

**LOS ANGELES TEEN COURT
INTRODUCTION**

LOS ANGELES TEEN COURT

I. Introduction

What Is Teen Court?

“Teen Court” is a general term describing alternative early intervention courts that involve young people in various roles, participating in the trial of a juvenile offender. It is a juvenile diversion and prevention program that links students, schools, teachers, parents, juvenile offenders, local police, civic organizations, volunteer attorneys, the Los Angeles Probation Department, and the Los Angeles Superior Court in a collaborative effort to reduce recidivism and encourage juvenile offenders to accept responsibility for their actions.

There are many different models for Teen Court. In some Teen Courts, young people fulfill the role of prosecutor or defense lawyer. In other Teen Courts, the young offenders are referred for sentencing only – not for the decision of guilt or innocence. The Los Angeles Teen Court is an early intervention program that provides an opportunity for selected juvenile offenders to be questioned, judged and sentenced by a jury of their peers. There is no lawyer role playing.

What Is The Teen Court Philosophy?

Teen Court is based on the philosophy that both the students who volunteer to participate as jurors, clerks, and bailiffs, and the juvenile offender benefit from participation. The premise is that a juvenile offender will not continue delinquent behavior after participating in a judicial process in which a jury of their peers determines that he or she violated the law and recommends an appropriate consequence. Each Teen Court case teaches the juvenile offender and the student volunteers: 1) The rules of the law that apply to the particular case; 2) The consequences of the offense; and 3) How due process is observed by court procedure. In addition, the participants – both offender and volunteer – learn about justice, power, equality, property rights, and liberty. Justice is demonstrated when the jury exercises its power of decision to either hold the alleged offender responsible for his actions or to exonerate him or her of responsibility by finding him or her not guilty. The property rights of members of society are addressed in cases involving vandalism and theft. Liberty is addressed when the desire of the individual offender is weighed against the rights of others. The court provides equal justice according to established rules and procedures.

What Does Teen Court Offer Juvenile Offenders?

The Teen Court program offers a convicted juvenile offender the incentive of having no record of a criminal conviction if the sentence imposed is completed within a six month period. If the juvenile offender fails to comply with the conditions of informal probation for the entire six month period, the offender is transferred back into the traditional juvenile justice system for adjudication. This informal probation, early intervention program is authorized by Welfare and Institutions Code Sections 236 and 654.

Where Is Teen Court?

Teen Courts in Los Angeles are presently held at several different locations. Some Teen Courts are held in local courts, such as Division 3 of the Newhall Superior Court. Most Teen Courts, however, are held at a local high school in either a classroom or a courtroom on campus. Wilson High School and Dorsey High School presently use courtrooms on campus. Carson High School uses a classroom. Pasadena Teen Court uses a local law school campus.

II. Teen Court Participants and Their Functions

The Judicial Officer

The Judicial Officer is the main contact for all agencies involved in Teen Court. The Judicial Officer takes an active role in working with the Probation Officer to provide a variety of cases that will encourage attendance at Teen Court and provide a learning experience for all its participants. The Judicial Officer also works with the school administration or the assigned Teen Court coordinator to ensure that the schedule of Teen Court does not conflict with other school activities that would decrease Teen Court's student attendance. The Judicial Officer should be aware of the needs of the particular school(s) from which the Teen Court student jurors come in order to assist the school in tying Teen Court into the school curriculum whenever possible. The Judicial Officer should be contacted at least 48 hours in advance of each scheduled Teen Court and be provided with the cases that probation has scheduled. This allows the court to prepare jury instructions and to consider any related areas of the law that may be discussed at Teen Court.

During the trial, the bench officer should take an active role to ensure that the jury has sufficient information to decide the case. This means that the Judicial Officer should review the Teen Court file to verify that all pertinent facts are contained in the summary read to the jurors. The Judicial Officer may find it necessary to

prompt juror questioning. This is especially true in new Teen Courts where student jurors are just learning to be efficient fact finders. The Judicial Officer will accept the jury verdict and proposed sentence and, where appropriate, modify the sentence to best meet the rehabilitative needs of the charged minor.

The Probation Officer

The Probation Officer assigned to Teen Court is responsible for seeking out Teen Court referrals, screening cases, meeting with the minor and guardian, and having the appropriate contract and waiver forms signed and prepared in a Teen Court file. The Probation Officer should work closely with the Judicial Officer assigned to the particular Teen Court to ensure a variety of cases and to resolve any questions regarding the suitability of a particular case for the particular Teen Court. The Probation Officer should review the arrest report and prepare the summary of the charges that will be provided to the court and the student jurors. The summary and arrest reports should also be contained in the Teen Court file. Additionally, it is useful to have the Probation Officer instruct the minor to bring his/her last report card to court for review at the trial. The Probation Officer should contact the assigned Judicial Officer at least 48 hours before the scheduled Teen Court and provide the bench officer with the list of cases and charges to be heard. The Probation Officer assigned to Teen Court should be familiar with local programs such as family and drug counseling and anger management in order to assist the Judicial Officer in fashioning appropriate conditions of Teen Court probation. The Probation Officer is responsible for supervision of the minor if the minor is convicted by the Teen Court jury. Any Probation Officer assigned to participate in Los Angeles County Teen Court Program should want to participate. This should not be an involuntary assignment.

