



Fayette County
Teen Court

Youth Volunteer Manual

Fayette County Teen Court
100 North Court St / 3rd Floor - PO Box 307
Fayetteville, WV 25840
Office: 304-574-4338 Cell/text: 304-575-1428
Email: fayettefrn@gmail.com
www.fayettefrn.com
Facebook: Fayette County Teen Court

Table of Contents

Policy	Section I
Program Description	4
Program Steps & Procedures	Section II
Referral Process, Eligible Offenses, Eligible Alternative Sentences, Order of Business....	6
Youth Volunteer Recruitment	Section III
Volunteer Application.....	8
Roles and Responsibilities for Clerk, Bailiff, Defense Attorney, Prosecuting Attorney, and Jury.....	10
Counsel Guidelines/Suggestions for Teen Court.....	15
Oath of Confidentiality	18
Code of Conduct	19
Court Day Procedures	Section IV
Hearing Check List	22
Bailiff Responsibilities.....	23
Clerk Responsibilities	24
Jury Responsibilities	25
Fayette County Teen Court Hearing Script Guide.....	26
Final Disposition Form	32
Teen Court Final Disposition (Definitions)	33
Jury Deliberation Guide and Questions	35

Section I

Policy

Program Description

The Fayette County Teen Court Program (“Teen Court”)¹ is designed to provide a community-based deferral alternative to the formal juvenile court process for accepted cases. It represents a more positive alternative to the juvenile justice system and focuses on youth development and accountability through positive peer pressure. Young offenders learn to take responsibility for their actions. The program represents a way for juveniles to actively participate in an informal court process and learn from their mistakes. Juvenile cases addressed by Teen Court are handled on a timely basis and free up time and funds for the Circuit Court system to handle more serious offenses.

Fayette County teens, acting as defense and prosecuting attorneys, will have the opportunity to question the juvenile offender (“Juvenile Offender”) to determine the final disposition (punishment/sentence) of the case for eligible offenses². The Peer Jury also made up of Fayette County teens, hear evidence, but does not determine guilt or innocence. The focus of the Peer Jury is solely to determine an appropriate disposition for the Juvenile Offender. All program activity is grounded in restorative justice principles, such as, rebuilding relationships, repairing harm, solving problems, and building community capacities, which guide Juvenile Offenders to restore to the community what has been lost. Once the Juvenile Offender has completed the terms and conditions of the final disposition ordered by the Peer Jury, the offense is dismissed and no criminal record results for the Juvenile Offender. Successful Juvenile Offenders are thereafter required to serve as Peer Jurors, bringing them back into the community as a valued contributor, to become fully part of the solution versus labeled as the problem. If the Juvenile Offender does not successfully comply with Teen Court and fails to complete the disposition imposed by the Peer Jury, the Juvenile Offender’s case is returned to the Circuit Court for disposition in the traditional juvenile justice system.

Families of eligible Juvenile Offenders are contacted to determine their interest in having their child’s case resolved in Teen Court. The decision to participate in Teen Court is strictly voluntary. The Juvenile Offender and his or her parent/guardian must consent to participating but does require that the Juvenile Offender enter a “no contest” plea. Pre-hearing documents must be signed by the Juvenile Offender and his or her and parents/guardians.

The Teen Court represents a different approach to the juvenile justice process. Juvenile Offenders are not viewed as “criminals.” Court officials, judges, parents, teen volunteers, Juvenile Offenders and other stakeholders involved in the process are encouraged to work towards positive solutions designed to rebuild damaged relationships, repair the harm caused by the incident, solve problems, and build community capacities to address the underlying causes of juvenile crime and restore the loss to the community. This unique approach is not intended to diminish the responsibility of the Juvenile Offender’s behavior; rather, the Teen Court model does the exact opposite. The Teen Court sends a strong message to the Juvenile Offenders, and the messengers themselves play a critically important role in the process. Through Teen Court, teens tell other teens that their behavior is not acceptable sending a positive peer pressure message, i.e., “**...act responsibly and make better choices, which will result in personal success**”.

¹ Teen courts are authorized by W. Va. Code § 49-7-716.

² Eligible offenses are outlined in W. Va. Code § 49-4-716(b). Ultimately, the Circuit Court or its designee administrator or committee, will determine whether a Juvenile Offender is an acceptable candidate for the program.

Section II

Program Steps & Procedures

Program Steps & Procedures

Referrals:

Teen Court receives referrals from the Fayette County Circuit Court (through law enforcement/prosecutor's office) and from Fayette County Schools (including school resource officers). Upon referral, the Teen Court Coordinator designated by the Circuit Court is responsible for further screening Teen Court candidates based on the following criteria:

1. Misdemeanor offenses
2. Youth between grades 7th through 12th
3. Parent/guardian consent
4. Juvenile must plea no contest
5. No pending felony charges or prior felony adjudication
6. Review of juvenile's background
7. Personal interview and intake form with juvenile and parent/guardian

Eligible Offenses for Teen Court include:

1. Minor traffic violations
2. Misdemeanors such as public intoxication, shoplifting, criminal damage to property under \$300, vandalism, disorderly conduct
3. Minors in possession of tobacco products, alcohol or simple possession of marijuana
4. Simple assaults
5. Others as identified

Eligible alternative sentences include:

1. Community Service (16 hour minimum, 40 hour maximum is required)
2. Serving on the Peer Jury for 2 cases (required)
3. Apology (written, oral, or both)
4. Research Paper
5. Prevention or education program
6. Restitution
7. Other

Order of Business for Teen Court Hearing

1. Opening by the Judge and Teen Jury Bias Inquiry
2. Opening Statement by Prosecutor and Defense Attorney
3. Questioning and Cross Examination of Victim, Juvenile Offender, and his or her parent/guardian and Presentation of Evidence.
4. Closing Arguments by Prosecutor and Defense Attorney
5. Judge Instructions to Teen Jury
6. Teen Jury Deliberation
7. Teen Jury Disposition Decision

The Juvenile Offenders may accept the sentence assessed by the teen jury, or reject the disposition and elect to go before the Circuit Court through the traditional juvenile justice system. Also, failure to comply with the disposition terms and conditions imposed by the Teen Court jury will result in a return of the case for disposition through the traditional juvenile justice system.

