ The statute refers to a county, but it is not clear whether that means the political division of the county or some entity within the county. West Virginia requires traditional court involvement in various procedures. A circuit court judge determines whether to extend the teen court option to the youth appearing before them.⁷⁸ An acting or retired circuit court judge, or an active member of the bar, must serve as teen court judge.⁷⁹ The county juvenile probation system is required to monitor the performance of community service that may be imposed on the youth.⁸⁰

The most comprehensive provisions are in Wyoming, where in addition to legislation⁸¹ the Wyoming Supreme Court has established rules,⁸² complete with appended forms,⁸³ for teen courts. A "supervising court" is defined as a municipal court, justice of the peace, or circuit court.⁸⁴ A supervising court, with the consent and approval of its governing political body,⁸⁵ or a juvenile court,⁸⁶ may establish a teen court. Two or more persons may also petition a supervising or juvenile court to establish a teen court. The petitioners must certify that the proposed teen court has adequate adult sponsorship and a sufficiently large pool of teen volunteers to make its functioning feasible and meaningful.⁸⁷ If approved by the supervisory court, the petition is then forwarded to the appropriate governing body for approval and consent.⁸⁸ The supervising judge is then required to conduct training sessions for new adult and teen volunteers and to establish local policies and protocols.⁸⁹ Once established, the supervising court reports the establishment of the teen court to the Supreme Court.⁹⁰ All proceedings in teen courts are required to be reported quarterly to the Supreme Court.⁹¹

Procedurally, a youth appearing before a Wyoming supervising court, who meets specific requirements, enters a guilty plea in open court. The proceedings are then deferred to permit teen court participation.⁹² If the youth successfully completes the teen court requirements, the supervising court discharges the defendant and dismisses the case.⁹³ If teen court participation is unsuccessful, the supervising court enters an adjudica-

tion of guilt and conviction and imposes sentence upon the defendant for the offense originally charged.⁹⁴

The teen court judge is the judge of the supervising court or an attorney admitted to practice, serving at the judge's direction. The judge presides over the teen court proceedings where teen juries hear the case and render a unanimous, written verdict, choosing from a number of sentencing alternatives previously set by the supervising court.⁹⁵

In summary, established, general jurisdiction courts are referred to in all substantive legislation. The extent of the court's involvement ranges from acting as a referral source to establishing and presiding over the teen court proceedings. Who establishes teen courts likewise varies, with most states requiring involvement of an established, specified court or political body within the state. Some states allow private citizens and non-profit organizations to establish teen court programs. States may seek accountability by requiring courts or political subdivisions to establish and/or preside over teen court programs.

Rights

All comprehensive teen court legislation provides offending youths with rights. Some grant rights, others refer to rights that must be specifically waived. Illustrating the voluntary nature of teen court participation, youths must specifically request the opportunity to participate in Colorado, Texas, Utah, and Wyoming.⁹⁶ West Virginia teen courts require the consent of both the youth and parent to enter the teen court program.⁹⁷ Utah goes further, providing that the teen court program itself may decline to accept a youth for any reason and may terminate a youth from the program at any time. Likewise, a youth or the youth's parent may withdraw at any time.⁹⁸

In Alaska, procedures guarantee the minor's state and federal constitutional rights.⁹⁹ Subpoena power can compel the appearance of witnesses.¹⁰⁰ An appellate procedure is also afforded.¹⁰¹ Records in Alaska must be kept by the commissioner, sealed, and not used for any purpose upon successful completion of teen court. Alaska and Tennessee provide teen court records similar protection as that provided to juvenile court records.¹⁰²

Colorado programs allow a youth the right to pres-

ent a statement at the teen court hearing subject to cross-examination,¹⁰³ to offer witnesses and documents,¹⁰⁴ to present closing statements,¹⁰⁵ and as in Wyoming,¹⁰⁶ to have a unanimous verdict returned by the teen jury.¹⁰⁷ As in Texas¹⁰⁸ and Wyoming,¹⁰⁹ if the Colorado youth successfully completes teen court participation, the original plea is dismissed and cannot be used as a conviction for any purpose.¹¹⁰

In Mississippi, a youth must waive confidentiality rights.¹¹¹ Mississippi, Texas, and Utah require waiver of any privilege against self-incrimination.¹¹² Additionally, in Utah a youth must also waive any speedy trial right.¹¹³ In Tennessee, the youth must waive any right for an attorney to be present during the dispositional stage,¹¹⁴ and the program must meet due process standards including those pertaining to informed and voluntary participation in the program and any necessary waiver of rights.¹¹⁵

