

Youth Court Hearing Process

During the Hearing

1. Bailiff calls court to order, instructs everyone to stand, and announces the judge.
2. Bailiff calls the first case by the minor's name.
3. Bailiff swears in entire courtroom, the jury, and the respondent.
4. Judge opens the hearing.
5. Clerk reads the charges and Respondent Statement of Fact.
6. The Prosecution makes their opening statements.
7. The Youth Advocate makes their opening statements.
8. The Respondent is given the chance to make any desired statements before questioning begins.
9. The Prosecution conducts questioning.
10. The Youth Advocate conducts questioning.
11. The Prosecution makes their closing statement.
12. The Youth Advocate makes their closing statement.
13. The jury exits the courtroom for deliberations. The judge joins the jury for deliberations, to act as an observer only and to answer any questions that the jury may have.
14. Once the jury has reached a disposition, they send a representative into the courtroom to request the presence of the Probation Juvenile Officer.
15. The jury foreperson explains the jury's disposition to the Probation Juvenile Officer to confirm that the disposition is feasible and allowable. The Officer and the judge then go back into the courtroom.
16. The jury concludes their deliberations and completes the **Hearing Report Form**.
17. The judge directs the bailiff to escort the jury back into the courtroom.
18. The judge asks the jury foreperson to stand and read the disposition.
19. The judge adjourns the court and the exit interview is conducted with the Respondent, Youth Court Advocate, Peer Mentor, and Probation Juvenile Officer.
20. The Clerk completes all paperwork and obtains the judge's signature.

Bailiff Script

1. Once all of the participants have entered the court room, announce:
All rise. Youth court is now in session, the Honorable Judge _____ presiding. Case number _____, the case of (respondent name). May the entire courtroom please stand.
2. Swear in the entire court room:
Please raise your right hand and repeat after me.
I swear or affirm / that everything I see or hear / in youth court today / shall be kept confidential. /
Everyone please be seated, except the members of the jury.
3. Swear in the jury:
Please raise your right hand. Do you solemnly swear or affirm that you will objectively weigh the issues in this case and render a disposition according to the evidence and guidelines of youth court?
Please be seated.
4. Swear in the respondent and youth advocate:
May the Respondent and Youth Advocate please rise.
Please raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?
Please be seated.

Judge Script

- After the bailiff has sworn in the court, the judge states:
In youth court it is expected that the same level of decorum be maintained that would be expected in any judicial court in this county. There will be no gum chewing, smoking, tobacco chewing, eating, or drinking. No cameras or recording devices, audible beepers or cell phones are allowed. No laughing, talking or any other inappropriate behavior is permitted while court is in session. If there is any improper behavior, either the bailiff or I will stop the proceeding and ask that the behavior cease. If verbal warnings are not successful, bad behavior on the part of a spectator or juror will result in the removal of that person from the courtroom and the hearing will continue without them. If the respondent's behavior disrupts the proceeding, the respondent will be escorted from the courtroom, a mistrial will be declared, and the respondent will be referred back to the referring official. Does everyone understand?
- The judge then directs the Clerk to read the charge by stating:
Madam Clerk, please read the facts of the case.
- After the Clerk reads the facts of the case, the judge states:
Prosecutor, please make your opening statement.
- After the Prosecutor makes his/her opening statement, the judge states:
Youth Advocate, please make your opening statement.
- After the Youth Court Advocate makes his/her opening statement, the judge asks the Respondent:
Respondent, do you wish to make any statements before the Prosecutors begin their questioning?
- The judge then opens questioning by the Prosecution, stating:
At this time, the Prosecution may begin questioning the Respondent.
- After the Prosecution has completed their questioning, the judge states:
At this time, the Youth Advocate may begin questioning the Respondent.
- The judge then states:
At this time, the Prosecution may make his/her closing statement.
- The judge then states:
At this time, the Youth Advocate may make his/her closing statement.
- The judge then directs the bailiff to escort the jury out of the courtroom for deliberation. The judge joins the jury for their deliberations, to act as an observer only and to answer any questions the jury may have.
At this time, the jury is directed to the deliberation room to begin its deliberations.

- When the jury has finished deliberating, the judge then directs the bailiff to escort the jury back into the courtroom.
- The judge then states:
Has the jury made a disposition in this case? If so, may the jury foreperson please stand and read the disposition.
- After the jury reads the disposition, the judge then states:
**Respondent, do you understand the disposition that has been rendered?
Do you plan to complete this disposition?**
- The judge then closes the hearing by stating:
Court is now adjourned, and taps the gavel.
- The judge then directs the bailiff to escort the Youth Advocate, Respondent, Peer Mentor, and Probation Juvenile Officer to a room for an exit interview

Appendix A: Description of Forms

1. **Case Information Form** - This form serves as a cover sheet to the Case File. The top portion of this form is filled out by the clerk after intake. After the hearing, the clerk completes the form by filling in the dispositions and deadline assigned. After the hearing, a copy is given both to the respondent and the referring teacher/staff member to notify them of the results of the hearing.
2. **Diversion Agreement Form** - This form is to document that the respondent has agreed to participate in youth court instead of traditional school discipline. During intake, the clerk fills out the top portion and gives it to the respondent to sign and date. The respondent then takes a copy home to have a parent/guardian sign. Parent/guardian signature is required before the hearing can take place.
3. **Instructions for Respondent**- Once the respondent has agreed to participate in youth court, the clerk should review these instructions with the respondent during intake. All court personnel and respondent must initial their designated blocks. The respondent should be given a copy to take with them.
4. **Respondent Statement of Fact** - The respondent is provided this form during intake if he/she desires to provide a written statement of the facts to the court. This form is not required if the respondent wishes to make an oral statement in open court or does not wish to provide a written statement.
5. **Hearing Report Form**- This form is provided to the jury foreperson and is used to guide the deliberation on the details of the disposition. Once the jury has arrived at consensus, the first page should be filled out to indicate the assigned disposition and the second page should be signed and dated by each jury member.
6. **Disposition Contract** - This form is provided to and signed by the respondent to ensure the respondent understands how to complete his/her disposition. It is then signed by the respondent, parent/guardian, and peer mentor and returned to the youth court coordinator.
7. **Documentation of Completion of Disposition** - This form is completed by the youth court coordinator to indicate whether the respondent has or has not completed the disposition. A copy is forwarded to the administration and to the referring teacher/staff member.