Section III

Youth Volunteer Recruitment

Teen Court Volunteer Application Form
Apply online at <https://forms.gle/ZGgZPeciUjMXBFwE8>

Name: _____ Age: _____ Date of Birth: _____

Address: _____

City: _____ State: _____ Zip: _____

Gender Identity: _____ Employer: _____

Home Phone: _____ Cell Phone: _____

Parent/Guardian Name: _____

School/Grade: _____ Email: _____

What activities are you involved in? _____

What qualities do you have that would make you a good teen court volunteer? _____

What do you hope to gain from volunteering in teen court? _____

What are your educational or career plans after graduation? _____

Have you ever been found guilty of a crime? Yes No
If yes, what was the charge? _____

Did you have any experience with any law enforcement agency of the court system? Yes No
If so, please explain: _____

Have you ever been a victim of a crime? Yes No
If yes, please explain: _____

Please select which role(s) you would like to perform within teen court?

- | | |
|--------------------------------------|---|
| <input type="checkbox"/> Bailiff | <input type="checkbox"/> Defense Attorney |
| <input type="checkbox"/> Court Clerk | <input type="checkbox"/> Prosecuting Attorney |
| <input type="checkbox"/> Juror | <input type="checkbox"/> Adult Volunteer |

When are you available to volunteer for teen court?
(i.e, days of the week, times of day, times of year) _____

When are you NOT available to volunteer? _____

REFERENCES

Please include one educational reference and one community reference. The educational reference may be either a teacher or an administrator. The community reference should be over twenty-one years of age and should not be a relative.

Educational Reference:

Name _____ Position _____

Address _____ Phone _____

Community Reference:

Name _____ Position _____

Address _____ Phone _____

Emergency Contact:

Name _____ Phone _____

Address _____

Relationship to you _____

How did you hear about Fayette County Teen Court? _____

Would you be willing to submit to a background check? Yes No

I hereby certify the facts set forth in the above application are true and complete to the best of my knowledge.

Signature of Volunteer

Date

Signature of Parent/Guardian

Date

Role and Responsibilities of the Teen Court Clerk

The Clerk sits next to the Judge during the entire court session. The Clerk completes the Court docket as the cases progress. He/she also assists the Judge upon request.

The Clerk assists the Teen Court Coordinator prior to Court sessions with registration. As jurors, volunteers, and defendants enter the courtroom, the Clerk helps with jury assignment and answers questions.

1. The Judge will tell you what to do during the beginning of each case. **Speak slowly, clearly and loud enough for everyone in the courtroom to hear you when reading the Docket and when administering the Oaths.**
2. When the Judge asks you to administer the confidentiality oath to all participants, **stand up and read the following Oath:**
 - a. "I will keep confidential any and all information about actual cases which are held in my presence during the course of Fayette County Teen Court. I understand that if I violate this confidentiality oath by revealing any information that may identify juvenile offenders, I may be held in contempt of Teen Court and may be subject to further disciplinary action. Please say, I do."
3. When the Judge asks you to read the first case on the docket, read it from the attached docket sheet. The same procedure will apply with subsequent cases on the docket.
4. When the Judge asks you to administer the Oath to the Peer Jury, **stand up and ask them to stand, and read the following Oath:**
 - a. "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 teen court? If so, say I do."
5. When the Judge asks you to administer the Oath to the Juvenile Offender, Parent/Guardian and Victim, **stand up and ask them to stand and read the following Oath:**
 - a. "Do you solemnly swear or affirm that the statements you are about to make are the truth, the whole truth and nothing but the truth? If so, say I do."
6. After the case is completed, give the file folder to the Teen Court Coordinator

Role and Responsibilities of the Teen Court Bailiff

The Bailiff calls the jurors to the jury box at the start of each hearing. Upon completion of the hearing, the Bailiff leads the jury to the deliberation room. After deliberation, the Bailiff leads the jury back into the courtroom. The Bailiff is also responsible for maintaining order in the courtroom and assisting the Judge upon request.

1. The Teen Court Coordinator will give you a folder containing a copy of your duties, Final Disposition Form and deliberation guidelines.
2. You start the hearing immediately then the Judge enters the courtroom by stating:
 - a. “Will everyone please rise? The Fayette County Teen Court is now in session, the honorable Judge (LAST NAME) presiding.”
3. Whenever the Judge or Jury leave and re-enter the courtroom, it is your responsibility to announce, **“All Rise”, which indicates that everyone in the courtroom must stand and focus upon the courtroom proceedings.**
4. When the Judge gives the Jury final instructions and asks you to escort them to the deliberation room, take your folder with you as you lead them out of the courtroom. **Give the folder to the Jury Chair when you get to the deliberation room.**
5. When the Final Disposition Form is completely filled out by the Jury, the Bailiff quietly escorts the Jury members back into the courtroom. If the next case is still being heard, everyone finds a seat in the gallery until instructed to return to the jury box.
6. When instructed to do so by the Judge, you will hand the verdict to the Judge for review and then gives it back to the Jury Chair to read.
7. After the Judge indicates the case is completed and dismisses everyone, you will state: “All Rise”

Role and Responsibilities of the Teen Court Defense Attorney

The role of the Defense Attorney is to represent a client zealously within the bounds of the law. The Defense Attorney must not represent persons if his/her ability to represent them effectively is impaired. Like the prosecutor, the Defense Attorney has the duty to maintain public respect for the judicial system.

