

CHESTER HIGH SCHOOL YOUTH COURT

200 WEST NINTH STREET, CHESTER, PA 19013

PHONE: 610-499-2884 EMAIL: CHSYOUTHCOURT@GMAIL.COM

STOCK QUESTIONS AND DELIBERATION PROCESS

Suggested order of Questioning:

1. Details of the offense
2. Past Behaviors
3. Current Academic Performance
4. Who has been harmed by this incident (with appropriate follow-ups)
5. What have you done to repair the harm done?
6. What do you think you should do to repair the harm done?

Possible Questions – Note Well: You are not limited to asking these questions

- 1) Why did you agree to admit what you did and appear before the youth court?
- 2) Have you received disciplinary action before?
- 3) Are you working?
- 4) Have you ever had a job?
- 5) What do you plan on doing when you graduate from high school?
- 6) What are you doing right now, at this point in your life, to meet that goal?
- 7) Would any changes within the high school have helped prevent the action that caused you to be here today?
- 8) What should you have done differently so you would not have had to appear before us today?
- 9) Who was harmed by your actions? Be specific, e.g. my classmates, my school, myself, my mother, etc.
- 10) Tell us why we should believe you will not perform this act again.

Steps to Deliberation for Restorative Dispositions

The Seven-Step deliberation process was developed by Godwin, Heward, and Spina, 2000 for use by youth courts nationally. To ensure deliberations that are more likely to achieve restorative justice, jurors should follow these steps.

1. Review the rules for jury deliberation.
2. Review the facts and circumstances of the case. Also discuss your impressions of what you saw and heard during the hearing.
3. Decide who was affected by the respondent's actions and how they were harmed by the respondent.
4. Identify the needs of everyone who was affected by the harm – respondent, respondent's family, victims, and the community.
5. Decide what needs to be done to repair the harm.
6. Determine an appropriate disposition that will help meet the needs of the affected parties and reach agreement.
7. Provide a written justification that explains the reasons for the disposition being imposed.

CHESTER HIGH SCHOOL YOUTH COURT
PROCESS STATEMENT SUMMARY
2009-2010

BEFORE THE HEARING

1. Student violates a school rule or district truancy policy.
2. Student meets with administration or Truancy Center Personnel.
3. Student is deemed eligible and is referred to Youth Court Coordinator.
4. Student is now called Respondent and completes intake interview.
5. Victim impact statement (where appropriate) is completed by intake clerk.

ON THE DAY OF THE HEARING

1. Respondent and Parent escorted to waiting area and complete pre-hearing surveys.
2. Bailiff escorts respondent and parent to courtroom, court is called to order.
3. Hearing is conducted.
4. Respondent and parent return to waiting area during jury deliberations.
5. Respondent and parent return to courtroom to receive disposition(s).
6. Respondent and parent are escorted to Exit Interview Room, disposition contract is signed, and disposition mentor is selected.

AFTER THE HEARING (DISPOSITION COMPLETION)

1. Respondent meets with Disposition Mentor to set goals and plan completion dates.
2. Respondent
 - a. Completes disposition and offense is stricken from record.
 - b. Fails to complete disposition and is returned to administration/truancy personnel for traditional school-based consequences.

CHESTER HIGH SCHOOL YOUTH COURT
PROCESS STATEMENT DETAIL
2009-2010

BEFORE THE HEARING

- 1) Student violates a school rule or policy and is referred to building administration or truancy center personnel. Eligible offenses include the following:
 - a. Truancy
 - b. Class Disruption
 - c. Class cutting/hallwalking
 - d. Destruction of school property or personal property*
 - e. Dress Code Violations
 - f. Electronics Policy Violations
 - g. Fighting
 - h. Other
- 2) Administrator/Truancy Personnel determines whether Youth Court is appropriate
 - a. Administrator should consider:
 - i. Nature of the offense
 - ii. Academic Performance
 - iii. Behavioral Record
 - iv. Attitude
 - b. Administrator asks the following questions:
 - i. Are you willing to admit guilt for the offense in a courtroom of your peers?
 - ii. Do you understand that this is a voluntary process?
 - iii. Are you willing to complete whatever tasks or assignments given you by the court?
 - iv. Are you willing to participate in this process with your parent/guardian?
 - c. If the student responds “yes” to all four questions, student is referred to Youth Court Coordinator. Student is now called respondent. Administrator gives student copy of original referral and initiates ***Referral and Tracking Sheet***.
 - d. If the student responds “no” to any of the four questions, administrator proceeds with standard school-based consequences.
- 3) Respondent meets with Youth Court Coordinator (YCC)
 - a. YCC assigns case number, updates ***Referral and Tracking Sheet***, prints form set.
 - b. YCC assigns a Youth Advocate to the Case, explains the role of the Youth Advocate
 - c. YCC contacts parent and sets hearing date and time
 - d. YCC sends respondent to the Court Clerk, who schedules the intake interview with the respondent, Youth Advocate, and Intake Clerk, ideally within 24 hours of the offense.

- 4) Respondent completes the intake interview with Intake Clerk
 - a. Respondent, Advocate and Clerk sign *Respondent Oath of Confidentiality*
 - b. Respondent, Advocate, and Clerk review *Instructions for Respondent* and sign.
 - c. Respondent, Advocate, and Clerk review the *Diversion Agreement* and Sign
 - d. Respondent completes statement of fact
 - e. Respondent completes *Interests Questionnaire* (not yet developed)
 - f. Respondent is given copy of diversion agreement and instructions – diversion agreement must be signed by parent/guardian and returned to YCC within two days.
 - g. Intake Clerk updates *Referral and Tracking Sheet*, returns the entire file to YCC
- 5) Intake clerk completes *Victim Impact Statement* and returns to YCC for file.