In Vermont proceedings, teen court records are subject to the same rules governing confidentiality of juvenile court diversion matters, and all records of teen court proceedings remain the property of court diversion.¹¹⁶ Confidentiality concerns limit who may attend the teen court hearing.¹¹⁷ Vermont is unique in requiring audio recordings of all teen court proceedings¹¹⁸ and excluding the state's attorney or any employee of their office from the teen court hearing.¹¹⁹

West Virginia provides teen court participants with copies of court rules. A unique provision states that the court may not require a juvenile to admit the allegation against him or her as a prerequisite to participation in the teen court program.¹²⁰

Parental Involvement

All comprehensive legislation requires parental involvement but the level of parental involvement varies. The term "parent" in this section includes a legal guardian and a custodian. In Alaska, Mississippi, Utah, and West Virginia, a youth may participate in teen court only with the consent of both the youth and a parent.¹²¹ Colorado, Utah and Wyoming require every teen defendant to appear in teen court with a parent.¹²² Vermont anticipates that a parent will be present at the teen court hearing.¹²³

In Colorado, Texas, and Wyoming, parents must be

present when a youth enters a guilty plea before the court with original jurisdiction over his offense.¹²⁴ Tennessee similarly requires parents' presence when the juvenile court determines that teen court would be appropriate for the disposition phase of an offense,¹²⁵ and again when the youth executes an informed waiver of rights, a prerequisite to participation in teen court.¹²⁶

In Utah, youths and a parent must waive any privilege against self-incrimination and right to a speedy trial and agree to follow the teen court disposition.¹²⁷ Both Wyoming and Utah require the written disposition of the teen court also be signed by the youth and a parent, indicating their acceptance of the disposition terms.¹²⁸

Teen Court Participants

Legislation generally listed the roles assumed in the teen court program and the age of the participants. The roles listed vary depending upon the teen court model anticipated in the state. Some states specifically explain the teen court model to be used.¹²⁹ Even where the model was specifically described, however, legislation often left it open to allow teen court programs to fashion the changes deemed appropriate.¹³⁰ Alaska is silent regarding the specific participants in the youth court.¹³¹

Colorado specifically defines the participants, explaining the teen court model anticipated by the statute.¹³² An adult licensed attorney presides over the hearings¹³³ where a 12- to 18-year-old who is enrolled in school¹³⁴ appears before a jury comprised of not less than three teens¹³⁵ who impose sentence against the defendant. A teen defense attorney may speak on behalf of the defendant,¹³⁶ and a teen prosecutor may advocate on behalf of a school or community for imposition of a sentence.¹³⁷

In Mississippi, youths from the seventh through the twelfth grades who are not less than 13 or more than 17, serve as prosecutor, defense counsel, bailiff, court clerk, and jurors. In Tennessee, a teen jury of five members conducts the hearing,¹³⁸ and a judge chooses from a panel of at least 12 teens from local schools.¹³⁹ In Colorado, Mississippi, Tennessee, West Virginia, and Wyoming, an adult attorney presides over the teen jury's proceedings.¹⁴⁰

In Texas, the only participant identified is the

offending youth who is under the age of 18 or enrolled full time in an accredited secondary school program leading toward a high school diploma.¹⁴¹ Utah defines the offending youth as a person under 18.¹⁴² Utah specifically identifies participants as acting in the role of jurors, lawyers, bailiffs, clerks, and judges,¹⁴³ but does not require a particular teen court model.

Vermont volunteer youths are at least 13 but younger than 18,¹⁴⁴ and must have written permission from their parents to participate.¹⁴⁵ In West Virginia, volunteer students from grades seven through 12 are selected to serve as defense attorney, prosecuting attorney, court clerk, bailiff, and jurors.¹⁴⁶

Wyoming participants must be between 13 and the age of majority.¹⁴⁷ Teen court participants include jurors, prosecutor-advocates, defender-advocates, bailiffs, clerks, and teens filling supervisory duties.¹⁴⁸ Wyoming juries have not less than three nor more than six members.¹⁴⁹

Dispositional/Sentencing Options

Several specific sentencing, or dispositional, options are found in the statutes, although they are non-exclusive lists. In Mississippi, offenders may be ordered to perform up to 112 hours of community service, make a personal apology to a victim, submit a research paper on any relevant subject, attend counseling, and make restitution or any other disposition authorized by the juvenile court.¹⁵⁰