Youth acting as attorneys must be willing to come to court prepared to present their case. The Defense Attorney will be provided with a summary sheet giving facts regarding the particular case to be heard. Case paperwork must be handled in a confidential manner and shredded upon completion of case. Defense Attorney are asked to call their clients prior to court.

1. A Defense Attorney is an advocate for the Juvenile Offender. The Juvenile Offender should be presented in the best possible light. While the Defense Attorney must zealously seek to help his/her client, he/she must never misrepresent the case. To prepare the case, the Defense Attorney should be familiar with the aggravating and mitigating circumstances.
2. During pretrial, the Defense Attorney will have the opportunity to meet with the Juvenile Offender and prepare his/her case. The Defense Attorney will interview the Juvenile Offender to learn the circumstances surrounding the offense. The Defense Attorney should never advise, insinuate, or encourage the Juvenile Offender to change his/her story in hope of a lighter verdict, but should always stress that the Juvenile Offender must remain true to the facts. At this time, the Defense Attorney should also familiarize the Juvenile Offender with the hearing proceedings.
3. Once the hearing has started, and the Jury has been sworn in, the Defense Attorney will give an opening statement.
4. Direct examination follows the opening statements. The Defense Attorney will question the Victim, the Juvenile Offender's parents/guardian, and/or the Juvenile Offender to elicit responses that enable the jury to learn the facts of the case. For the Juvenile Offender, questioning can include, i.e., the shame of committing the crime, the fact his/her parents punished the Juvenile Offender or the Juvenile Offender did not mean to commit the crime, the Juvenile Offender feels remorse over the offense. The questioning and responses should justify the request of a lesser verdict.
5. After direct examination of the Defendant, the Prosecutor will have the opportunity to cross-examine the witnesses called. This line of questioning is limited to the facts brought out in direct examination.
6. The Defense Attorney then gives a closing argument for the Jury. It should be a concise and organized summary of mitigating factors supported by the evidence brought out in testimony. The Defense Attorney can point out to the Jury the facts which may help convince the Jury to render a less burdensome disposition.

Role and Responsibilities of the Teen Court Prosecuting Attorney

The Prosecutor's role is to represent the interests of the State; to represent the public interest by requesting a sentence that is strict but fair.

1. During pre-trial, the Prosecutor will prepare for the case. The Prosecutor will be provided with a summary sheet giving facts regarding the particular case to be heard. Case paperwork must be handled in a confidential manner and shredded upon completion of case.
2. The Prosecutor should attempt to communicate with any victim in the case.
3. After the Jury has been sworn in and the case is called, the Prosecutor begins by giving an opening statement. In the opening statement, the Prosecutor should state the Juvenile Offender's offense. The Prosecutor will explain to the Jury what he/she intends to provide and why he/she plans to advocate a particular disposition.
4. Next, the Prosecutor will question the Victim during direct examination. The questions should be relevant to the offense and should elicit responses that justify the Prosecutor's verdict recommendations and should demonstrate any impact of the Juvenile Offender's actions upon the Victim.
5. The Prosecutor may also call the Juvenile Offender's parent or guardian and Juvenile Offender as a witnesses during direct examination. The purpose of the questions should be relevant to the offense and should elicit response that justify the Prosecutor's disposition recommendations.
6. After direct examination in each instance, the Defense Attorney will be given the opportunity to cross-examine the witnesses so called. This line of questioning is limited to the facts brought out in direct examination.
7. Lastly, when the questioning and any cross-examination of the Juvenile Offender is completed, the Prosecutor will give a closing argument to the Jury. It should be organized and supported by the evidence. The Prosecutor can point out the reasons why he/she would like the jury to recommend a particular disposition.

Role and Responsibilities of the Teen Court Jury

Participates as a member of an eight person to twelve-person jury. Teen Court Jury determines the appropriate disposition for the Juvenile Offender after hearing the evidence and arguments during presentation of the case. The Jury must come to a unanimous decision, keeping in mind the assigned consequences are designed to hold the Juvenile Offender responsible for his/her actions, and require the Juvenile Offender to be accountable to the community and the Victim.

1. A Teen Court Jury member determines appropriate and fair consequences for the Juvenile Offender. He/she must listen carefully to the facts of the case and pay close attention to the questioning of the Defense Attorney and the Prosecutor. The consequences should be designed to hold the Juvenile Offender responsible and accountable for his/her actions to the community and the Victim. The verdict should be proportional to the offense and should weigh the aggravating and mitigating factors presented during presentation of the case. A Teen Court Juror must be able to treat each case individually and without prejudice.
2. Remember, community service is required (16-hour minimum, 40 hours maximum). The remainder of the disposition is optional and for the Jurors to use in their discretion.
3. Teen Court Jurors are judicial representatives through their participation in Teen Court and must always act in a respectful and mature manner, taking seriously the duty of judging the conduct of the Juvenile Offender and determining a fair disposition.
4. Jurors must select a Jury Chair, who will lead discussions, keep the group on task, and track time. Juror must select a Jury Recorder to complete the Disposition Form, which will be presented to the Judge.
5. A unanimous agreement on the disposition is required.
6. The Teen Court Jury will be assisted by an adult Jury Advocate.

