

Effective 9/1/2021

**Part 9
Youth Court**

80-6-901 Definitions.

As used in this part:

- (1) "Adult" means an individual who is 18 years old or older.
- (2)
 - (a) "Gang activity" means any criminal activity that is conducted as part of an organized youth gang.
 - (b) "Gang activity" includes any criminal activity that is done in concert with other gang members, or done alone if the criminal activity is to fulfill gang purposes.
 - (c) "Gang activity" does not include graffiti.
- (3) "Minor" means an individual who is:
 - (a) under 18 years old; or
 - (b) 18 years old and still attending high school.
- (4)
 - (a) "Minor offense" means any unlawful act that is a status offense or an offense that would be a misdemeanor, infraction, or violation of a municipal or county ordinance if committed by an adult.
 - (b) "Minor offense" does not include:
 - (i) a class A misdemeanor; or
 - (ii) a felony of any degree.
- (5) "Sponsoring entity" means any political subdivision of the state, including a school or school district, juvenile court, law enforcement agency, prosecutor's office, county, city, or town.
- (6) "Status offense" means a violation of the law that would not be a violation but for the age of the offender.
- (7) "Youth court" means a diversion program that is an alternative disposition for cases involving minors who have committed minor offenses.
- (8) "Youth Court Board" means the board created under Subsection 80-6-907(1).

Renumbered and Amended by Chapter 261, 2021 General Session

80-6-902 Youth court -- Authorization -- Referral.

- (1) A minor may serve in a youth court, under the supervision of an adult coordinator, in various capacities within the courtroom, acting in the role of jurors, lawyers, bailiffs, clerks, and judges.
 - (a) A minor who appears before a youth court has been identified by law enforcement personnel, school officials, a prosecuting attorney, or the juvenile court as having committed an act, including a minor offense or eligible offense under Section 53G-8-211, that indicates a need for intervention to prevent further development toward juvenile delinquency, but which appear to be acts that can be appropriately addressed outside the juvenile court process.
 - (b) A youth court may only hear cases as provided for in this part.
 - (c) A youth court is not a court established under the Utah Constitution, Article VIII.
- (2) A youth court may not accept referrals from law enforcement, schools, prosecuting attorneys, or a juvenile court unless the youth court is certified by the Youth Court Board.
- (3)

- (a) Any person may refer a minor to a youth court for a minor offense or for any other eligible offense under Section 53G-8-211.
- (b) Once a referral is made, the case shall be screened by an adult coordinator to determine whether the minor offense or other eligible offense qualifies as a youth court case.
- (4) A youth court has authority over a minor:
 - (a) referred for one or more minor offenses or who are referred for other eligible offenses under Section 53G-8-211, or who are granted permission for referral under this part;
 - (b) who, along with a parent, guardian, or custodian, voluntarily and in writing, request youth court involvement; and
 - (c) who, along with a parent, guardian, or custodian, agree to follow the youth court's disposition of the case.
- (5)
 - (a) Except with permission granted under Subsection (6), or in accordance with Section 53G-8-211, a youth court may not exercise authority over a minor whose case is under the continuing jurisdiction of the juvenile court for an offense, including any minor who has a matter pending that has not yet been adjudicated.
 - (b) Notwithstanding Subsection (5)(a), a youth court may exercise authority over a minor who is involved in a proceeding under the continuing jurisdiction of the juvenile court if the offense before the youth court is not a law violation and the referring agency has notified the juvenile court of the referral.
- (6) A youth court may exercise authority over a minor described in Subsection (5), and over any other offense with the permission of the juvenile court and the prosecuting attorney in the county or district that would have jurisdiction if the matter were referred to juvenile court.
- (7) Permission of the juvenile court may be granted by a juvenile probation officer in the district that would have jurisdiction over the offense being referred to a youth court.
- (8) A youth court may:
 - (a) decline to accept a minor for youth court disposition for any reason; and
 - (b) terminate a youth from youth court participation at any time.
- (9)
 - (a) A minor, or the minor's parent, guardian, or custodian may withdraw from the youth court process at any time.
 - (b) The youth court shall immediately notify the referring source of the withdrawal.
- (10) The youth court may transfer a case back to the referring source for alternative handling at any time.
- (11) Referral of a case to youth court may not, if otherwise eligible, prohibit the subsequent referral of the case to any court.
- (12) Proceedings and dispositions of a youth court may only be shared with the referring agency, juvenile court, and victim.
- (13) When a minor does not complete the terms ordered by a youth court, and if the case is referred to a juvenile court, the youth court shall provide the case file to the juvenile court.

Renumbered and Amended by Chapter 261, 2021 General Session

80-6-903 Parental involvement -- Victims -- Restitution.

- (1) A minor appearing before the youth court shall be accompanied by a parent, guardian, or custodian.
- (2) A victim shall have the right to attend hearings and be heard.
- (3)

- (a) Any restitution due to a victim of an offense shall be made in full prior to the time the case is completed by the youth court.
- (b) Restitution shall be agreed upon between the minor and the victim.

Renumbered and Amended by Chapter 261, 2021 General Session

80-6-904 Dispositions.

