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7 Stetson J. Advoc. & L. 300 (2020)

## Teen Court: Recommendations to the 13th Circuit Teen Court Program

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# Teen Court: Recommendations to the 13th Circuit Teen Court Program

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## I. Introduction

300. This article will explore several proposed recommendations to the current 13th Circuit Teen Court Program in Hillsborough County (Tampa, Florida). To improve the Teen Court Program, the 13th Circuit should consider the following proposed recommendations to ensure the program remains a successful juvenile diversion program: (1) expand and incorporate new program models into the existing program; (2) review effective sanctions for juvenile defendants; (3) implement a formal training program for youth volunteers; (4) dismiss and expunge records of juvenile defendants who successfully complete the program; (5) evaluate the effectiveness of the Teen Court Program by an improved measuring of the recidivism rate.

301. Teen Court (also referred to as Youth Court) is a juvenile diversion program. According to the Department of Juvenile Justice, “diversion” is defined as “a program designed to keep a youth from entering the juvenile justice system through the legal

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process.”<sup>2</sup> Moreover, Teen Court is a juvenile diversion program which offers teens arrested for the first time an alternative to adjudication in juvenile court. Teenage first-time offenders, between the ages of 13 and 17 years old, may be assigned to teen court. Juvenile defendants who admit guilt are given the opportunity to have their cases heard by teens; these dispositions are recommended by a teen jury composed of local middle school and high school volunteers.<sup>3</sup>

302. At the end of Teen Court, a contract will be signed by the juvenile defendant to include all the sanctions the defendant will need to complete. If sanctions are completed and the victim is compensated, the defendant avoids formal prosecution in juvenile court. However, if the juvenile fails to complete the sanctions, failure results in a referral back to the Office of the State Attorney for formal prosecution.<sup>4</sup>

## II. Theory of Teen Courts

303. Developed as an alternative to the traditional juvenile court system for younger and less serious offenders, teen courts operate on the premise that the judgement of a juvenile offender’s peers may have a great impact on the decision of adult authority figures. The teen court process and environment has an underlying theory of rehabilitation for the youth offender and restorative justice.<sup>5</sup> The primary function of most youth court programs is to determine a fair and restorative sentence or disposition for the youth respondent.<sup>6</sup>

## III. 13th Circuit Teen Court Program

304. *“Youth courts (need) a twenty-first century face lift.”*<sup>7</sup>

### ***Overview of the 13th Circuit Teen Court Program***

305. The 13th Circuit heard its first Teen Court docket in 1990. The Teen Court Program of the Thirteenth Judicial Circuit provides meaningful and constructive alternatives to

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2 *Youth and Families Glossary*, [FLA. DEP’T OF JUVENILE JUSTICE](#).

3 Jeffrey A. Butts & Janeen Buck, *Teen Court: A Focus on Research*, [JUVENILE JUSTICE BULLETIN](#) (October 2000).

4 *Teen Court Student Handbook*, [13TH JUDICIAL CIRCUIT, HILLSBOROUGH COUNTY](#).

5 Jeffrey A. Butts & Janeen Buck, *Teen Court: A Focus on Research*, [JUVENILE JUSTICE BULLETIN](#) (October 2000).

6 *Youth Court Fact and Stats*, [NAT’L ASS’N OF YOUTH COURTS](#).

7 IRENE H. SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE’S INSIGHT INTO JUVENILE JUSTICE* (2010).

the formal prosecution of young offenders who have accepted responsibility for their offense(s). This diversion program provides specific and immediate sanctions and services to youth. Teen Court is the only juvenile proceeding where criminal cases are considered by teenage volunteers. The offender's sanctions are decided by a Teen Court jury. The principle goal of Teen Court is to hold young offenders accountable by a jury of their peers for their behavior. Jurors will impose sanctions that aim to repair some of the harm imposed on the victims and community, thereby reducing repeat offenses.<sup>8</sup>