The School

The school(s) involved in Teen Court are usually represented by a teacher that is the “Teen Court Coordinator.” This should be a voluntary assignment since the position requires a significant time commitment. If Teen Court is to be conducted at a local high school, Teen Court must have the support of the school administration. The school must provide a classroom for the court to be conducted (unless a courtroom is available on campus), another classroom for the Jury to meet and deliberate, and a waiting area for the juvenile offenders and their parents while awaiting trial. The teacher/coordinator must set the Teen Court schedule for the year and coordinate the schedule with the Judicial Officer and other school activities to maximize student participation. The teacher/coordinator must establish, on the school campus, a method for publicizing Teen Court and ensuring student attendance. The teacher/coordinator should maintain contact with the

assigned Judicial Officer to assist the Judicial Officer in understanding how the Teen Court program is connected to the school curriculum (this is especially true in schools with a law magnet). The teacher/coordinator will help the court select the Clerk of the court, the Bailiffs (sometimes ROTC), and the student interpreters. Some schools subpoena students to Teen Court for a particular session. Other schools provide students with community service credit for participating in Teen Court, (certain magnet schools require a fixed number of hours of community service each semester to stay in the magnet).

It is important that an orientation for new students be conducted each semester before Teen Court begins. This orientation should involve all new students who will be invited to participate in the coming semester, the assigned probation officer, and when possible, any lawyer volunteers that assist in the program. New student jurors should be advised of the proper decorum and attire while participating in Teen Court. They should also be provided with a basic outline of the reasons for the existence of Teen Court. Attached is a sample of materials provided to the Santa Clarita Valley Teen Court participants. It is an excellent example for use at orientation.

The Attorney Volunteer

The volunteer attorney assists Teen Court in a number of ways. First and foremost, the volunteer attorney acts as a proctor for the Teen Court jury. The proctor's responsibility is to make sure that the jurors function like a jury in that they select a foreperson to lead the discussion; they discuss the evidence and make findings of fact; and they apply the law as instructed to the facts as they have determined them. The proctor shall not give the jury any additional law and shall not enter into the deliberative process. If the jury finds the juvenile offender guilty or if the minor admits guilt, the proctor must make sure the jury discusses a proper disposition. This is a jury decision and not the decision of the foreperson alone. It is the proctor's responsibility to ensure that a discussion takes place. The proctor shall try to avoid influencing the jury with respect to the issue of guilt or the proper disposition. The proctor should act as an observer, participating only when necessary to get the student jurors to conduct proper deliberations.

Volunteer attorneys also provide an opportunity for student jurors to talk with a practicing attorney in a student setting about the practice of law, the law school experience, and their goals and aspirations. This is a unique and often once in a lifetime experience for these high school students that can provide them with motivation for future achievement. In some communities volunteer attorneys and their law firms provide law books and other materials for the schools use in connection with Teen Court or law magnet activities. A lawyer who has graduated

from the high school where Teen Court is conducted is a particularly effective role model for student jurors.

Who Is and Eligible Juvenile Offender?

Any minor between the ages of 11 – 17 is eligible for participation in Teen Court. Experience has shown that minors under the age of 11 have a difficult time maintaining their composure (there may be exceptions to this age limitation). The minor should be a first time offender and eligible for an early intervention by the Probation Department pursuant to Welfare and Institutions Code Section 236, or informal probation pursuant to Welfare and Institutions Code 654. The minor cannot attend the high school from which the jury pool is drawn; however, the minor can be referred from a probation office in Los Angeles County. The focus of eligibility should be on the minor, his or her family, and whether the six month probationary period is sufficient time in which to effect rehabilitation based on the nature of the offense. Any questions as to eligibility should be resolved by the bench officer supervising Teen Court.

The following is a list of offenses that have been successful subjects of Teen Court proceedings. This list is not exclusive. Penal Code Sections: 148, 148.1, 148.3, 148.5, 148.9, 211 (strong arm theft of a bicycle), 242, 243.4, 243.5, 243.6, 415, 417, 459 (second degree), 466, 484, 594, 602, 626.10, 647(b), Health and Safety Code Sections 11357(b) and 11357(e).

NOTE – Proposition 21 may effect the eligibility of some cases under Welfare and Institutions Code Section 654, but should not effect the minors eligibility under Welfare and Institutions Code Section 236.

SAMPLE TEEN COURT FORMAT

SAMPLE TEEN COURT FORMAT

1. Sessions should be conducted between the hours of 3:30 PM and 5:00 PM to accommodate student transportation, unless other arrangements are made in advance, after consultation with the teacher/coordinator.
2. The Juvenile Offender must be accompanied by a parent or guardian and upon arrival should be provided with a room that is isolated from the courtroom and the student jurors. The Probation Officer and the teacher/coordinator should make these arrangements.
3. When Teen Court is ready to begin it is called to order by the student/bailiff, "Please rise, Teen Court for (high school or city for the court) is now in session, the Honorable Judge (name of Judge) presiding." The Jury can be seated at this point and asked to remain quiet, or as an option, the court may wish to try the following innovation described in Steps 4, 5, and 6.
4. The Bailiff is instructed to bring in the Juvenile Offenders who are present for trial. The Juvenile Offenders stand before the entire jury venire. (OPTIONAL)
5. The Clerk of the court swears in the Jury as follows: "You do, and each of you, understand and agree that you will accurately and truthfully answer, under penalty of perjury, all questions propounded to you concerning your qualifications and competency to serve as a trial juror in the matter now pending before this court, and that failure to do so may subject you to criminal prosecution. Please answer, "I do." (OPTIONAL)
6. The Court now reads the charges to each juvenile offender and inquires of the entire Jury Panel whether any of them know any of the Juvenile Offenders who are appearing for trial, or have any reason based on the charges, that they could not be a fair and impartial juror. (OPTIONAL)
7. The trial is now ready to begin. All charged Juvenile Offenders are in another room with their parent or guardian. The case is called and the Student/Bailiff escorts the Juvenile Offender and parent into the courtroom. The Juvenile Offender is seated in the witness chair.
8. The Jury is now selected either from a random list or slips of paper. Some courts select the jury first and then bring in the Juvenile Offender. Others prefer to select the jury in the Juvenile Offender's presence. The jury should consist of no less than six student/jurors and no more than twelve.