The Tennessee teen court has no authority to recommend transfer of temporary legal custody or to require placement or treatment in any specific program. It may, however, recommend one of the following: restitution, performance of community service work, limitations upon driving privileges, participation as a teen court member, attendance at court-approved education workshops on subjects such as substance abuse, safe driving, and/or victim awareness, curfew limitations, school attendance, and essay writing or similar research or school projects.¹⁵¹

Utah teen courts may order community service, participation in law-related educational classes, appropriate counseling, treatment, or other educational programs, provide periodic reports, participating in mentoring programs, participation by the youth as a member of the teen court program, letters of apology, essays, and any

other disposition considered appropriate by the teen court and adult coordinator. Imprisonment and fines are not an option.¹⁵²

Vermont disposition alternatives include community service, restitution, and a recommendation for participation in counseling or programs as appropriate.¹⁵³ In West Virginia, participating youths agree to serve at least twice as a teen court juror,¹⁵⁴ and may be ordered to participate in an education program and perform between 16 and 40 hours of community service.¹⁵⁵ Wyoming sentencing alternatives include community service, mandatory participation in law related education classes, appropriate counseling, treatment or other education programs, participation as a juror or other teen court member in proceedings involving teen defendants, and fines (not to exceed a statutory amount); teen courts may not impose a term of imprisonment.¹⁵⁶

Teen Courts in Schools

Teen courts are a growing phenomenon in schools. They provide school administrators with an additional avenue for correcting offending youths. Positive peer pressure, which teen courts traditionally employ, may be particularly well suited to correct school rule violations such as occasional truancies, excessive tardiness, and minor law violations. Offending youths hear from their peers that their conduct is not acceptable based upon peer, not just adult, standards. Probably the greatest benefit, however, is to the volunteer youths who engage in a practical civics lesson by participating in the teen court program.

Legislation in several states specifically anticipates educational components. California curriculum requirements include "instruction in our American legal system, the operation of the juvenile and adult criminal justice systems, and the rights and duties of citizens under the criminal and civil law and the State and Federal Constitutions."¹⁵⁷ Participation in a teen court program satisfies that requirement. Another California provision requires the School Law Enforcement Partnership¹⁵⁸ provide information to school districts and county offices of education about teen or peer court programs.¹⁵⁹

In New York, whenever a person under 19 who is enrolled as a student in a public or private elementary or secondary school is sentenced for a crime, the

sentencing court must notify a designated school official of the student's sentence and of their participation in any programs which may exist in the community, including teen courts. The school is restricted in the use of this information.¹⁶⁰ Another New York statute recognizes teen courts as a prevention and intervention strategy to be used when considering policies and procedures for responding to acts of violence in the schools.¹⁶¹

Tennessee specifically anticipates inclusion of students as volunteers in their programs, requiring a juvenile court judge choose volunteer teens from local public and private high schools or middle schools.¹⁶² The statutes further provide that "[e]very juvenile court judge, whether or not such judge establishes a teen court, may hold juvenile court proceedings at a public high school or middle school in the county of the court's jurisdiction for at least one day per year. Such court proceedings are publicized in cooperation with the local school authorities in a manner to encourage teen observation and, where appropriate, participation."¹⁶³

In Utah, local school boards may provide school credit for participation in a teen court program.¹⁶⁴ Mississippi likewise anticipates involvement of schools and allows them to credit the time of teachers and students spent participating in teen court as instructional time.¹⁶⁵ Utah and Vermont also include education officials on their teen court advisory boards.¹⁶⁶

While teen court programs may not need to include truancy and other school-based violations specifically in statutes in order to handle them, these offenses were incorporated in the statutes of at least two states. In Wisconsin, teen courts are specifically listed as an option for the school attendance officer.¹⁶⁷ Teen court is also listed as an option for municipal truancy and school dropout ordinances.¹⁶⁸ In Tennessee, truancy is listed as an offense that may be heard by the teen court.¹⁶⁹

Legislative Funding

Florida, Georgia, Idaho, Kentucky, and New Mexico have provided legislative funding directly for teen courts. The amount appropriated ranges from \$5,000 in Georgia for developing a teen court program at the Tift County YMCA,¹⁷⁰ to \$250,000 in New Mexico in 1994 to the administrative office of the courts to establish a statewide teen court system, including \$40,000 to estab-

lish a teen court in the third judicial district.¹⁷¹ During the 2001 session, Idaho appropriated \$170,000 to the Idaho Supreme Court for youth courts and community-based programs addressing tobacco and/or substance abuse.¹⁷² Kentucky appropriated \$25,000 in 2000 for the South End Teen Court.¹⁷³