YOUTH COURT CASE INFORMATION FORM

CASE NUMBER: _____

DATE OF OFFENSE: _____

DATE OF HEARING: _____

RESPONDENT'S NAME: _____

OFFENSE COMMITTED: _____

PRESIDING JUDGE: _____

DISPOSITION(S) GIVEN TO THE RESPONDENT:

1. _____
2. _____
3. _____
4. _____

DATE THAT THE DISPOSITION(S) MUST BE COMPLETED BY: _____

DIVERSION AGREEMENT

Respondent Name: _____ Respondent ID: _____ Case #: _____

Offense Date: _____ Hearing Date and Time: _____ at _____

Offense Category: _____

1. Youth court is an alternative way of restoring justice after a juvenile has committed a misdemeanor or minor offense. You will present yourself before a youth jury, discuss your case, and the jury will decide your constructive disposition. If you do not appear at your youth court hearing, your case will be referred back to the Juvenile Division of the Merced County Probation Department.
2. If you do not fulfill the youth court contract following the hearing and issuance of a disposition, your case will be referred back to the Juvenile Division of the Merced County Probation Department for further action.
3. Diversion into the youth court is an opportunity to avoid traditionally punitive consequences for misdemeanors and minor offenses. By signing this agreement, the juvenile is willing to accept the disposition given by a jury of young adult volunteers.
4. After completing your youth court disposition, the offense WILL NOT appear on your permanent criminal record.

Respondent's Signature

Date

Parent/Guardian Signature

Date

The above statements were read to and signed by the above parties. A copy was given to the youth offender on the date indicated.

Youth Advocate Signature

Date

Probation Department Signature

Date

INSTRUCTIONS FOR RESPONDENT

Appear for your youth court hearing at 5:30 P.M. on November 18, 2014.

- Please dress appropriately.
- The youth advocate will be seated with you during the hearing.
- You will be sworn in. Speak slowly in a strong voice when answering questions. Make sure you are heard and understood.
- Everything that happens during youth court will be kept confidential.
- Be honest and sincere. Tell the truth. Explain in detail what happened, who was with you, and the circumstances surrounding your offense.
- **Attitude:** Be yourself. Explain your intentions, what lesson you have learned from this experience, and any additional information that the court would need to know in order to provide you with a constructive sentence. Communicate with the court.
- After the questioning, the jury will be removed to another room to deliberate.
- The jury will return to the room after their deliberation to deliver the disposition.
- When your name is called, you will stand and face the jury as the disposition is read. The judge will ask you if you understand the disposition and if you will complete it.
- You, your parent/guardian, and your youth advocate will be escorted to the exit interview room by the bailiff. A youth court clerk will complete forms showing where and when each item in the disposition will take place.

Respondent initials

Youth advocate initials

Intake clerk initials

Date reviewed with respondent

HEARING REPORT FORM-PAGE 2

Case #: _____

Presiding Judge (printed): _____

Judge's Signature: _____

Jury Foreperson Name (printed): _____

Jury Foreperson Signature: _____

Juror #1 (printed): _____

Juror # 1 Signature: _____

Juror #2 (printed): _____

Juror # 2 Signature: _____

Juror #3 (printed): _____

Juror # 3 Signature: _____

Juror #4 (printed): _____

Juror # 4 Signature: _____

Juror #5 (printed): _____

Juror # 5 Signature: _____

Juror #6 (printed): _____

Juror # 6 Signature: _____

Juror #7 (printed): _____

Juror # 7 Signature: _____

Juror #8 (printed): _____

Juror # 8 Signature: _____

Juror #9 (printed): _____

Juror # 9 Signature: _____

DISPOSITION CONTRACT

Respondent Name: _____ Respondent ID: _____ Case #: _____

Offense Date: _____ Hearing Date and Time: _____ at _____

Offense Category: _____

I will complete all components of the disposition to the best of my ability by the established deadline. I will ask for help when needed, and I understand that failure to complete all components of my disposition may result in my being returned to the Probation Department official for more traditional consequences. My parent/guardian and my peer mentor will support me in completing my disposition.

Respondent Name (printed)

Respondent Signature and Date

Parent/Guardian Name (printed)

Parent/Guardian Signature and Date

Peer Mentor Name (printed)

Peer Mentor Signature and Date

DOCUMENTATION OF DISPOSITION COMPLETION

Respondent Name: _____ Respondent ID: _____ Case #: _____

Offense Date: _____ Hearing Date and Time: _____ at _____

Offense Category: _____

The above named minor has voluntarily participated in the Merced County Youth Court Program and has completed all consequences as assigned. Please ensure that any record of the offense is permanently sealed.

The above named minor is being referred to you for further disciplinary action due to a failure to complete the dispositions assigned by a jury of his/her peers. The original offense is to receive traditional consequences at the earliest possible opportunity.

Explanation:

Youth Court Coordinator Name (printed)

Coordinator Signature

Date filed with Probation Department

How it works...