### ***Hillsborough County Teen Court: By the Numbers***

306. In 2016, 119 youth participated in the Teen Court program at the 13th Circuit. Of the 119, 106 (89.1%) juvenile defendants successfully completed the program; 13 out of the 119 (10.8%) failed to complete or comply with the program or failed for other reasons. Additionally, referrals to Teen Court derived directly from the 13th Circuit State Attorney's Office (39.5%) and from civil citations (60.5%). Other statistics show that females (58.8%) frequented teen court more than males (41.2%). Additionally, Caucasian youth (44.5%) slightly outnumbered African American youth (43.7%), as well as Asian (0.8%) and Hispanic (10.1%). Additionally, data from 2016-2017 show that a majority (80.7%) of the teen court participants were between the ages of 15–17.<sup>9</sup> Typically, about two cases are heard weekly in the 13th Circuit Teen Court program, but up to four can be heard. Although charges vary, the most common cases heard are petty theft cases. Increasingly, more assault and battery cases from local public schools have been heard in Teen Court.<sup>10</sup>

### ***Overview of Juvenile Delinquency in Hillsborough County***

307. The 13th Circuit is comprised of Hillsborough County, one of three counties in the State of Florida responsible for a quarter of juvenile arrests statewide.<sup>11</sup> The most common misdemeanor youth offenses in Hillsborough County include assault and battery, misdemeanor drug and petite larceny. Youth crime occurred most in the zip code "33610."<sup>12</sup>

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8 *Teen Court Defendant FAQs*, [THIRTEENTH JUDICIAL CIRCUIT HILLSBOROUGH COUNTY](#).

9 Interview with [Monica Martinez](#), Court Operations Manager, 13th Circuit in Saint Petersburg, FL (2017).

10 Interview with [Pam Stokes](#), Court Administrator, 13th Circuit (2017).

11 Kathryn Varn, *For Kids Seeking Second Chances, Pinellas a Better Place to be Than Hillsborough*, *Study Shows*, [TAMPA BAY TIMES](#) (Oct. 29, 2017).

12 *Youth and Families Glossary*, [FLA. DEP'T OF JUVENILE JUSTICE](#).

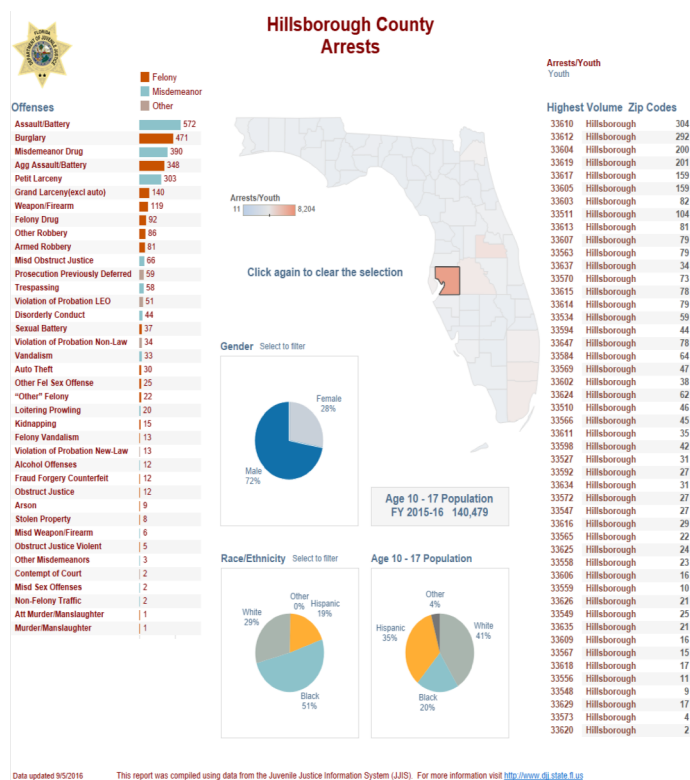


Figure 1: Hillsborough County Arrests

## Recommendations: Overview of the 13th Circuit Teen Court Program

308. It is important to note that Hillsborough County is one of the largest counties and most populous counties in the state of Florida. The 13th Circuit has two courthouses, one located in Tampa, Florida and another located in Plant City, Florida. Teen Court is currently located only in Tampa and the recommendation is to expand the program to Plant City. Little to no new resources would be needed to start the Plant City program since the Teen Court program already exists at the 13th Circuit Courthouse (Tampa).<sup>13</sup>

## IV. Teen Courts Across State of Florida

309. *“The structure of youth courts, of course, varies considerably across and even within the state, but the basic principle is the same: If peer pressure can lead young people into delinquency, then it can also keep them out of delinquency.”*<sup>14</sup>

<sup>13</sup> Interview with Pam Stokes, Court Administrator, 13th Circuit (2017).