Florida has a unique funding option. The circuit and county court in each county where a teen court has been created may adopt a mandatory \$3 assessment against every person pleading guilty or convicted of most criminal statutes, ordinances civil penalties. The assessment is collected by the court clerk and deposited into an account for operating and administering the teen court in the county, less 5% retained as fee income of the circuit court clerk's office.¹⁷⁴

Interestingly, no other teen court legislation existed in states that appropriated funds for them. The other statutes in Florida merely referred to the use of records to determine eligibility for a teen court diversion program,¹⁷⁵ and providing teen courts as an juvenile court intake option.¹⁷⁶

Liability Limitations/Immunity

Statutes in Alaska, Illinois, Tennessee, Utah, and Vermont provide some limitations on the liability of those working in and sponsoring youth court programs.¹⁷⁷

Conclusions

States with teen court legislation overwhelmingly address whether the program is dispositional or adjudicatory, the types of cases that they can handle, who may establish the program, the rights of offending youths, parental involvement, who may participate in the program and sentencing options.

Legislatively, teen court programs are generally dispositional in nature, although many states without com-

prehensive legislation are silent, ostensibly leaving the adjudication option open. These programs are established primarily by adult or juvenile courts, although non-profit organizations, schools, and politically accountable entities are often authorized. Programs generally limit their jurisdiction to lesser offenses, but some allow for handling more serious offenses where a juvenile court referral deems it appropriate. Parental involvement is generally required at some level, and the offending juvenile is provided with statutory rights. Other constitutional due process rights are often required to be waived. Several other provisions are found in statutes although not with the same frequency.

Youths participating in teen courts are generally between the ages of 13 and 18, although some states extend the age as long as the youth is enrolled full time in school. Youths fulfill the roles of judges, jurors, prosecutors, defense attorneys, bailiffs, and clerks, depending on the type of court anticipated in the state. Many programs require adult judges or lawyers to preside over the teen court.

Twenty of the 45 states with teen courts have no legislation to govern them. Of the 25 states with legislation, only nine have comprehensive legislation. While comprehensive legislation is helpful, it runs the risk of being too restrictive. By contrast, little or no legislation is risky where regulation would provide needed standards and process. States are encouraged to review the statutes of other states, not only those areas that are customarily legislated, but also for unique provisions that may benefit their communities, including the possibility of legislative funding. This open dialogue should include teen court administrators and interested community players, to determine what regulation, if any, may benefit their programs, allowing them to flourish and maximize their benefit to the community.