- (1) A youth court may order a disposition for:
 - (a) compensatory service;
 - (b) participation in law-related educational classes, appropriate counseling, treatment, or other educational programs;
 - (c) providing periodic reports to the youth court;
 - (d) participating in mentoring programs;
 - (e) participation by the minor as a member of a youth court;
 - (f) letters of apology;
 - (g) essays; and
 - (h) any other disposition considered appropriate by the youth court and adult coordinator.
- (2) A youth court may not:
 - (a) impose a term of imprisonment or detention; or
 - (b) impose fines.
- (3) A disposition by a youth court shall be completed within 180 days from the date of referral.
- (4) A disposition by a youth court shall be reduced to writing and signed by the minor and the minor's parent, guardian, or custodian indicating acceptance of the terms of the disposition.
- (5)
 - (a) A youth court shall notify the referring source if a minor fails to successfully complete the youth court's disposition.
 - (b) The referring source may then take any action the referring source considers appropriate.

Renumbered and Amended by Chapter 261, 2021 General Session

80-6-905 Liability.

- (1) A person associated with the referral, evaluation, adjudication, disposition, or supervision of matters under this part may not be held civilly liable for any injury occurring to a minor performing compensatory service or any other activity associated with a certified youth court, unless the person causing the injury acted in a willful or wanton manner.
- (2) A person participating in a certified youth court shall be considered a volunteer for purposes of Workers' Compensation and other risk-related issues.

Renumbered and Amended by Chapter 261, 2021 General Session

80-6-906 Fees.

- (1)
 - (a) A youth court may require that a minor pay a reasonable fee, not to exceed \$50, to participate in the youth court.
 - (b) A fee under Subsection (1) may be reduced or waived by the youth court in exigent circumstances.
 - (c) A fee under Subsection (1) shall be paid to and accounted for by the sponsoring entity.
 - (d) Any fees collected shall be used for supplies and any training requirements.

- (2) A minor who participates in youth court is responsible for the all expenses of any classes, counseling, treatment, or other educational programs that are the disposition of the youth court.

Renumbered and Amended by Chapter 261, 2021 General Session

80-6-907 Youth Court Board -- Membership -- Responsibilities.

- (1) The Youth Court Board shall be comprised of the following members:
 - (a) the Utah attorney general or the attorney general's designee;
 - (b) one prosecuting attorney appointed by the Utah Prosecution Council;
 - (c) one criminal defense attorney appointed by the Utah Association of Criminal Defense Attorneys;
 - (d) one juvenile court judge appointed by the Board of Juvenile Court Judges;
 - (e) the juvenile court administrator or the administrator's designee;
 - (f) the executive director of the commission or the executive director's designee;
 - (g) the state superintendent of education or the state superintendent's designee;
 - (h) two representatives, appointed by the Utah Youth Court Association, from youth courts based primarily in schools;
 - (i) two representatives, appointed by the Utah Youth Court Association, from youth courts based primarily in communities;
 - (j) one member from the law enforcement community appointed by the Youth Court Board;
 - (k) one member from the community at large appointed by the Youth Court Board; and
 - (l) the president of the Utah Youth Court Association.
- (2) The Office of the Attorney General shall provide staff support and assistance to the Youth Court Board.
- (3) The members selected to fill the positions in Subsections (1)(a) through (g) shall jointly select the members to fill the positions in Subsections (1)(h) through (k).
- (4) Members shall serve two-year staggered terms beginning July 1, 2012, except the initial terms of the members designated by Subsections (1)(b), (c), (d), (j), and (k) and one of the members from Subsections (1)(h) and (i) shall serve two-year terms, but may be reappointed for a full four-year term upon the expiration of the member's initial term.
- (5) The Youth Court Board shall meet at least quarterly to:
 - (a) set minimum standards for the establishment of a youth court, including an application process, membership and training requirements, and the qualifications for the adult coordinator;
 - (b) review certification applications; and
 - (c) provide for a process to recertify each youth court every three years.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Youth Court Board shall make rules to accomplish the requirements of Subsection (4).
- (7) The Youth Court Board may deny certification, recertification, or withdraw the certification of any youth court for failure to comply with program requirements.
- (8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- (9) The Youth Court Board shall provide a list of certified youth courts to the Board of Juvenile Court Judges, all law enforcement agencies in the state, all school districts, and the Utah Prosecution Council by October 1 of each year.

Renumbered and Amended by Chapter 261, 2021 General Session

80-6-908 Establishing a youth court -- Sponsoring entity responsibilities.

- (1) A youth court may be established by a sponsoring entity or by a private nonprofit entity that contracts with a sponsoring entity.
- (2) The sponsoring entity shall:
 - (a) oversee the formation of the youth court;
 - (b) provide assistance with the application for certification from the Youth Court Board; and
 - (c) provide assistance for the training of youth court members.

Renumbered and Amended by Chapter 261, 2021 General Session

80-6-909 School credit.

A local school board may provide school credit for participation to a member of a youth court.

Renumbered and Amended by Chapter 261, 2021 General Session