Counsel Guidelines/Suggestions for Teen Court

The main purpose of an attorney at Teen Court is to try to convince the jury of what you believe an appropriate sentence should be. For example,

- The Defense is trying to show that the defendant is sorry for his/her ‘mistake’ and he/she has had enough punishment already.
- The Prosecution is trying to show that the defendant needs more punishment.

Both Prosecution and Defense should take into consideration all of the facts of the case before they ask for punishments. Prosecution should not automatically ask for the maximum and Defense should not always ask for no consequences. Ask for what you believe would serve the juvenile offender and the community best.

Counsel Must Prepare for The Hearing

Suggestions for preparation are:

- a) Read over documentation. All of the facts about the case are there. If you have any questions, you can call the Teen Court Coordinator or discuss questions with your mentoring attorney or with your client.
- b) Defense attorneys **MUST** meet with their clients or at least talk to them on the telephone before the trial. Discuss the facts of the case and what the juvenile offender’s testimony will be. Remember not to coach your clients to change their story. That would be lying. If you do not call or meet with your clients, you will no longer be asked to participate as a teen court attorney.
- c) Decide on a theory of your case. This will help you to decide what kind of facts you want to bring out from the witnesses.
- d) Prepare questions to ask witnesses that you feel will back up your theory of the case. You want to ask questions that will convince the jury of your theory of the case.
- e) Ask relevant questions pertaining to the case in question. Make sure you do not repeat questions that the opposing side has asked unless you are trying to further a point that will help your case.
- f) **Opening Statements-** Prepare opening statements in advance. Make sure you tell the jury your theory of the case and how you plan to prove your theory.
- g) **Closing Arguments-** You may not be able to prepare all of your closing arguments, but you can have a basic outline of what you want to say to the jury. Tell the jury your theory of the case and how you proved it. Then suggest an appropriate sentence. Your client should approve of this sentence suggestion if you are the defense attorney.

Make sure you speak with your mentoring attorney before the hearing to discuss the case. Most mentors have participated in Teen Court before and will be able to help you prepare your case. If you have any other questions, you can always call the Teen Court Coordinator.

Counsel Opening/Closing Statements & Questioning Witnesses

Opening Statement

- Maintain eye contact with the Jury. Do not just read your statement to the jury.
- State the facts of the case clearly. Outline the story of the incident(s).
- Do not overstate your case. Be brief.
- Include the minimum requirements of Teen Court (community service and serving on the jury).
- Explain the *issues-facts-charges* of the case.

Closing Argument

- Maintain eye contact with the Jury. Do not just read your statement to the jury.
- *Prosecution*- Make sure the jury has a simple decision by giving them all the facts and reasons they need to give the verdict you asked for. Give a sentencing recommendation.
- *Defense*- Make sure you have shown your client in the best light. Ask for a sentence that you and your client agree would be fair.
- Expose the other side's weaknesses. Tell why they should believe what you have presented.

Questioning Witnesses

- Maintain eye contact with the witness. You don't want to read your questions to the witness. Notes are okay, but only if you use them to help you remember.
- Make sure to ask open ended questions. These are questions that require more than yes or no answers. Example: What were you thinking when you committed this crime?
- Be mobile. Don't stand like a statue when questioning a witness.
- Speak loud enough for everyone in the courtroom to hear your voice. A good guide is to speak a little bit louder than you think you need to speak.
- Try to tell a story with your questions. Use chronological order. You want the jury to see the facts of the case that you want to come out. Start at the beginning of the incident and ask questions that tell what happened at every step of the incident.

Case Preparation

1. The first thing to do is to go over all the materials in the information packet on the case. Be familiar with everything.
2. From the facts, start thinking about your **THEORY OF THE CASE**- This is your idea of the story. Think about all of the circumstances surrounding the case.
 - a. As a Defense attorney, you want to tell a story that will make your client look as good as possible. Remember, the facts are already there, you just want to present them in the best way possible for your client.
3. Talk to your client. Ask about the facts of the case. Ask what the client believes he/she should receive as punishment.
4. In your **Opening Statement** to the court, tell the jury your theory of the case. This is your idea of what happened and why it happened. You want your opening statements to give an outline for the jury of what you want to show them during questioning.

5. **Questioning:** Develop your questions for the case so that a story is told. You want the jury to be able to follow your questions as if they are watching a TV show. When asking the witness to describe the events, you want to start at the beginning and work your way to the end of the event.
 - a. Parents are often a good source of information on punishments and previous behavior problems. Some parents want to be called to the stand. It's a good idea to ask parents if they want to be called to the stand before the trial.
6. Pay attention to the Prosecution's questions. See how the witness responds to the questions and decide what you are going to ask on re-direct, or re-cross examination. You can always talk it over with your mentor during the trial.
7. In your **Closing Argument**, go over your theory of the case again and tell the jury how you proved your theory. Then ask them for a sentence you and your client feel is appropriate. Make sure to discuss this with your client before the trial.

JUROR/BAILIFF/CLERK/DEFENSE & PROSECUTING ATTORNEY
CONFIDENTIALITY OATH

I will not divulge any information about actual cases which come to my knowledge in the course of the Fayette County Teen Court proceedings, outside of the Teen Court proceeding, and that I will keep confidential all said proceedings which may be held in my presence.

Further, I understand that if I violate confidentiality by revealing the names of Teen Court Juvenile Offenders or specific details of a case which may identify such juvenile, I may be held in contempt of Teen Court and may be subject to further disciplinary action.