9. The Jury is now sworn in by the clerk. “Please stand. Do you understand and agree that you will well and truly try the cause now pending before this court, and render a verdict according only to the evidence presented to you and to the instructions of the court? Please answer “I do.” (OPTIONAL)
10. The Juvenile Offender is now sworn in (see sample script).
11. The charge summary is now read to the Jury either by the clerk of the court or the Probation Officer.
12. The Judge asks the Juvenile Offender whether or not the allegations in the charge summary are correct.
13. The Juvenile Offender has the option of accepting the charges with an explanation or denying the charges and telling the Jury his side of the story. Admission of guilt is not a prerequisite to appearing in the Los Angeles County Teen Court. If the Juvenile Offender does admit guilt, the Jury should inquire of the Juvenile Offender about information that would assist them in fashioning a proper disposition of the case.
14. The Jury is allowed to ask questions of the Juvenile Offender and his or her parents. The Jury can also review any school reports that the Juvenile Offender has brought to court for the trial. (The Probation Officer should have the Juvenile Offender bring his or her last report card and attendance record to Teen Court.)
15. The questioning process should not last longer than 20 minutes except in a very unusual case. This permits the court to handle at least three cases per session. The Judge should act as a timekeeper for these trials.
16. **INTERPRETER** – If the Juvenile Offender or the Parent/Guardian have a language problem, the Probation Officer should notify the Teacher/Coordinator for the court so that student interpreter(s) can be made available. Since jurors ask questions of both the Juvenile Offender and the Parent/Guardian, we often use more than one interpreter.
17. The Juvenile Offender and parent are then excused by the Judge and escorted out by the Student/Bailiff. The Juvenile Offender and parent wait in another room until the Jury completes their deliberations.

18. The Judge instructs the Jury, and then the Student/Bailiff escorts the Jury to the deliberation room. The Jury is provided a jury verdict form to be signed by all deliberating jurors. An attorney may accompany the Jury to proctor their deliberations.

19. **JURY VERDICT** – When a verdict is reached, the Juvenile Offender and parent are called back into the courtroom and the Jury is returned to the jury box (seat). The Foreperson of the Jury then reads the verdict and recommendations of the Jury. The Judge then makes findings and orders and may approve or modify the jury recommendations as the interest of justice and program parameters require (see sample script).

20. **QUESTIONS OF GUILT & INNOCENCE** – When the Juvenile Offender denies the truth of the allegations, the Jury must decide if the Juvenile Offender is guilty or not guilty. Teen Court does not require a unanimous vote; a majority vote is sufficient. In the case of a “hung jury,” charges are dismissed. When the Juvenile Offender admits the allegations, the Jury must decide only the appropriate disposition and make its recommendations to the court.

21. **JURY RECOMMENDATIONS** – Teen Court jurors are encouraged to be creative in their recommendations to the court for the rehabilitation of the Juvenile Offender. The Jury may not recommend incarceration or payment of a fine, but may consider any type of counseling, tutoring, community service, letters of apology, curfew or any other sanction designed to assist the Juvenile Offender in his/her rehabilitation (see sample verdict form).

SAMPLE TEEN COURT SCRIPT

SAMPLE TEEN COURT SCRIPT

1. This is the matter of (Juvenile Offender's first name and last initial, i.e., John R).
2. Bailiff, please bring in the Juvenile Offender and his/her parent(s).
3. Have the Juvenile Offender seated and tell him/her "You are here because you and your parent signed an agreement to have your case heard here at Teen Court rather than at Juvenile Hall. We are going to select a jury and then I'm going to ask you a few questions."
4. Have the court clerk select a jury. After the jury is selected, proceed to step 5.
5. To the Juvenile Offender: "This is the jury that is going to hear your trial. Is it still your desire to have your case heard at Teen Court?" If no, send it back to probation. If yes, have the Juvenile Offender rise to be sworn.
6. Have the Juvenile Offender raise his/her right hand and answer the question, "You do solemnly swear that the testimony that you are about to give in the matter now pending before this court will be the whole truth and nothing but the truth, so help you God." (Or modified oath selected by the Judicial Officer).
7. Explain the procedure: "The clerk is now going to read the charges. I want you to listen very carefully and then I'm going to give you a chance to tell the jury your side of the incident. Please speak up when talking to the jury so we can all hear you. After you explain the incident to the jury, they will have an opportunity to ask questions of you and your parent(s)." (Juvenile Offender explains incident, then you instruct the jury to ask questions. Prompt them if necessary.)
8. After 20 minutes, stop the questions and tell the Juvenile Offender, "(Name), thank you for your testimony, I'm going to have you step outside now with your parent(s) while the jury deliberates. When they have a verdict, I'll have you and your parent(s) come back into the court."
9. **Jury Returns:**
 1. Call minor and parents back into court.
 2. Seat the jurors.
 3. Foreperson, please stand.
 4. Foreperson, please read the verdict.

10. If Verdict is Not Guilty:

1. The court thanks the jury for its verdict. (Defendant's name), the jury having found you Not Guilty, this case is dismissed. (. . . *And any comments the court may wish to make.*)

11. If Guilty Verdict:

1. (Defendant's name), the jury has found you guilty and made certain recommendations.
2. I want you to listen very carefully; the court is going to place you on probation for six months under certain terms and conditions. If you comply with these terms and conditions, at the end of six months, I will dismiss the case and you will have no record. If you fail to comply with these terms and conditions, then I will refer your case back to probation for filing of charges in the regular Juvenile Court.
3. The court now places you on probation for six months under the following terms and conditions:

Consider:

- A. Teen parenting classes when parents appear ineffective in supervision.
- B. Narcotic or anger management consulting (when appropriate).
- C. Letter of apology.
- D. Curfews – usually 6:00 p.m. – 6:00 a.m., seven days per week, unless accompanied by a parent.
- E. Tutoring; before or after school programs to get the minor involved.
- F. Testing – re narcotics – if it can be arranged.
- G. Essays – on graffiti, or theft, etc.