<sup>14</sup> IRENE H. SULLIVAN, RAISED BY THE COURTS: ONE JUDGE’S INSIGHT INTO JUVENILE JUSTICE (2010).

## ***Youth Courts Across State of Florida***

310. As of November 2017, there are teen courts in 51 of the 67 Florida counties.<sup>15</sup> The first teen court program began in Sarasota, Florida (Manatee County, 12th Circuit.)<sup>16</sup> In 1990, Florida Statutes established Teen Court across the state of Florida.<sup>17</sup>

311. Florida Statute § 938.19 addresses Teen Courts, operation and administration. Youth court programs that operate in states without specific enabling legislation often rely on juvenile court diversion statutes that are part of their jurisdictional authority.<sup>18</sup>

312. Florida Statute § 985.16 addresses and outlines community arbitration for juveniles. The statute's purpose, found in §985.16(1), states that “[t]he purpose of community arbitration is to provide a system by which children who commit delinquent acts may be dealt with in a speedy and informal manner at the community or neighborhood level, in an attempt to reduce the ever-increasing instances of delinquent acts and permit the judicial system to deal effectively with cases which are more serious in nature.”<sup>19</sup>

## **V. Juvenile Offenses Eligible For Teen Court**

313. *“It’s about the legal process and accountability.”*<sup>20</sup>

### ***First-Time Juvenile Offenders***

314. Generally, only first-time offenders are eligible for most teen court programs. A “first-time offender” is defined as an individual who has not committed a prior crime and has no criminal history.<sup>21</sup>

315. In the 13th Circuit, cases originate with a police report from a law enforcement agency which include: Tampa Police Department (TPD), Hillsborough County Sheriff's Office (HSCO), Temple Terrace Police Department, Plant City Police Department, University of South Florida Police Department, Florida State Troopers, Tampa International

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15 *Teen Court Defendant FAQs*, [THIRTEENTH JUDICIAL CIRCUIT HILLSBOROUGH COUNTY](#).

16 Interview with Katie Self, Former Executive Director, Sarasota Teen Court (2017).

17 *Teen Court Defendant FAQs*, [THIRTEENTH JUDICIAL CIRCUIT HILLSBOROUGH COUNTY](#).

18 [FLA. STAT. ANN. §{} 938.19](#) (2016).

19 [FLA. STAT. ANN. §{} 985.16\(2\)\(A\)-\(D\)](#) (2016).

20 IRENE SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE’S INSIGHT INTO JUVENILE JUSTICE* (2010).

21 *Youth and Families Glossary*, [FLA. DEP’T OF JUVENILE JUSTICE](#).

Airport Police and Fish and Wildlife Conservation Commission. Additionally, cases can derive from written reports from Hillsborough County public school grounds through either the School Resource Officer (SRO) from the Tampa Police Department (TPD) or the School Resource Deputy (SRD) from Hillsborough County Sheriff's Office. Florida law requires that these reports be formally recorded and numbered at the Clerk's Office, then forwarded to the Office of the State Attorney. Additionally, if the Office of the State Attorney feels the case is eligible for diversion they may be referred to Juvenile Diversion Process.<sup>22</sup>

## ***Misdemeanor Offenses***

316. Generally, youth who commit misdemeanor offenses are eligible for teen court.<sup>23</sup> However, some Teen Court Programs allow both juveniles who have committed misdemeanors and felonies to be eligible for Teen Court.<sup>24</sup> Florida Statute § 775.08 defines a misdemeanor as “any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of 1 year. The term “misdemeanor” shall not mean a conviction for any noncriminal traffic violation of any provision of Chapter 316 or any municipal or county ordinance.”<sup>25</sup>

317. Typical offenses of youth courts include: theft, vandalism, alcohol, disorderly conduct, assault, possession of marijuana (misdemeanor), tobacco, curfew violations, school disciplinary, traffic violation, truancy, trespassing, criminal mischief, harassment, fraud, possession of drug paraphernalia (misdemeanor), and other drug offenses (misdemeanor).<sup>26</sup>

318. In the 13th Circuit, juveniles who have committed third-degree felonies (generally school-related) are also eligible for Teen Court.<sup>27</sup> A third-degree felony is punishable under the laws of State of Florida by a term of imprisonment of 5 years.<sup>28</sup> Other Teen Court programs allow for non-violent felony offenses to be eligible for Teen Court or have an alternative diversion program for felony offenses.<sup>29</sup>

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22 *Teen Court Student Handbook*, 13TH JUDICIAL CIRCUIT, HILLSBOROUGH COUNTY.