Please print your name: _____

Signature _____ **Date** _____

Code of Conduct

Teen Court Participants/Volunteers

I. Preamble

Teen Court participation is a privilege, not a right. That privilege can be lost if you fail to act in a responsible manner and within the confines of the law. As a teen court participant, you are expected to serve as a role model for your peers at all times. You therefore 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 reprehensible conduct. Because of your position, even minor violations of law may tend to lessen public confidence in the entire teen court program. Since teen court is designed to promote law-abiding behavior, your behavior must be consistent with that purpose.

Listed below is the Code of Conduct, which you must follow. If you fail to conduct yourself in conformity with these rules, you shall be deemed guilty of misconduct, which will be subject to disciplinary action, according to the procedures set out below, which can include removal from the teen court program.

II. Code of Conduct

As a participant of teen court you must abide by the following rules:

- Rule 1** I will not engage in illegal conduct.
- Rule 2** I will not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.
- Rule 3** I will not knowingly use perjured or false testimony or statements.
- Rule 4** I will reveal any false statements, testimony or other evidence used, or any other fraud perpetrated, in any Teen Court proceeding.
- Rule 5** I will maintain the confidentiality of the Teen Court proceedings.
- Rule 6** I will not violate the rules and regulations adopted by my school district.
- Rule 7** I will participate free of bias or prejudice toward any other person's age, race, sex, religion, national origin, or disability.
- Rule 8** I will appear promptly and prepared for all Teen Court training sessions and court appearances, unless excused.
- Rule 9** I will perform my role as effectively and competently as possible.
- Rule 10** I will not engage in undignified or discourteous conduct during Teen Court session.
- Rule 11** I will not ask any question that is intended to harass or degrade a witness.

- Rule 12** I will not let any outside influence, such as other members, parents, fellow students or my own self-interest, affect my actions and decisions in how to proceed,
- Rule 13** As a defense attorney, unless an offender otherwise directs, I will not reveal a confidence or secret of an offender or use such confidence or secret to the disadvantage of an offender.
- Rule 14** I will treat with courtesy and consideration all persons involved in teen court proceedings.
- Rule 15.** I will not knowingly fail to disclose or exchange evidence which I am required by the teen court training to reveal to my opponent.
- Rule 16.** As prosecutor, I will not communicate with the offender in the case except during cross-examination.
- Rule 18.** As a youth court member serving as a prosecutor or defender, other than during the performance of my role during a court proceeding, I will not communicate with a juror about the case under consideration.
- Rule 19.** I will abide by all my obligations and responsibilities as specified in the teen court training manual.
- Rule 20.** A teen court member, I will dress appropriately when participating in a teen court proceeding.
- Rule 21.** I will notify the teen court coordinator immediately if I am arrested, convicted of a crime or suspended from school.
- Rule 22.** I will report to the teen court staff or any board member conduct of other members I believe to be in violation of these Rules of Conduct.
- Rule 23.** I will cooperate with the board of directors or any disciplinary committee in any investigation involving a violation of these rules of conduct.

The Teen Court Board reserves the right to impose appropriate discipline upon any participant who violates the code of conduct, including suspension or removal from the program.

Teen Court Youth Signature/Date

Teen Court Coordinator Signature/Date

Section IV

Court Day Procedures

Hearing Check List

Hearing Instructions: When you agreed to appear for Teen Court, your training prepared you to carry out the duties of Prosecuting Attorney, Defense Attorney, Clerk, Bailiff and Juror. This Check List is a quick reminder of your responsibilities.

You must arrive at the Courthouse at least fifteen minutes before the hearing.

- Location: Fayette County Court House Annex Building, 2nd Floor, 100 Church Street, Fayetteville, WV 25840**
- Court proceedings require a level of respect; please dress appropriately.
- It is disrespectful to chew gum, eat or drink in the courtroom.
- No talking while in the courtroom while hearing in progress.
- Turn off and do not display or use any electronic devices (e.g., cell phones) while the Court is in session.
- Listen to all the questions asked by the attorneys.
- When speaking in the courtroom, always speak clearly and loud enough to be heard.
- When deliberating, stay focused and thoroughly discuss only relevant issues to the case.
- Keep confidential all information learned during your service in Teen Court.
- You will be asked to complete a post-program questionnaire.

Thank you for your service.

Bailiff Responsibilities

The bailiff may be told by the Judge when to perform each duty. There are 5 duties for the bailiff. The speaking parts are highlighted.

1. **Starting the Case:** The Coordinator will inform you when everyone is ready.
 - a. “Will everyone please rise? The Fayette County Teen Court is now in session, The Honorable Judge _____ presiding.”
2. **Leaving the Courtroom:** Whenever the Judge or Jury leave and re-enter the courtroom,
 - a. “All rise”
3. **Jury Deliberation:** The Judge will ask you to escort them to the deliberation room and hand the Jury Chair the folder containing the Disposition Form.
 - a. When the Disposition Form is completely filled out by the Jury, the Bailiff quietly escorts the Jury members back into the courtroom. If the next case is still being heard, everyone finds a seat in the gallery until instructed to return to the jury box.
4. **Jury Verdict:** The Judge will ask you to hand the verdict to him/her for review
 - a. Once reviewed, you will give it back to the Jury Chair to read.
5. **Closing the Case:** After the Judge indicates the case is completed and dismisses everyone
 - a. “All Rise”

Clerk Responsibilities

The clerk will be told by the judge when to perform each duty. There are 3 duties for the clerk. The speaking parts are highlighted.