*Remember, there can be **no**:*

- A. Monetary restitution. (The Probation Department is working to tie Teen Court into other programs that may provide for monetary restitution.)
- B. Custody time.

**TEEN COURT JUROR
REGISTRATION**

TEEN COURT JUROR SUMMONS

NAME OF HIGH SCHOOL

TEEN COURT JUROR SUMMONS

Student's name _____

Your service as a Teen Court Juror is requested at the below listed place and time. Please complete page 2 of this summons and return it to your Teen Court Coordinator as soon as possible. If you indicate that you will be available to participate and then discover you cannot, it is important to immediately notify your Teen Court Coordinator. The success of the Teen Court Program depends on your participation. Please keep this summons posted as a reminder.

Remember, this is a **REAL** court of law. Please dress and act in a manner which will present a positive image of your school and the Teen Court Program.

We strongly encourage you to invite your parents and/or teachers to attend a Teen Court session and show their support for this program.

Thank you for your participation in Teen Court.

**TEEN COURT JUROR
CONFIRMATION FORM**

NAME OF HIGH SCHOOL

TEEN COURT JUROR CONFIRMATION FORM

Please complete this form and return it to the Teen Court Coordinator as soon as possible.

I _____ WILL () WILL NOT () be able to participate as a Teen Court Juror on _____.

() Please reschedule me for the next available Teen Court session.

() Please remove me from the juror pool. I no longer wish to participate.

Student signature

**TEEN COURT JUROR
INSTRUCTIONS**

NAME OF HIGH SCHOOL

TEEN COURT JUROR INSTRUCTIONS

I. As a Teen Court Juror, it is very important to remember that you are in a REAL court of law and will be having a significant impact on the life of one of your peers. For this reason, a certain demeanor is required. Below is a list of things to remember in order to maintain the integrity of Teen Court and its participants:

A. Your clothing must be neat and orderly.

1. No tank tops.
2. No shorts.
3. No hats or headbands.

B. Your demeanor as a Teen Court Juror must be professional.

1. Sit up straight.
2. No books, radios, or newspapers while inside the courtroom.
3. No unnecessary talking.
4. No laughing while questioning the offender.
5. No chewing gum or eating while inside the courtroom.
6. Speak clearly and loudly so that you can be heard by all in court.
7. Refrain from facial expressions, i.e., rolling your eyes in disbelief.

II. As a Teen Court Juror, you are given the opportunity to question the accused offender and his/her parents. You are not limited as long as your questions help you come to a decision. Creativity is encouraged. Below are examples of questions you may wish to ask. Some may only apply to certain offenses.

A. General Questions:

1. Why did you do it?

2. Have you ever done this type of thing before?
3. Will you ever do it again? If not, why not?
4. Were you alone? If not, whose idea was it?
5. Have you ever gone to counseling?
6. Do you attend school regularly?
7. How are your grades?

B. For Offenses Related to Theft:

1. Did you intend to steal something when you went into the store?
2. Did you have money to pay for the merchandise?
3. Was the merchandise returned to the store undamaged?
4. What did you take?
5. Why did you need it?

C. For Offenses Related to Drug/Alcohol Abuse:

1. Why do you use drugs/alcohol?
2. How often do you use drugs/alcohol?
3. Do your friends use drugs/alcohol?
4. Do you intend to stop using drugs/alcohol?
5. Do you buy drugs from your friends?
6. How do you get money to buy drug/alcohol?
7. Have you even taken money *or* sold items from your home to buy drugs/alcohol?
8. Have you ever tried to stop using drugs/alcohol?

D. Questions For Parents:

1. Did you know your son/daughter had this problem?
2. Did you punish him/her? If so, what was the punishment?
3. Does your son/daughter get an allowance?
4. Does your son/daughter have problems at school?
5. How are his/her grades?
6. Do you know his/her friends? If so, are there any he/she is restricted from seeing?
7. Do you have problems with your son/daughter at home?

III. During your deliberations, you will have a responsibility of determining a fair and appropriate verdict/sentence for the offender. Remember, creativity is encouraged. All conditions of probation will be monitored by, and are at the discretion of the probation department.

A. Examples Of Sentences Which May Be Imposed:

1. Community service. Minimum of 10 hours. Maximum of 120 hours.
2. Attending counseling as directed by the Probation Department.
3. Write letters of apology to the victim.
4. Stay away from the location of the offense unless accompanied by a parent.
5. Serve on at least one Teen Court Jury.
6. Write an essay on the dangers of drug/alcohol abuse (if applicable).
7. Do not associate with . . .

SAMPLE TEEN COURT FORMS

TEEN COURT CONTRACT

We the undersigned minor and parent(s)/guardians(s), hereby consent to have Teen Court adjudicate the allegation(s) brought against me.

We understand that this is in lieu of filing a petition in the Juvenile Court.

We understand that a petition on the allegation(s) may be filed at any time during a six (6) month period if we fail to comply with the decision of Teen Court. The minor hereby agrees to waive time to speedy adjudication should such a petition be filed within six (6) months.

The minor hereby waives his/her right to defense counsel for the consenting Teen Court.