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END NOTES

- ¹ On October 15, 1999, the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), in conjunction with the American Probation and Parole Association (APPA), formally announced the creation of the National Youth Court Center (NYCC). The \$1 million center is housed at APPA's Lexington, Kentucky, headquarters and was funded by OJJDP's Juvenile Accountability Incentive Block Grant Program, in collaboration with several other federal partners: National Highway Traffic Safety Administration, U.S. Department of Transportation; Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services; and the Office of Elementary and Secondary Education, U.S. Department of Education.
- ² National Youth Court Center (NYCC), Teen/Youth Court List by State. Retrieved October 11, 2001, from <http://www.youth-court.net/statelist.htm>
- ³ NYCC has been unable to locate youth courts in Connecticut, Maine, Massachusetts, New Jersey, and Rhode Island. *Id.*
- ⁴ The states where the NYCC could not find youth courts in 1995 included Alabama, Connecticut, Delaware, Maine, Maryland, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, North Dakota, Rhode Island, South Carolina, Tennessee, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. TRACY M. GODWIN, ET AL., *PEER JUSTICE AND YOUTH EMPOWERMENT, AN IMPLEMENTATION GUIDE FOR TEEN COURT PROGRAMS* 11 (American Probation and Parole Association, 1998).
- ⁵ *Id.* at 10. One of the earliest known programs is Grand Prairie Teen Court Program in Grand Prairie, Texas. Grand Prairie's program has been operating since 1976. There are also anecdotal reports of a teen court that began operating in Horseheads, N.Y., in 1968.
- ⁶ Absent legislation, there are no required standards to operate a teen court program. Acceptable community standards require that the program meet the needs of the community that it serves and those that participate in the program. The National Youth Court Center has published and widely disseminated National Youth Court Guidelines, discussed at note 9, which provide national, non-mandatory standards for teen court programs.
- ⁷ See also Michelle E. Heward, *Youth Court Enabling Legislation: One Perspective on Utah's Experience*, National Youth Court Center, retrieved October 11, 2001, <http://www.youthcourt.net/legislationarticle.htm>
- ⁸ Godwin, *supra* note 4, at 11.
- ⁹ TRACY M. GODWIN, ET AL., *NATIONAL YOUTH COURT GUIDELINES* (American Probation and Parole Association National Youth Court Center 2000).
- ¹⁰ See Table 3
- ¹¹ CAL EDUC. CODE § 51220.2 (Deering 2001); ILL. COMP. STAT. ANN, ch.705, para. 405/5-301(F)(1)(e)(vii) (2001).
- ¹² 2002 Or. Laws 250 and 2002 Or. Laws 485.
- ¹³ New York CLS Jud § 3 (2001)
- ¹⁴ 1984 Op. (Inf.) Atty Gen. N.Y. 87
- ¹⁵ See NY CLS CPL § 380.90(2001), NY CLS Educ § 2801-a (2001), and NY CLS Family Ct Act § 301.2 (2001).
- ¹⁶ "Dispositional" is a procedure where youths accept responsibility for the matter before the court. The court then determines an appropriate disposition or sentence. "Adjudicatory" is a procedure where youths deny the matter before the court and a fact-finding hearing is held. If the youth is determined to have committed the offense, then the dispositional procedure follows.
- ¹⁷ W.VA. CODE § 49-5-13d(b)(4)(2001).
- ¹⁸ *Id.* § 49-5-13d(c).
- ¹⁹ ALASKA STAT. § 47.12.400(c)(1) (2001).
- ²⁰ CAL EDUC. CODE § 51220.2(b)(1) (Deering 2001) One required component of a teen court "adjudicates non-violent misdemeanor offenses..." (Emphasis added.) The statute refers to teen courts used to satisfy specified curriculum requirements.
- ²¹ *Op. supra* note 14.
- ²² ALASKA STAT. § 47.12.400(a) (2001), CAL EDUC. CODE § 51220.2 (2001), COLO. REV. STAT. 19-2-1102(1) (2001), N.C. GEN. STAT. § 7B-1706(c) (2000), R.I. GEN. LAWS § 8-10-23.1 (2001), TEX. FAM. CODE ANN. § 54.032(a)(1)(West 2001), UTAH CODE ANN. § 78-57-102(3), W. VA. CODE § 49-5-13d(a), WIS. STAT. §§ 938.245, 938.32 & 938.34 (2000); WYO. STAT. § 7-13-1202(a)(i) (2001).
- ²³ TEX. FAM. CODE ANN. § 54.032(a)(1)(West 2001).
- ²⁴ UTAH CODE ANN. § 78-57-102(3)(2001).
- ²⁵ WYO. STAT. § 7-13-1202(a)(i) (2001).
- ²⁶ 2002 Or. Laws 250 and 2002 Or. Laws 485 (programs in existence at the time the act was passed may continue to operate in their present form).
- ²⁷ Fla. Stat. § 985.21 (2000).
- ²⁸ ILL. COMP. STAT. ANN, ch.705, para. 405/5-301 (2001).