1. **Oath of Confidentiality:** The judge will ask you to administer the confidentiality oath to all participants. Stand up and say:
 - a. I will keep confidential any and all information about actual cases which are held in my presence during the course of Fayette County Teen Court. I understand that if I violate this confidentiality oath by revealing any information that may identify juvenile offenders, I may be held in contempt of Teen Court and may be subject to further disciplinary action. Please say, I do.

2. **Calling the Case:** The judge will ask you to call the case. Stand up, and say:

Fayette County Teen Court Versus:

_____ case number ____-TC-FC

3. **Jury Oath:** The judge will ask you to administer the oath to the Jury. Stand up and say:
 - a. “Do you swear that you will objectively weigh the issues in this case, and give a sentence according to the evidence and guidelines of Teen Court? If so, say I do.”
4. **Witness Oath:** The judge will ask you to administer the oath to the Juvenile Offender, parents/guardians and Victim(s). Stand up and say:
 - a. “Do you solemnly swear or affirm that the statements you are about to make are the truth, the whole truth and nothing but the truth so help you God? If so, say I do”

Jury Responsibilities

The Jury will be told by the Judge, Bailiff or Clerk when to perform each duty. There are 4 duties for the Jury. The speaking parts are highlighted.

1. **Jury Bias Inquiry:** The Judge will ask you questions to be sure that you are impartial.
 - a. If the answer is “yes” in your mind, please raise your hand.
2. **Jury Oath:** The Clerk will ask you to rise and raise your right hand.
 - a. “I do”
3. **Jury Deliberation:** The Judge will give instructions after the closing statements are made by the attorneys
 - a. When the Judge asks the Bailiff to escort you to deliberation, stand and follow the Bailiff
4. **Jury Chair:** The Judge will ask who the Chair is
 - a. If you are the Chair, stand and say:
 - i. “I am your honor.”
 - b. The Judge will ask if the Jury has reached a unanimous disposition
 - i. “Yes your honor”
 - c. When the Bailiff gives the disposition back to you, the Judge will ask you to read the orders
 - i. Read the disposition orders

Fayette County Teen Court Hearing Script Guide

INTRODUCTION

BAILIFF: Will everyone please rise? The Fayette County Teen Court is now in session, The Honorable Judge _____ presiding.

JUDGE: Please be seated. Good evening and welcome to the Fayette Teen Court. On behalf of the Teen Court program, I want to thank everyone for being here today and for your participation. **(NOTE: After reading the instructions below, our Judges may exclude reading the entire paragraph after the first case.)**

The business of Teen Court is very serious. The Juvenile Offenders have voluntarily chosen to come before the Teen Court to have a jury of their peers decide what disposition, if any, they should receive for their actions. The Juvenile Offenders deserve your respect and attention. It takes courage for them to be here and I am sure that if you were in their place, you would want a fair hearing.

Therefore, everyone in the courtroom should remain attentive during the proceedings and give their complete attention to what occurs here. If you fail to do so, I will ask you to leave the courtroom. Please also remember that it is not our right to humiliate or make fun of the Juvenile Offenders. That is not the purpose of Teen Court. We are simply here to do what is right and fair to the Juvenile Offenders, the Victim(s), and the community.

JUDGE: Will the Clerk please administer the confidentiality oath to all participants?

CLERK: I will keep confidential any and all information about actual cases which are held in my presence during the course of Fayette County Teen Court. I understand that if I violate this confidentiality oath by revealing any information that may identify juvenile offenders, I may be held in contempt of Teen Court and may be subject to further disciplinary action. Please say, I do.

JUDGE: Will the Clerk please announce the first case?

CLERK: Fayette County Teen Court vs. _____ case number ____-TC-FC

JUDGE: (to the Juvenile Offender) Are you the Juvenile Offender in this case?

JUVENILE OFFENDER: Yes, your honor.

JUDGE: What is your full name and age?

JUVENILE OFFENDER: (states name and age.)

JUDGE: Is the parent/guardian of the Juvenile Offender present?

PARENT/GUARDIAN: Yes, your honor.

JUDGE: And your name, please.

PARENT/GUARDIAN: (Parent/guardian states name.)

JUDGE: Is the Victim present? (Teen Court Coordinator will comment regarding victim involvement.)

VICTIM: Yes, your honor.

JUDGE: And your name, please.

VICTIM: (Victim states name/representing _____business/organization.)

JUDGE: Thank you for being here today. **Members of the jury, at this time I will read the relevant details of the Juvenile Offender’s crime.** Remember you should consider all evidence and testimony in making your determination of an appropriate disposition.

JUDGE: Juvenile Offender, did you read, understand, and sign the Consent and Waiver to Participate in Teen Court?

JUVENILE OFFENDER: Yes.

JUDGE: Parent/Guardian did you read, understand, and sign the Consent also?

PARENT/GUARDIAN: Yes.

JURY BIAS INQUIRY

JUDGE: Therefore, the Juvenile Offender pleaded “no contest” to the offense and has voluntarily agreed to participate in the Fayette County Teen Court. Members of the jury, it is your duty to determine what disposition, if any, is fair and appropriate. To be sure that you are impartial and able to fulfill this obligation, I must ask you some questions. **If the answer is “yes” in your mind, please raise your hand and I will ask you some follow-up questions.**

- Are any of you good friends, or are you related, or have you been long acquainted with the Juvenile Offender?
- Have any of you had any problem with or quarreled with the Juvenile Offender in the past, whether in school, your neighborhood, or elsewhere?
- Have any of you heard anything about the Juvenile Offender in this case, whether good or bad, true or not, which might prejudice you one way or another in this case?
- Did any of you witness this incident or hear anything about it, which might prejudice you about the case?