We further understand that conditions of a Teen Court decision will include:

1. Obey all laws and orders set by Teen Court.
2. Attend school without absence unless excused, maintain satisfactory grades and citizenship.
3. Not own or possess any weapons nor remain in the presence of any unlawfully armed person.
4. Not use or possess drug or alcohol and stay away from places where users or sellers congregate.
5. Perform _____ hours of Community Service.
6. Participate with parent(s)/guardians(s) in a program of counseling.
7. Other:

Contract shall end: _____ (Date)

Signed: _____
Minor

Date: _____

Parent/Guardian

Date: _____

Judge

Date: _____

Probation Officer

Date: _____

THE LOS ANGELES INFORMAL JUVENILE AND TRAFFIC COURT

The Informal Juvenile and Traffic Court has as its purpose and goal early intervention and prevention of delinquent and criminal acts. Most of the cases (79%) are not related to traffic. They are the misdemeanor and infraction violations which, if not corrected early on, are likely to lead to delinquent behavior. The court hears close to 200,000 each year at 14 locations throughout the county. Police officers make a direct filing in court by using a Judicial Council notice to appear (ticket) which the minor signs promising to appear on a certain court date and location. The minor must be accompanied by a parent in court.

JUDICIAL OFFICERS ARE REFEREES

The cases in Informal Juvenile and Traffic Court are heard by Superior Court Referees. A referee is a judicial officer who is appointed by the Presiding Judge of the Juvenile Court. A referee hears such cases as are assigned to him or her with the same powers as a judge of the juvenile court (section 248, Welfare and Institutions Code, hereafter WIC).

CASES WHICH CAN BE HEARD IN INFORMAL JUVENILE AND TRAFFIC COURT

When hearing cases where the pleading is a citation, the referees sit as Juvenile Hearing Officers. Section 256 WIC provides that a Juvenile Hearing Officer (JHO) can hear and dispose of certain enumerated violations. Those violations enumerated are all vehicle code violations that are not felonies, all infractions, every state law related to loitering, traffic, or curfew, every local ordinance relating to loitering, curfew, or traffic, certain violations of the Fish and Game Code, the Harbors and Navigation Code, Streets and Highway Code, Public Utilities Code, Health and Safety Code and Public Resources Code, Business and Professions Code dealing with possession or consumption of alcohol, Health and Safety Code violation of possession of marijuana, and Penal Code graffiti violations. In addition a probation officer can cite almost any misdemeanor violation into the court. Ninety-seven per cent of all misdemeanors that are charged against juveniles are filed in the Informal Juvenile and Traffic Court.

The authority to “hear and dispose” of the enumerated cases means that there is no necessity that the hearing officer hear the cases by stipulation.

The most common non-traffic cases cited by probation or law enforcement are: alcohol and drug violations, thefts, battery, trespassing, disturbing the peace, curfew, daytime loitering (usually called “Truancy”), the various state laws relating to loitering, graffiti, and disturbances or fare evasion on public transportation.

AUTHORITY FOR CITATION AS A PLEADING

Section 257 WIC gives the authority to a Judge of the Juvenile Court, a Referee, or a JHO to, with the consent of the minor, hear those cases enumerated in section 256 using the Notice to Appear (citation) as the pleading in lieu of a petition. There is no authority to have the case removed from the forum.

WHAT HAPPENS IF A MINOR DEMANDS A PETITION

When a minor demands that a petition be filed the case will be transmitted to the District Attorney. The D.A. may file the petition in Juvenile Traffic Court on a special petition form authorized by section 853.6a of the Penal Code. That section allows the District Attorney to file a petition before a Judge of the Juvenile Court, a referee, or a JHO for any offense listed in 256 WIC.

DISPOSITIONS OF CITATION CASES ARE LIMITED

When a case is heard on a citation the disposition is limited by section 258 WIC. This limitation applies only to cases heard on a citation and does not address the disposition of a petitioned case. The disposition, regardless of the level of the bench officer, precludes incarceration and limits fines to the amount an adult would pay for the same offense unless the offense is defined by age, such as curfew or possession of alcohol. Except in limited cases community service cannot be ordered unless it is approved by a Juvenile Court Judge. Therefore, when the disposition includes community service it is done on a voluntary basis. In other words the minor is given a fine and then volunteers to clear the fine with community service. The only order is for payment of the fine. An exception is violation of 594.1 P.C. (Possession of Aerosol paint) which provides by its terms that the court can order up to 100 hours of community service.

WHAT HAPPENS WHEN A MINOR FAILS TO APPEAR

When a minor fails to appear in court, the citation is checked to make sure that it is signed by the minor and that the correct appearance location is marked on the citation. There is a grace period of 24 hours before a failure to appear is charged.

If the charge is a vehicle code infraction then a trial in absentia under section 40903 of the Vehicle Code is conducted. Section 40903 provides that when a person fails to appear they have given their consent to have the case tried using the citation as evidence notwithstanding Division 10 of the Evidence Code.

If the minor lives outside of Los Angeles County the citation may be transferred to his county of residence for adjudication if the minor requests transfer prior to the court date. If there is no appearance in the county of residence then the FTA is added when the citation is returned to us.

On non-vehicle code infractions and on all misdemeanors of Failure to Appear is reported to DMV under the provisions of section 40509 of the Vehicle Code. The minor's driver's license or his right to a driver's license is suspended. In addition a charge of failure appear (§40508(a) Vehicle Code) is added.

On more serious charges, or when it is apparent that the minor must be in court, a warrant will be issued for the minor's arrest. Section 256.5 WIC provides that a Juvenile Court Referee can issue a warrant for failure to appear. The Supervising Referee will issue the warrant in appropriate cases. Informal Juvenile and Traffic Court is tied indirectly by computer to the County Wide Warrant System and can issue and recall warrants directly from the office of the Supervising Referee.