END NOTES

- 29 “Youth court” is the name of the traditional family or juvenile court.
- 30 MISS. CODE ANN. §43-21-753(2001).
- 31 VT. STAT. ANN. tit. 12 §7103.
- 32 UTAH CODE ANN. § 78-57-103(5) (2001).
- 33 R.I. GEN. LAWS § 8-10-23.1 (2001).
- 34 WYO. STAT. § 14-6-247 (2001)
- 35 TENN. CODE ANN. § 37-1-701(c)(1)(B)(C)&(E) (2001)
- 36 TENN. CODE ANN. § 37-1-701(c)(1)(P) (2001) (specifically allowing the following sections of the Tennessee Drug Control Act: §39-17-418(a) or (b), relative to simple possession or casual exchange of a controlled substance; §39-17-422(a) or (b), relative to smelling or inhaling fumes of any glue, paint, gasoline, aerosol, chlorofluorocarbon gas or other substance containing a solvent having the property of releasing toxic vapors or fumes; or possessing any glue containing a solvent having the property of releasing toxic vapors or fumes for the purpose of smelling or inhaling fumes or vapors; or §39-17-426, relative to possession of gentiana lutea, also known as jimsonweed, on the premises or grounds of any school.)
- 37 See: N.C. GEN. STAT. § 7B-1706(c)(4) (2000); and UTAH CODE ANN. § 78-57-102(3)(d)(iii)-(v) (2001)
- 38 ILL. COMP. STAT. ANN, ch.705, para. 405/5-315(2001).
- 39 2002 Or. Laws 250 and 2002 Or. Laws 485 (prospective application only).
- 40 ALASKA STAT. § 47.12.400(b) (2001)
- 41 Id. § 47.12.400(c)
- 42 Id.
- 43 Id. § 47.12.040
- 44 Id. §47.12.400(d)&(e)
- 45 Id. § 47.12.400(f)
- 46 COLO. REV. STAT. § 19-2-1102(2) (2000)
- 47 Id. § 19-2-1103
- 48 Id. § 19-2-1104
- 49 Id.
- 50 Id. § 19_2_1105
- 51 MISS. CODE ANN. § 43_21_753 (2001) (provides for the establishment of teen courts by the youth/juvenile courts of Harrison, Hinds, Rankin, and Bolivar counties).
- 52 TENN. CODE ANN. § 37-1-702(a).
- 53 Id. § 37-1-702(d)(1).
- 54 Id. § 37-1-702(d)(2).
- 55 Id. § 37-1-704 (a panel of at least 12 teenagers is selected as volunteers).
- 56 Supra at note 50.
- 57 TENN. CODE ANN. § 37-1-706 (2001).
- 58 TEX. FAM. CODE ANN. § 54.032 (West 2001).
- 59 TEX. CODE CRIM. PROC. ANN. articles 45.052(a) (West 2001).
- 60 TEX. FAM. CODE ANN. § 54.032(b) (West 2001).
- 61 Id. § 54.032(c) (juvenile court referral); TEX. CODE CRIM. PROC. ANN. articles 45.052(c) (West 2001)(justice or municipal court referral).
- 62 UTAH CODE ANN. §78-57-102(4) (2001).
- 63 Id. § 78-57-109.
- 64 Id. § 78-57-102(4).
- 65 Id. § 78-57-109.
- 66 Id. § 78-57-108
- 67 The members of the Utah Youth Court Board are: the Utah attorney general or his designee; one member of the Utah Prosecution Council; one member from the Board of Juvenile Court Judges; the juvenile court administrator or his designee; one person from the Office of Juvenile Justice and Delinquency Prevention; the state superintendent of education or his designee; two representatives from Youth Courts based primarily in schools; two representatives from Youth Courts based primarily in communities; one member from the law enforcement community; and one member from the community at large. Id.
- 68 Id.
- 69 VT. STAT. ANN. tit. 12 § 7109 (2001).