ON THE DAY OF THE HEARING

- 6) Respondent and parent arrive, go to waiting room and sit with Youth Advocate
- 7) Clerk verifies that all members, guests and visitors in the courtroom have signed the YC Ethical Code. Clerk provides case specific *Hearing Report Form* and *Deliberation Process and Notes* Form to Jury Foreperson
- 8) Bailiff escorts respondent, parent, and Advocate into the courtroom; directs to seating
- 9) Bailiff calls the court to order, announces the Judge:
 - a. Chester High Youth Court is now in session.
 - b. The honorable _____ presiding.
 - c. Bailiff announces the Case – **Docket Number 00-000, Student Name.**
- 10) Bailiff swears in all the parties:
 - a. Entire courtroom – **“Would everyone please rise and repeat after me: ‘I swear, or affirm, that everything I see or hear in Youth Court today will be kept confidential.’”**
 - b. Jury - **“Do you solemnly swear that you will objectively weigh the issues in this case and render a disposition according to the evidence and guidelines of youth court?”**
 - c. Respondent and Parent - **“Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth.”**
- 11) Judge reads the following instructions to the courtroom:

In Youth Court, we require the same level of decorum be maintained as in any other judicial forum in Delaware County. There will be no gum chewing, smoking, tobacco chewing, eating or drinking. No cameras, recording devices, audible beepers or cell phones are allowed. No laughing, talking or other inappropriate behavior is permitted when court is in session.

If there is any improper behavior, either the bailiff or I will stop the proceedings and ask that the behavior be ceased. If verbal warnings are not successful, bad behavior on the part of a spectator, juror, or parent will result in the removal of that person from the courtroom and the hearing will continue without them. If a respondent’s behavior disrupts this courtroom, that respondent will be expelled from the courtroom and a mistrial will be declared with the case being sent back to the referring official.

- 12) Clerk Presents Facts of the Case
 - a. Clerk presents charge and the specific rule violated, and the text of the actual rule
 - b. Clerk reads the referral into the record
 - c. Clerk reads the respondent's statement of fact
 - d. Clerk gives referral and **Respondent Statement of Fact** to presiding judge
- 13) Judge asks for Opening Statement - Youth Advocate makes opening statement.
- 14) Judge asks respondent if there is any additional information they would like to add prior to jury questions.
- 15) **Victim Impact Statement** (where applicable)
 - a. If victim is present, victim presents Victim Impact Statement
 - b. If victim is not present, and permission has been given, Victim Impact Statement is read to the entire courtroom
 - c. If victim is not present, and no permission has been given, Victim Impact Statement is read only to the jury during deliberations
- 16) Youth Jury Questions Respondent
 - a. Details of the Offense
 - b. Past Behaviors
 - c. Current Academic Performance
 - d. Who has been harmed by this incident (with follow-ups)
 - e. What have you already done to repair the harm done?
 - f. What do you think you should do to repair the harm done?
- 17) Youth Jury Questions Parent
 - a. Determines strength of family relationships
 - b. Have any consequences been applied by you (parent) for this offense
 - c. Asks for input into dispositions
- 18) Closing Statement from Youth Advocate
- 19) Bailiff escorts student, parent, and Advocate to waiting area
- 20) Jury completes deliberation process (see separate document)
- 21) Bailiff escorts student, parent, and Advocate to courtroom where they remain standing
- 22) Judge asks jury to stand and read the disposition
- 23) Jury Foreperson reads the complete disposition
 - a. For each component, a reason must be stated
 - b. Foreperson asks if the respondent understands the disposition
- 24) Bailiff escorts Respondent, Parent, and Advocate to the Exit Interview Room
- 25) Clerk obtains Hearing Report Form and Deliberation Process and Notes Form from Jury Foreperson
 - a. Clerk Verifies that **Hearing** and **Deliberation** Forms are properly signed
 - b. Clerk gives **Hearing Report Form** to Judge for Signature
 - c. Clerk gives **Hearing Report Form** to Adult Monitor for Signature
 - d. Clerk delivers all forms to Exit Interview Room

- 26) The Exit Interview consists of the following and is conducted by a student clerk and an adult advisor.
- a. Completing the Disposition Contract
 - i. Student Assigned First Jury Training Date
 - ii. Student directed to Community Service Coordinator (Unity Center)
 - iii. Deadlines are set for other disposition requirements
 - iv. Student, Parent, and Youth Advocate sign the Disposition Contract
 - b. Student selects a disposition mentor from a list of youth court members properly trained to be mentors. The list contains only student interests and no personal information.

AFTER THE HEARING (DISPOSITION COMPLETION)

- 27) Respondent meets with Disposition Mentor
- a. Discuss each part of the disposition
 - b. Set goals and plan completion dates
 - c. Discuss Jury Role and responsibilities for Jury Duty Component
 - d. Mentor and respondent set future meetings
- 28) Respondent Completes Disposition within assigned time-frame and completion form is returned, OR, respondent fails to complete disposition and completion form is returned.
- 29) Respondent and Parent complete satisfaction surveys – responses are confidential.

A COMPLETE CASE FILE CONTAINS:

Referral and Tracking Sheet
Copy of original administrative referral
Respondent Oath of Confidentiality
Instructions for Respondent
Diversion Agreement
Respondent Statement of Fact
Interests Questionnaire
Victim Impact Statement (where applicable)
Hearing Report Form
Deliberation Process and Notes Form
Disposition Contract
Completion of Consequences Documentation
Satisfaction Survey – Parent
Satisfaction Survey – Respondent