- Is there any reason that I have not asked you about which makes you unsure whether you should serve on this jury?

JUDGE: Juvenile Offender, do you accept this jury to hear your case?

JUVENILE OFFENDER: Yes.

JUDGE: Members of the jury, there have been no objections raised to you serving on the jury in this case. Please stand and raise your right hand and the Clerk will administer the oath.

CLERK: 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 Teen court? If so, say I do.

JURY: I do.

JUDGE: **I will ask the Clerk to also administer an Oath to the Juvenile Offender, parents/guardians and Victim(s). Will the parties present in this case please raise your right hand, while the clerk administers your oath?**

CLERK: Do you solemnly swear or affirm that the statements you are about to make are the truth, the whole truth and nothing but the truth so help you God? If so, say I do.

JUVENILE OFFENDER, VICTIM, & PARENT: I do.

OPENING STATEMENTS

JUDGE: At this time the Prosecutor and the Defense Attorney will be allowed to make a statement regarding the charges, in that order. After statements have been made, the attorneys will be allowed to ask questions of the parties and when there are no further questions, the parties will again be allowed to make closing statements.

JUDGE: Prosecution, you may now make your opening statement to the court.

PROSECUTING ATTORNEY: (Statement to the court.)

JUDGE: Defense, you may now make your opening statement to the court.

DEFENSE ATTORNEY: (Statement to the court.)

QUESTIONING OF VICTIM, PARENTS/GUARDIANS, AND JUVENILE OFFENDER

JUDGE: Prosecutor, you may now proceed with your questioning of the parties. Please call your first witness.

PROSECUTING ATTORNEY: (Direct Examination)

[After direct examination of each witness]

JUDGE: Defense, you may now proceed with your cross-examination questioning of the witnesses.

DEFENSE ATTORNEY: (Cross Examination)

JUDGE: Does the Prosecutor rest his or her case?

DEFENSE ATTORNEY: (Direct Examination)

JUDGE: Defense, you may now proceed with your questioning of the parties. Please call your first witness.

JUDGE: Prosecution, you may now proceed with your cross-examination questioning of the parties.

PROSECUTING ATTORNEY: (Cross Examination)

JUDGE: Does the defense rest its case?

CLOSING STATEMENTS

JUDGE: Prosecution, you may now make your closing statement to the court.

PROSECUTING ATTORNEY: (Statement to the court.)

JUDGE: Defense, you may now make your closing statement to the court.

DEFENSE ATTORNEY: (Statement to the court.)

JURY INSTRUCTIONS

JUDGE: Members of the jury, you will be sent to deliberate in a few moments, but first I would like to explain some of the legal principles you need to know and procedures you must follow:

- First, you should select a Jury Chair. You also need to appoint a Jury Recorder to complete the Final Disposition Form as you make your disposition order selections.

- Second, your responsibility is to decide the appropriate disposition in this matter. You can consider only the statements and information you have heard today in the teen court proceedings in reaching your decision. You may consider the demeanor, character, attitude, degree of remorse, consistent or inconsistent statements of the juvenile respondent. You may also consider the comments of the parent and the victim. You are free to believe all or part of what the participants said.
- You may consider the seriousness of the offense and how the offense has affected the victim, the parent, and the community at large, including the school community. You must set aside any bias you have based on race, gender, or national origins. Your disposition must be unanimous. You have 15 minutes to reach your decision.
- When you have reached your decision, the Jury Recorder will complete the Dispositional Form, the Jury Chair should inform the Bailiff, and then you will return to the courtroom.

JUDGE: If there isn't any additional information that needs to be shared, Bailiff, please escort the jury to the deliberation room and also deliver to them the Disposition Form.

[Jury deliberates on appropriate disposition]

(While this jury is deliberating, the Teen Court Coordinator will seat the next jury, and call in the next Juvenile Offender, so we can begin the next case.)

RETURN/ANNOUNCEMENT OF JURY DECISION

BAILIFF: Will everyone please rise?

JUDGE: Who is the Chair of this jury? Please state your name.

CHAIR: I am your honor.

JUDGE: Has the jury reached a unanimous disposition?

CHAIR: Yes, your honor.

JUDGE: Will the Bailiff please deliver the disposition to the bench for inspection? Will the Juvenile Offender please rise? **Will the Jury Chair please read the required disposition orders along with any other orders issued by the Teen Court Jury?**

CHAIR: (Disposition read)

JUDGE: The court having heard the statements of the parties, now finds the Teen Court Jury's disposition to be appropriate and fair to the Juvenile Offender, the Victim, and the community. Judgment is hereby entered on the Teen Court Jury's Disposition. **Juvenile Offender, do you accept this disposition?**

JUVENILE OFFENDER: Yes.

JUDGE: Parent/guardian do you accept this disposition?

PARENT: Yes.

JUDGE: I will sign the Acceptance of Disposition Form after you and the Juvenile Offender do so. The Teen Court Coordinator will also sign this form. Please see the Coordinator, before you leave so that you can pay your \$25.00 court oversight fee and receive instructions regarding how you will begin disposition activities. Teen Court Coordinator will also answer any questions you may have regarding how to precede.

On behalf of Teen Court, thank you Peer Jurors for your time and remember that you swore an oath of confidentiality and each of you are therefore reminded at this time to the obligation to fulfill that oath and that this is a duty you owe both the Juvenile Offender and the Teen Court program. You may not divulge any information about the cases you have heard in Teen Court and will keep confidential all proceedings held in their presence.