END NOTES

- ⁷⁰ Members of the board include the presiding family court judge in Windsor County or designee, the Windsor County state's attorney or designee, the superintendents of the Hartford, Springfield, and Windsor southeast supervisory union school districts or their designees, three youth court officers, three persons to be appointed by the Vermont Supreme Court and the chair of the Windsor County court diversion or designee. *Id.*
- ⁷¹ Utah requires a certification process for the youth court program itself. See *supra* notes 65-67 and accompanying text.
- ⁷² VT. STAT. ANN. tit. 12 § 7111 (2001).
- ⁷³ *Id.* § 7102.
- ⁷⁴ *Supra* note 54 and accompanying text.
- ⁷⁵ VT. STAT. ANN. tit. 12 § 7104(c) (2001).
- ⁷⁶ *Id.*
- ⁷⁷ W.VA. CODE § 49-5-13d(a) (2001).
- ⁷⁸ *Id.*
- ⁷⁹ *Id.* § 49-5-13d(b)(1).
- ⁸⁰ *Id.* § 49-5-13d(b)(4).
- ⁸¹ Wyoming Teen Court Program Act WYO. STAT. § 7-13-1201 to 1205 (2001).
- ⁸² W.R. Gov. Teens Cts. Rules 1-4 (2000).
- ⁸³ W.R. Gov. Teens Cts. Appx., Forms A-C (2000).
- ⁸⁴ WYO. STAT. § 7-13-1202(a)(ii) (2001).
- ⁸⁵ The governing body of the municipality or the board of county commissioners for justice of the peace and circuit courts, is required to give their consent and approval to the request from a supervising court to establish a teen court. WYO. STAT. § 7-13-1203(b) (2001).
- ⁸⁶ *Id.* § 7-13-1205.
- ⁸⁷ W.R. Gov. Teens Cts. Rule 1(a)(iii) (2000).
- ⁸⁸ *Id.* 1(b).
- ⁸⁹ *Id.* 1(c).
- ⁹⁰ *Id.* 1(c)(i).
- ⁹¹ *Id.* 3.
- ⁹² WYO. STAT. § 7-13-1203(c) (2001).
- ⁹³ *Id.* § 7-13-1203(d).
- ⁹⁴ *Id.* § 7-13-1203(e).
- ⁹⁵ W.R. Gov. Teens Cts. Rule 2 (2000).
- ⁹⁶ COLO. REV. STAT. § 19-2-1103(2)(b) (2000); TEX. FAM. CODE ANN. § 54.032(a)(3) (West 2001); UTAH CODE ANN. § 78-57-103(3)(b) (2001) WYO. STAT. § 7-13-1203(c)(iii) (2001) (defendant also agrees that deferral of further proceedings in the supervising court is conditioned upon the successful completion of teen court).
- ⁹⁷ W.VA. CODE § 49-5-13d(a) (2001).
- ⁹⁸ UTAH CODE ANN. § 78-57-103(7)&(8) (2001).
- ⁹⁹ ALASKA STAT. § 47.12.400(c)(2) (2001).
- ¹⁰⁰ *Id.* § 47.12.400(d).
- ¹⁰¹ *Id.* § 47.12.400(c)(5).
- ¹⁰² See *id.* § 47.12.400(f) and TENN. CODE ANN. § 37-1-705(d) (2001).
- ¹⁰³ COLO. REV. STAT. § 19-2-1104(2)(e) (2000).
- ¹⁰⁴ *Id.* § 19-2-1104(2)(f).
- ¹⁰⁵ *Id.* § 19-2-1104(2)(g).
- ¹⁰⁶ W.R. Gov. Teens Cts. Rule 2(a)(ii) (2000).
- ¹⁰⁷ COLO. REV. STAT. § 19-2-1104(2)(i) (2000).
- ¹⁰⁸ TEX. FAM. CODE ANN. § 54.032(d) (West 2001).
- ¹⁰⁹ WYO. STAT. § 7-13-1203(f) (2001) (see reporting requirement for traffic offenses).
- ¹¹⁰ COLO. REV. STAT. § 19-2-1103(4) (2000).
- ¹¹¹ MISS. CODE ANN. § 43-21-753 (2001).
- ¹¹² *Id.*, TEX. FAM. CODE ANN. § 54.032(a)(2) (West 2001), and UTAH CODE ANN. § 78-57-103(3) (d)(2001).
- ¹¹³ UTAH CODE ANN. § 78-57-103(3) (d)(2001).
- ¹¹⁴ TENN. CODE ANN. § 37-1-702(b)(2)(B) (2001).
- ¹¹⁵ *Id.* § 37-1-706(a) (2001)
- ¹¹⁶ VT. STAT. ANN. tit. 12 § 7106 (2001)

END NOTES

117 *Id.* § 7110 (attendance at the hearing is restricted to the child, if requested an attorney representing the child, the participating youth court officers, including the youth court judge, prosecutor, defense counsel and jurors, witnesses, the adult advisors, the court diversion monitor and the parents or legal guardians of the child).

118 *Id.* § 7108.

119 *Id.* § 7110.

120 W.VA. CODE § 49-5-13d(c) (2001)

121 ALASKA STAT. § 47.12.400(c)(3) (2001); MISS. CODE ANN. § 43-21-753 (2001); UTAH CODE ANN. § 78-57-103(3) (2001)(request must be voluntary and made in writing); and W.VA. CODE § 49-5-13d(a) (2001).

122 COLO. REV. STAT. § 19-2-1104(2) (2000); UTAH CODE ANN. § 78-57-104(1) (2001); and WYO. STAT. § 7-13-1204(a)(vi) (2001).

123 VT. STAT.ANN. tit. 12 § 7110 (2001).

124 COLO. REV. STAT. § 19-2-1103(2)(a) (2000); TEX. CODE CRIM. PROC.ANN. articles 45.052(a)(2) (West 2001) (required when a teen pleads nolo contendere or guilty in a justice or municipal court) and WYO. STAT. § 7-13-1203(c)(i) (2001).

125 TENN. CODE ANN. § 37-1-702(b)(2)(A) (2001).

126 *Id.* § 37-1-702(c)(3).