It is the policy of the court to limit the dissemination of the warrant information to the Los Angeles County system so that minors do not get arrested on a no-bail warrant, for instance, while on vacation with the family in Northern California. The court tries to keep the warrants out of the statewide system.

WHAT HAPPENS IF THE MINOR FEELS THAT THE HEARING WAS UNJUST?

Section 262 WIC provides that a minor or the minor's parent may petition the Presiding Judge of the Juvenile Court to modify, set aside, or order a rehearing of any case heard under section 257 WIC. The statement of rights which is read and signed by each minor explains the right to a rehearing. In addition the minor is given a form which explains the procedure. The minor must file a written request to the Presiding Judge within ten calendar days of the hearing. The written request is filed with the Supervising Referee who reviews the finding and the law involved, and will make a recommendation to the Presiding Judge. The minor is notified in writing that the case has been forwarded to the Presiding Judge and when the ruling of the Presiding Judge is received the minor is notified of the ruling. When requests for rehearing are filed after the ten day period they are not forwarded and the minor is notified that the request for rehearing was not filed on time.

There is no right to appeal from the denial by the Presiding Judge of a rehearing. The 1990 amendment to section 800 WIC deleted references to appeals after a denial of a motion made pursuant to section 262 WIC. In 1990 Rule 39 of the California Rules of Court, paragraph (c) (5) which deals with records on appeal upon a denial of a rehearing was deleted. Section 800 WIC now provides for appeal from a judgment in a proceeding under section 601 or 602 WIC.

Staffing

Except for the Central Branch at 1945 S. Hill Street, a single referee, helped by a clerk, operates each branch. Unlike the court rooms that hear delinquency petitions, there is no courtroom support staff, *i.e.*, no clerk in the courtroom, no probation officer, no Deputy District Attorney, no Deputy Public Defender, and no court reporter. The Referee does all findings and courtroom paperwork. The Clerk stays at a payment counter and takes payments and sends cases to the referee. When calendars are large (more than 60) an as-needed referee helps.

How Does the Informal Juvenile and Traffic Court Operate?

The court process is described in three stages: (1) The Pre-Adjudication; (2) Adjudication; and (3) Disposition. The court process may consist of three different hearings:

1. An arraignment (and disposition if minor admits the charge).
2. An adjudication hearing (and disposition if charges are found to be true).
3. A disposition hearing (if minor was assigned community service or diversion).

Generally the Referee does all the findings and paper work without courtroom support staff.

Except for statutorily mandated juvenile procedures, the court follows procedures that are similar to the adult misdemeanor or infraction hearings. The statutes require that the court fine no more than an adult would receive for the same violation and a minor cannot be incarcerated, except on a warrant, in the Traffic Court.

The Juvenile Rules of Court do not apply in Informal Juvenile and Traffic Court (Rule 1400).

The court operates with a disposition guide that provides the proper disposition for almost every violation that can be cited into the court. Each referee has a printed copy of the guide.

How Cases Are Filed

Cases are filed by a law enforcement agency or the probation department issuing a notice to appear (citation) in lieu of a petition. When the peace officer issues the citation the case has been filed. There is no review by the District Attorney or the Probation Officer. The minor must appear in court with a parent or face the possibility of an arrest warrant being issued and the probability of losing his or her privilege to drive for a failure to appear.

When a juvenile who is cited for any offense listed in section 256 WIC fails to appear in court, after giving a written promise to appear, the failure to appear is reported to DMV. The driver's license of the minor is suspended until the citation is adjudicated. If the minor does not yet have a driver's license, the right to a license is suspended. This procedure is not authorized in petition cases, nor does it apply in adult court. It is unique to cases cited under 256 WIC to Informal Juvenile and Traffic Court (section 40509 Vehicle Code).

In some cases the District Attorney may file a petition before a Juvenile Referee for any offense enumerated in section 256 WIC, including curfew.

There is a statutory requirement that, in all cases where a petition is filed, the District Attorney must appear (681 WIC), but there is no statutory requirement that the District Attorney must attend. Upon the filing of a petition in the Informal Juvenile and Traffic Court the Deputy District Attorney has appeared. Therefore, it is a simple matter for the District Attorney to fulfill his statutory duty without the obligation of attending the hearing.

Therefore, there are two ways to get the minor before the Informal Juvenile and Traffic Court: 1. with a written notice to appear which must be on a form approved by the Judicial Council. 2. by way of petition filed by the Deputy District Attorney.

When a case is heard on a written notice to appear in lieu of a petition, the disposition by the court is limited by statute as enumerated in section 258 WIC. The court, *inter alia*, can impose a limited fine, can put the minor on probation, can order traffic school, can order community service that must be approved by a judge, can impose voluntary community service in lieu of a fine, can order teen age drunk driving school, or impose voluntary diversion programs. The court cannot place the minor in custody.

Parents Must Attend

When the juvenile appears, he or she must be accompanied by a parent or legal guardian, or an attorney. Otherwise, the minor is ordered to return. If a minor fails to return with a parent it is considered a failure to appear and is reported as such to the Department of Motor Vehicles.

The question often arises, "Why does the parent have to appear?" The answer is often the minor is trying to hide aberrant behavior from the parent. Minors must appear with a parent or legal

guardian to insure that the parent knows that the minor has had an encounter with law enforcement. The parent, even on very minor charges, is often surprised about whom the minor was with, where the minor was, what time it was, what kind of area it was. Parents who thought their child was at a slumber party have been shocked to find that the minor was in fact in Hollywood late at night. Many violations, which are innocuous on their face, are very revealing to the parent.

Failure of a parent to appear on a case where the minor is a licensed driver gives rise to the presumption that the parent is no longer willing to be the guarantor of the juvenile's provisional driver's license. Consequently, the license is suspended by the DMV.

