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Spotlight On:
The Illinois Youth Court Association

By: Brittany Lewis

Actions taken by the criminal justice system have long-term repercussions on offenders, especially when those offenders are first time juvenile offenders. The stigma of being involved in in-court proceedings can be very damaging to both the child and the child-parent relationship. It is for these reasons that the Office of the Attorney General of Illinois created the Illinois Youth Court Association (“IYCA”) in 2000. The IYCA assists communities with developing youth courts, enhancing existing programs, and with sharing information between programs. Youth courts, also called “teen courts” or “peer juries”, are programs in which youths administer justice to peers in cases concerning both criminal and school rule violations. Youth courts generally serve non-violent, first-time, juvenile respondents as an alternative to traditional school discipline. Youth courts benefit the community, victims, respondents, and volunteers because they foster collaboration between schools, the juvenile justice system, and the community, creating a more impactful and positive method to handling juvenile justice. Youth courts help lighten the load of family and juvenile courts by diverting respondents out of the juvenile court system and provide a more positive path that has led to lower recidivism rates in communities that implement the youth court system. In addition, these youth offenders become more actively involved in their community and school, promoting positive peer relationships.

While youth courts operate in many different ways and for different purposes, there are some common elements. To be able to participate in these programs the respondents must voluntarily participate, admit guilt, and have allegedly committed a non-serious offense. These programs are youth-led with an adult moderator to guide jurors when needed. Depending on the program, youths may volunteer as jurors, attorneys, bailiffs, or judges. There are four basic models of youth courts, with each having a different structure. First, there is the “Adult Judge Model,” in which youths act as jurors and as defense and prosecuting attorneys. An adult acts as judge and presides over the hearing. Next, there is the “Youth Judge Model,” in which youths act as judge, jurors, defense and prosecuting attorneys. There is also the “Youth Tribunal Model,” in which three youths act as a panel of judges who ask the respondent questions and determine a disposition. Finally, in the “Peer Jury Model,” a jury of youths volunteers to ask the respondent questions and determine a disposition. This is the most common model in Illinois. These programs are beneficial to the respondent because it keeps them from going through the typical adversarial system, as well as beneficial for the volunteers. It provides students, who may have an interest in the justice system with an opportunity to learn and become actively involved in the trials and tribunals. It also provides the community with an opportunity to heal from the wrongdoing the juvenile may have done by becoming involved in the justice system.

There are separate programs that handle criminal and school related misconduct. When there is alleged criminal misconduct, juvenile courts, police departments, and

probation offices may refer the juvenile offender to youth court. Depending on what type of youth court the community has decided to implement, the police, prosecutor's offices, probation, social service agencies, or the youth courts' own non-profit organizations are in charge of running the program. These programs handle offenses such as first-time misdemeanors, theft, vandalism, disorderly conduct, alcohol/drug offenses, assault, and truancy. Youth court gives the offender the opportunity to take responsibility for their actions while their peers are given the opportunity to determine what the offender's punishment will be. Commonly, community service, apology letters, restitution, counseling, tutoring, drug and alcohol assessment, and classes are found to be appropriate punishment for these offenders. These programs teach these offenders that what they did was wrong while simultaneously encouraging them to take responsibility for their actions and seek forgiveness from the community. By doing this, the youth is not labeled as a criminal and avoids going through typical in-court proceedings, which may have very negative effects on that child.

Programs that handle school misconduct are typically operated by schools, but may include other juvenile facilities, such as detention centers. Offenders are typically referred to the program by the school or organization's disciplinary offices, often as an alternative to detention and suspension. The offenses that are typically handled by these programs are rule violations, such as truancy, minor fights, cheating, or smoking. Similar to the criminal programs, a typical punishment may include community service, apology letters, counseling, mentoring, tutoring, and extracurricular activities. These programs can be very effective in middle school, high school and even post-secondary education. Moreover, these programs inspire students to become involved in the justice system while also providing offenders an opportunity to have a trial by their peers, which helps give a level of perspective to both the youth and the administrators participating in the program.

Typically, part of the disposition requires that the respondent serve on the youth court as a juror or bailiff in a subsequent youth court case. Instead of exclusion from peers, these respondents are included once more within the community and have a chance to see the law from both sides, encouraging the juvenile to stay on the right side of the law. This requirement helps to ensure that the youth court reflects the diversity of the community. Failure to complete the disposition imposed by the youth court will generally result in referral back to the original agency. For example, youth failing to complete their disposition for crimes will be referred back to whomever referred them to youth court, typically to go through the traditional adversarial process. Thus, youth failing to complete their disposition for violating school rules will be referred back to the traditional school disciplinary process.

There have been predictions that nationwide, 25% of juvenile offenders will be referred to youth court by the end of 2015. Thus, it is crucial to successfully implement new youth courts throughout Illinois. The American Bar Association has urged both state and federal organizations to increase the amount of participation in youth courts. Illinois leads the nation with 134 operational youth court programs around the state and boasts

one of the largest public school systems in the nation to take on peer jury initiatives with twenty-seven Chicago public high schools currently operating peer jury programs. The IYCA is sponsored by the Office of Illinois Attorney General in collaboration with: Alternatives, Inc., American Bar Association, Chicago Police Department, Cook County State's Attorney's Office, Illinois State Bar Association, Illinois Center for Violence Prevention, Illinois Criminal Justice Information Authority, Juvenile & Child Protection Resource Section, Cook County Juvenile Court, Juvenile Justice Ministries, Knox County Teen Court, Lawrence Hall Peer Jury, Macon County Teen Court, Mattoon Police Department Peer Court, Mental Health Association of Illinois, and the Northern Illinois Council on Alcoholism and Substance Abuse. Further evidencing Illinois' progressive approach toward youth courts, the Illinois Legislature recently passed a youth court-funding mechanism (PA 93-0892; House Bill 307) permitting counties to pass resolutions increasing penalties for vehicular and certain criminal offenses to generate fines that may be spent on the operation and administration of youth courts. Through continued public and private support, the expansion of youth courts can continue with Illinois as a model in youth court operations.

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