If you violate this oath of confidentiality by revealing the names of participants or any other specific details of a case which may identify that juvenile, you will be subject to contempt of court and/or school disciplinary action. Thank you all for your participation in Teen Court. (We will take a moment to call the next Teen Court Jury and seat the next Juvenile Offender to continue with our hearings.)

(Special Note: Before we dismiss for the day and time permitting and with our Judges' consent, we would like to take a group picture with you and our Teen Peer Jurors. These photos are presented in recognition of their service in our community.)

Teen Court Final Disposition (Definitions)

Special Instructions: An adult Jury Advocate will assist the Jury members in the dispositional process. Teen Court Jury members can ask this person for assistance if help is needed. Teen Court Jury members are instructed to review information gained during the hearing and issue a fair, just and helpful Final Disposition that will:

- ✓ **Hold** the Juvenile Offender **accountable** and encourage **personal responsibility**.
- ✓ **Help** Juvenile Offender **rebuild relationships** that have been hurt.
- ✓ **Repair harm** that they have caused others.
- ✓ **Link** with appropriate individuals or organizations to meet identified needs.
- ✓ **Resolve the identified problems** and give back to the community.
- ✓ Help **restore what has been lost**.

Required Orders (Must be read by the Jury Chair.)

1. **Disposition Period:** No less than 30 days and no more than three months. Shorter is better.
2. **School Attendance:** The Juvenile Offender must be in school (or attend an acceptable educational program) and make significant weekly progress as reported by his or her teachers.
3. **Oversite Fee:** The Juvenile Offender must pay a \$25.00 fee to the Teen Court Coordinator after the hearing.
4. **Peer Juror:** The Juvenile Offender must serve as a Teen Court Juror for at least two occasions.

Alternatives

- Community Service Work:** Minimum of sixteen hours, maximum of forty hours. Number of hours to be determined by the Jury. If appropriate, community service should be related to the offense, but Jury should not dictate the location, i.e., Church, School or other non-profit organization.
- Apology:** Written apology to those that were harmed and due date to be determined by the Jury.
- Tobacco Cessation Program:** The American Lung Association's Intervention for Nicotine Dependence: Education, Prevention, Tobacco and Health (INDEPTH) is an alternative for students who face suspension for violation of school tobacco, vaping, or nicotine use policies. Students participate in a series of interactive educational sessions administered by an adult facilitator in either a one-on-one or group format in a school or community-based setting. This is a 10-week long program
- Anger Management and Impulse Control Program:** This tract addresses issues related to the inability to control overwhelming emotions, often leading to irrational and impulsive responses – such as verbal and physical argument, poor coping skills, and acting without determining consequences first. Students participate in group therapy to teach better coping skills to use when confronted with strong emotions, better communication skills, and stress management techniques. This is a 4-week long program.
- Victim Awareness Program:** This tract addresses issues related to accountability for negative actions, where victims are explicit (such as an assault) or implied (such as when

someone is using substances). The Victim Awareness program can be used for multiple situations, from bullying to physical and verbal aggression. It is usually provided in a group format but can also be accomplished in a one on one setting. This is a 4-week long program.

- Substance Abuse Program:** This tract addresses issues related to the abuse, use, and education regarding illicit substances. It covers brain development, bodily harm, family/peer/community impacts of use, and reasons for use. It also addresses reasons for relapse as well as stopping use completely. It can be provided in a group format or individually to meet the needs of the student. This is a 4-week long program.
- Restitution:** Pay back of victims verified out of pocket expenses.
- Summary Essay:** A two-page summary of what happened, identify harm and who will do what to repair it.
- No Contact:** with the parties related to the offense.
- Personal Code of Conduct/Ethics:** Create a list of behavior-oriented things to do to steer clear of trouble, i.e., I will be honest, I will not steal, I will do my homework and hand it in on time, etc.
- Other:** Any other disposition that the Jury deems appropriate. The focus should always be on Restorative Justice, i.e., repair harm, problem solving, building skills, expanding knowledge, etc.

Jury Deliberation Guide Questions

Jury Instructions: Before you have any discussion about the case facts:

1. Select a Jury Chair
 - a. Leads discussions, keeps group on task, watches time.
2. Appoint a Jury Recorder
 - a. Completed Disposition Form as Teen Court Jury agrees on each item.
3. You have at least 20 minutes to complete the task.
4. Consult with the adult Jury Advocate if you get stuck on an issue or need guidance.
5. From the questions that were asked and the information that was given during the courtroom proceeding, decide on a fair disposition, focus on what was said.
6. A unanimous verdict is necessary for it to be official. Do not allow one person to decide.
7. Ask yourselves the guideline questions below to help determine the final disposition.

Use these questions to help you determine the underlying causes of the Juvenile Offender's actions.

1. Who was the Victim(s)? What are the needs of the Victim(s)? What harm was caused by the Juvenile Offender's actions?
2. Did the Juvenile Offender appear to regret, express sorrow, for his/her actions?
 - a. If yes, has the respondent done anything to repair the harm caused?
3. What family, community, school relationships were harmed by the Juvenile Offender's actions?
4. From your questions and statements made in court by the Juvenile Offender, family, Victim, were there any special problems identified? (Illegal Alcohol or other illegal substance use issues, anger management?)
5. What do you think the Juvenile Offender's disposition should be to repair the harm caused?
6. What special skills does the Juvenile Offender have to offer as a form of community service?

The Jury Chair is responsible for reading the Final Disposition; helpful and encouraging words should be shared with the Juvenile Offender during the reading of the disposition.