Unlike delinquency court, where the minor and parent are physically separated, the minor and parent are seated together and a dialogue between the minor, the court, and the parent takes place. At this time the parent becomes aware of where the minor was, who the minor was with, the time of day, and other factors bearing on the citation that the parent may not know about. Often minors hide the facts from the parent before they appear in court. The talk is especially useful in helping to spot pre-delinquent behavior.

Legal Rights

The court carefully explains all legal rights to the minor and the parent. The court makes a finding that the minor understands his or her rights. If the charge is a misdemeanor, the minor is advised of the right to have a court-appointed attorney at no expense to the minor. If there are any serious consequences to the admission of the charges (such as loss of driving privileges) those consequences are carefully explained to the minor before accepting an admission of guilt. The court is especially mindful and watchful for constitutional issues to fourth and eighth amendment rights. No admission of guilt is accepted unless the court makes a finding that there is a factual basis for the admission. This is done to prevent the minor from admitting a charge to which he is technically not guilty.

The Public Defender has been invited to staff the court but has declined to provide deputy public defenders.

Although every opportunity is afforded for the minor to deny the charge and have a contested hearing, nevertheless, 96% of all minors admit the charges. The Court has found that the minors admit the charges for two reasons: 1. they actually committed the act, 2. they expect and want to be held accountable for their actions.

It has been the general belief that minors have the right to reject the Informal Juvenile Forum but there is no statutory basis for that. The minor has a right to petition the Presiding Judge of the Juvenile Court for a new hearing or modification of the order. The Judge has discretion to grant a rehearing, to deny a rehearing, or to dismiss (§262 WIC). The confusion arises over the wording in §257 WIC which states that a minor cannot be heard on a "notice to appear" over his objection. When section §257 is read together with §256 it is clear that §257 is simply a mandate that the minor has the right to have the charges spelled out in a formal pleading (petition), but §256 confers jurisdiction for the Referee to hear and dispose of all cases listed in §256 whether cited or petitioned. If the case is heard by petition instead of citation then the disposition guidelines of section §258 do not apply because §258, by its own terms, applies only to cited cases.

Graffiti

Presently, Section 256 of the Welfare and Institutions Code allows peace officers to cite certain misdemeanor vandalism and graffiti violations into Juvenile Court. Specifically, section 594(a)(1) of the Penal Code (Vandalism with paint or liquid), section 640.5 of the Penal Code (Graffiti on public vehicle, \$250 or less), section 640.6 of the Penal Code (Graffiti to private property \$250 or less), and any ordinance of a City, County, or Local Agency that is an infraction.

Section 13202.6 of the Vehicle Code provides that when any person more than 13 years of age is convicted of violation of section 594 of the Penal Code, the Court shall suspend that minor's driver's license for one year, or, if the minor does not yet possess a driver's license, order the DMV to delay issuance for one year.

The standard disposition of this court is to impose a fine on the first offense and to suspend or delay issuance of the driver's license for one year. On the second offense, the fine will be increased depending on the facts of the case and the license will be suspended for an additional year. Fines include penalty assessments provided by law.

Truancy and Curfew

Truancy and Curfew are each status offenses that in the nature of things invariably lead to delinquent behavior. In addition, the minor who is out after curfew is also likely to be the truant the next day because of lack of sleep.

Statistics of the Juvenile Court show that when curfew citations increase, vandalism citations decrease, as does the incidence of vandalism. The inference is that minors who are in violation of curfew are likely to commit acts of vandalism.

Law enforcement officials and city and county government officials have informed the court that they believe that day time burglaries and petty crimes are committed most often by minors who are truant from school. They also suggest that truancy violations and curfew violations are precursors to gang activity.

Many cities have enacted ordinances that prohibit minors who are subject to state mandated compulsory education from loitering in public during the hours of school. The minors are cited into court under §256 (under the loitering provision) and their cases are adjudicated. Officials of those cities have said that the ability to cite minors into court is tremendously useful because the case is adjudicated swiftly. Since the minors are already required by law to be somewhere else (in school) there is no impairment of the minor's freedom by enforcement of the ordinance.

The nature of curfew and truancy violations makes the minor and parent good subjects for diversion programs that involve counseling and parenting classes.

Some diversion programs are funded by federal grants, some are funded by the local School District, and some are funded by local police. When a minor is assigned to a diversion program, the case is continued for 60 days for verification of completion. Upon completion the diversion program, staff presents the minor with a diploma that is brought back to court. Then the fine is excused.

Court Locations

There are courts located in Avalon, Compton, Glendale, Lancaster, Long Beach, San Fernando, Santa Monica, Pasadena, Van Nuys, Pomona, Torrance, Newhall, Norwalk, and Los Angeles.

The Supervising Referee supervises the entire operation and is housed at the Central Branch at 1945 S. Hill St., Los Angeles.



COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

SCHOOL CRIME SUPPRESSION PROGRAM
3606 WEST EXPOSITION BLVD.
LOS ANGELES, CALIFORNIA 90016
(213) 298-3562

REMINDER LETTER

This is a letter to remind you of your Teen Court date scheduled for _____ (date) _____ at 3
p.m. at _____ (high school) _____ located at _____ (address of school) _____.

Directions are included with this letter. If you have any questions please call (Probation
Officer's Phone Number) .

Thank you,

Deputy Probation Officer

Teen Court Juror Summons

This summons reserves a seat on the Teen Court Jury for _____ (Name of Student) _____.

On (day of week) _____ (date) _____, you have a civic responsibility to serve your community by appearing in the _____ (Name of High School) _____ Teen Court.