127 UTAH CODE ANN. § 78-57-103(3) (2001).

128 *Id.* § 78-57-105 and W.R. Gov.Teens Cts. Rule 2(a)(iii) (2000).

129 Colorado, Mississippi, Tennessee, West Virginia, and Wyoming discussed *infra*.

130 See *supra* notes 50 and 57 and accompanying text.

131 Although the statute did indicate that a teen would be tried, represented, and adjudicated by their peers, anticipating teen volunteers who would fill those roles. ALASKA STAT. § 47.12.400(c)(1) (2001)

132 It is worth noting that the statute specifically allows the courts to adopt different or alternative procedures for the establishment and operation of teen court programs within their respective jurisdictions, which arguably could include a different type of teen court if appropriate. COLO. REV. STAT. § 19-2-1105 (2000)

133 *Id.* § 19-2-1102 (defines); *Id.* § 19-2-1104 (sets forth the procedure).

134 *Id.* § 19-2-1102(4)&(5).

135 *Id.* § 19-2-1102(7).

136 *Id.* § 19-2-1102(6).

137 *Id.* § 19-2-1102(8).

138 TENN. CODE ANN. § 37-1-702(d) (2001)

139 *Id.* § 37-1-704.

140 COLO. REV. STAT. § 19-2-1102(4) & -1104(2); MISS. CODE ANN. § 43-21-753 (2001); TENN. CODE ANN. § 37-1-702(d)(1) (2001); W.VA. CODE § 49-5-13d(b)(1) (2001); and WYO. STAT. § 7-13-1204(a)(i) (2001)

141 TEX. CODE CRIM. PROC.ANN. articles 45.052(a) (West 2001)

142 UTAH CODE ANN. § 78-57-102(6) (2001)

143 *Id.* § 78-57-103.

144 VT. STAT.ANN. tit. 12 § 7101(2) (2001)

145 *Id.* § 7111.

146 W.VA. CODE § 49-5-13d(b)(3) (2001)

147 WYO. STAT. § 7-13-1202(a)(iii) (2001)

148 *Id.* § 7-13-1204(a)(v).

149 W.R. Gov.Teens Cts. Rule 2(a)(i) (2000)

150 MISS. CODE ANN. § 43-21-753 (2001)

151 TENN. CODE ANN. § 37-1-703(a) (2001)

152 UTAH CODE ANN. § 78-57-105 (2001)

153 VT. STAT.ANN. tit. 12 § 7104(a) (2001)

154 W.VA. CODE § 49-5-13d(b)(2) (2001)

155 *Id.* § 49-5-13d(b)(4).

156 WYO. STAT. § 7-13-1204(viii)&(ix) (2001) and W.R. Gov. Teens Cts. Rule 2(b) (2000).

157 CAL EDUC. CODE § 51220.2 (Deering 2001).

158 *Id.* § 32262

159 *Id.* § 32295.5.

160 N.Y. CRIM. PROC. § 380.90 (Consol. 2001).

END NOTES

161 N.Y. EDUC. § 2801_a (Consol. 2001).

162 TENN. CODE ANN. § 37-1-704 (a)(2001).

163 *Id.* § 37-1-705(b).

164 UTAH CODE ANN. § 78-57-110 (2001)

165 MISS. CODE ANN. § 43-21-755 (2001)

166 VT. STAT. ANN. tit. 12 § 7109 (2001)(Superintendents of the Hartford, Springfield, and Windsor southeast supervisory union school districts or their designees are members); UTAH CODE ANN. § 78-57-108 (2001)(the state superintendent of education or his designee is a member of the Utah Youth Court Board).

167 WIS. STAT. § 118.16 (2000)

168 *Id.* §§ 118.163 and 938.342.

169 TENN. CODE ANN. § 37-1-702(c)(1)(N) (2001)

170 2001 Ga. Laws 214

171 1994 N.M. Laws, ch. 147, § 6E

172 2001 Idaho Sess. Laws 241

173 2000 Ky. Acts 549

174 FLA. STAT. §938.19 (2000)

175 *Id.* § 43.0582

176 *Id.* § 85.21

177 ALASKA STAT. § 47.12.400(g) (2001); ILL. COMP. STAT. ANN, ch.705, para. 405/1-12 (2001); TENN. CODE ANN. § 37-1-705(c) (2001); UTAH CODE ANN. § 78-57-106 (2001); and VT. STAT. ANN. tit. 12 §7107 (2001)