23 *Teen Court Student Handbook*, 13TH JUDICIAL CIRCUIT, HILLSBOROUGH COUNTY.

24 Interview with Tom Toy, Teen Court Coordinator, 6th Circuit (2017).

25 FLA. STAT. ANN. §{} 775.08 (2017).

26 *Youth Court Fact and Stats*, NAT'L ASS'N OF YOUTH COURTS.

27 *Teen Court Student Handbook*, 13TH JUDICIAL CIRCUIT, HILLSBOROUGH COUNTY.

28 FLA. STAT. ANN. §{} 775.08 (2017).

29 Interview with Tom Toy, Teen Court Coordinator, 6th Circuit (2017).



## ***Recommendations: Juvenile and Offenses Eligible for Teen Court***

319. Currently, the 13th Circuit Teen Court allows only first-time juvenile offenders to participate in its program. Other local Teen Court programs, such as in the 6th Judicial Circuit, serving Pasco and Pinellas counties, allow juvenile offenders to repeat the program on their second and even third-time misdemeanor offenses — allowing extended participation undermines the purpose of the Teen Court diversion program. The recommendation is to keep only first-time juvenile offenders as the only eligible offenders to participate the program — to do otherwise allows juveniles to recommit the same crimes with no deterrent which is counterintuitive to the diversion process. As Hillsborough County Sheriff Deputy Dominquez states, “Third-time offenders are clearly not benefiting from the programs and a different avenue needs to be explored.”

320. The 13th Circuit Teen Court Program currently allows juveniles that have committed first-time misdemeanors as well as third-degree felonies into the Teen Court Program. Teen Court should remain a diversion process only for first-time misdemeanor offenses. The nature, extent, and severity of the crime committed should be considered in the eligibility of a diversion program — allowing juveniles who have committed felonies into the diversion program would therefore also be counterintuitive to the diversion process.

## **VI. Teen Court Diversion Process**

321. *“Youth courts are community driven and shaped. . . it’s astonishing how different the courts are. As long as they adhere to basic standards, the success rate mirrors the uniqueness of the community and diversity of the youths and families.”*<sup>30</sup>

### ***Juvenile Diversion Process for Teen Court***

322. In the 13th Circuit, Teen Court defendants may go through an intake process; preliminary review of the charges; a court hearing; and sentencing as in regular juvenile court.<sup>31</sup> The cases are referred from the State Attorney’s office, or directly from Civil Citations, and a case manager will be assigned to case to make a determination whether the juvenile is eligible for Teen Court.<sup>32</sup>

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30 IRENE SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE’S INSIGHT INTO JUVENILE JUSTICE* (2010).

31 *Teen Court Student Handbook*, 13TH JUDICIAL CIRCUIT, HILLSBOROUGH COUNTY.

32 Interview with Pam Stokes, Court Administrator, 13th Circuit (2017).

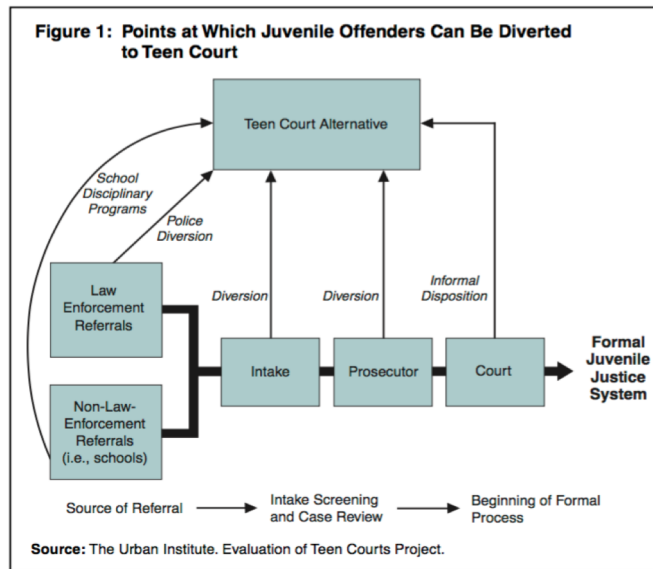


Figure 2: Juvenile Diversion Points

323. The 6th Judicial Circuit Diversion Programs work directly with local law enforcement and includes a direct diversion process for youth offenders. Law enforcement agencies complete an electronic affidavit which is sent directly to the diversion programs, including, but not limited to, The Teen Court Program. This direct filing process bypasses the step of clerk of the court; the initial filing and processing of the charges; and does not generate a criminal record for the juvenile offender.<sup>33</sup>