_____ (Name of Judicial Officer) _____ and the _____ (Name of High School) _____ community thank you in advance for your service.

LOS ANGELES COUNTY PROBATION DEPARTMENT

TEEN COURT

Data Sheet

Name: _____
Last First Middle

Address: _____
Street

City Zip Code

Phone: (____) _____

Allegation(s): _____

Date Referred: _____

Date Interviewed: _____

Court Date: _____

Court Location: _____

Completion Date: _____ Filing Date: _____

Conditions:

Violations:

Comments:

Date: _____

Signed: _____

Deputy Probation Officer

TEEN COURT

JURY VERDICT FORM

We the Jury find the minor _____ guilty/not guilty of

(Insert Minor's Name)

(Circle)

the charge of _____.

(Insert charge)

We the Jury recommend the following disposition (circle as appropriate and fill in the blanks):

1. A Curfew: The minor is not to be out of his/her house between the hours of _____ and _____ without parental consent.
2. Community Service: Perform _____/hrs. of community service under the supervision of the probation officer.
3. Counseling: The minor participates with his/her parent/guardian in a program of counseling.
4. Associations: That during the term of his/her probation the minor not associate with _____

5. Letter of Apology: That the minor prepare a letter of apology to:

6. Other: _____

Signed (Each Juror)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

BAILIFF'S COURT OPENING

BANG THE GAVEL THREE TIMES.

IN A LOUD AND AUTHORITATIVE VOICE STATE THE FOLLOWING:

“ALL RISE. FACING THE FLAG OF OUR COUNTRY, AND RECOGNIZING THE SYMBOLS FOR WHICH IT STANDS, THE HONORABLE TEEN COURT OF ____(NAME OF HIGH SCHOOL)____ IS NOW IN SESSION. LET ALL WHO HAVE BUSINESS BEFORE THIS HONORABLE COURT DRAW NEAR AND YOU SHALL BE HEARD.”

BANG THE GAVEL THREE MORE TIMES AND STATE:

“YOU MAY BE SEATED.”

COURT CLERK SWEARS IN THE JURY

WILL ALL JURORS PLEASE STAND AND RAISE YOUR
RIGHT HAND.

IN A LOUD VOICE, STATE THE FOLLOWING:

“DO YOU, AND EACH OF YOU UNDERSTAND AND AGREE
THAT YOU WILL WELL AND TRULY TRY THE CAUSE NOW
PENDING BEFORE THIS COURT, AND A TRUE VERDICT
RENDER ACCORDING ONLY TO THE EVIDENCE PRESENTED
AND THE INSTRUCTIONS OF THE COURT? IF SO, PLEASE SAY
‘I DO’.”

ADVISE THE JURORS THAT THEY MAY BE SEATED.

OATHS

The Judicial Assistant administers oaths or affirmations. It is the responsibility of the Judicial Assistant to select the appropriate oath or affirmation for each situation; to administer such oath from memory; to speak in a clear, concise and well-modulated tone when administering oaths; and to exercise a proper degree of solemnity when administering oaths.

If the person being given the oath requests that an affirmation be administered in lieu of an oath or states he or she does not “swear” (take an oath) due to religious or personal beliefs, the affirmation is given. When the affirmation is given, the phrase “under the pain and penalty of perjury” is substituted for the phrase “so help you God”.

When administering an oath, the Judicial Assistant is to stand and face the person taking the oath. If the oath is being administered, the Judicial Assistant is to raise his or her right hand and direct the person being given the oath to raise his or her right hand. Neither the Judicial Assistant nor the people being given the oath raise their right hand if an affirmation is given.

1. **“OATH” TO PROSPECTIVE JURORS RE: QUALIFICATIONS** (Given prior to jury selection, it is administered to all prospective jurors.)

“Will the prospective jurors please rise. You do, and each of you, understand and agree that you will accurately and truthfully answer, under penalty of perjury, all questions propounded to you concerning your qualifications and competency to serve as a trial juror in the matter pending before this court, and that failure to do so may subject you to criminal prosecution. Please answer ‘I do.’”

2. **FILLING THE JURY BOX**

“As your name is called, please fill the jury box by starting with the seat number one, which is in the rear row of the jury box and to the left. Seat number seven is immediately in front of seat number one.” (NOTE: These directions may vary as seating arrangements differ from court to court.)

3. **OATH TO JURY AND ALTERNATIVE JUROR(S) TO TRY THE CAUSE** (Oath to Alternate Juror(s) may be given in singular or plural.)

“Please stand. Do you and each of you understand and agree that you will well and truly try the cause now pending before this court, and a true verdict render according only to the evidence presented to you and to the instructions of the court. Please answer ‘I do’.”

4. **WITNESS OATH** (Given prior to witness taking the stand.)

“Please raise your right hand. You do solemnly swear that the testimony you are about to give in the cause now pending before this court shall be the truth, the whole truth, and nothing but the truth, so help you God.”

5. **WITNESS AFFIRMATION**

“You do solemnly affirm that the testimony you are about to give in the cause now pending before this court shall be the truth, the whole truth, and nothing but the truth. This you do under the pain and penalty of perjury.”

6. **RECALLING OF WITNESSES**

Procedures depend largely upon policy of the particular court. The witness should either be re-sworn or reminded of his/her oath by the judge or clerk. If reminder is given by the Judicial Assistant:

“Mr. _____ (or Miss/Mrs. _____), you have been previously sworn and are still under oath. Please take the stand and restate your name for the record.”

7. **FOR CHILDREN UNDER 10 YEARS OF AGE** (Given at the direction of the Court.)

“Do you promise that everything you tell here today will be the truth, the whole truth, and nothing but the truth?”

-OR-

“You do solemnly swear to tell the truth, so help you God.”