324. In the 12th Judicial Circuit, the Teen Court receives case referrals from the Sarasota County Sheriff’s office, the Department of Juvenile Justice, Juvenile Court, Traffic Court, area schools, and parents. After receiving a referral, Teen Court staff schedules an appointment with the teen and his/her parent/caregiver to begin the process. During the initial intake meeting, Teen Court staff, working with the teen and parent or caregiver, identifies and assesses the teen’s current situation, issues, and needs. Teen Court staff then determine the most appropriate and effective means of helping the teen and provide the teen with information regarding the process. As part of the assessment, a drug test is administered.<sup>34</sup>

### ***Juvenile Diversion Points of Teen Court Eligibility***

325. It is important to note the different points of Teen Court eligibility for juvenile offenders in different local circuits. There are several ways that juveniles can be entered

33 Interview with Tom Toy, Teen Court Coordinator, 6th Circuit (2017).

34 Sarasota Teen Court Process, [TEEN COURT OF SARASOTA](#).

into this diversion program.<sup>35</sup>

### ***Recommendation: Create Partnerships Between Local Law Enforcement and State Entities***

326. Currently, the 13th Circuit does not have any strategic partnership agreements with local law enforcement agencies such as the Tampa Police Department or the Hillsborough County Sheriff's Office. Furthermore, the only point of access to Teen Court is through The State Attorney's office and through Civil Citations. As Tampa Police officer, Jackie Trotta, explained, "I am unaware of any such partnership agreements."<sup>36</sup> Additionally, as Hillsborough County Sheriff Alecia Dominguez further explained, "Law Enforcement Officers are not educated on all the different diversion programs."

327. However, Officer Dominguez is aware of some programs. Furthermore, Deputy Dominguez states that she is aware that our agency (HSCO) works in partnership with the (diversion) programs once the juvenile's case has processed through the court system.<sup>37</sup> Although many programs are court ordered, law enforcement awareness and engagement in diversion programs might aid in the overall juvenile diversion process.

328. The proposal is to create local partnerships and work primarily with local law enforcement, as well as the State Attorney, Department of Juvenile Justice and Juvenile Diversion programs (including but not limited to Teen Court.) This recommendation is similar to the 6th Judicial Circuit model, a "true" and "direct" referral from law enforcement to the diversion program.<sup>38</sup> It would provide a more effective and systematic approach between law enforcement and the State.

329. A present example of this partnership is demonstrated through The Interagency Agreement for the Operation of The Stuart Police Department Juvenile First Offender Program in Stuart, Florida (Martin County, 19th Judicial Circuit). This Agreement requires the law enforcement agency to provide a diversion opportunity at the point of arrest of the juvenile.<sup>39</sup> The program utilizes the authorization from Florida Statute, which states that "[n]othing in this section shall prohibit the proper use of law enforcement diversion programs. Law enforcement agencies may initiate and conduct diversion programs designed to divert a child from the need for department custody or judicial

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35 Butts J & Buck J, *Teen Court: A Focus on Research*, [JUVENILE JUSTICE BULLETIN](#) (October 2000).

36 Interview with Jackie Trotta, Tampa Police Officer, Tampa Police Department (2017).

37 Interview with Alecia Dominguez, Deputy, Hillsborough County Sheriff's Office (2017).

38 Interview with [Tom Toy](#), Teen Court Coordinator, 6th Circuit (2017).

39 *Interagency Agreement for the Operation of The Stuart Police Department Juvenile First Offender Program*, [DEP'T OF JUVENILE JUSTICE](#).

handling. Such programs may be cooperative projects with local community service agencies.”<sup>40</sup>

## VII. Teen Court Models

330. *“The peer model is the heart of youth court effectiveness. Young people are judging young people. Administrators have rules, but not as decision makers. . . . Therefore, the single most effective ‘buy-in’ is to have the youths participate at every facet of proceedings.”*<sup>41</sup>

### ***Teen Court Program Models***

331. There are predominately four primary youth court program classifications: (1) Adult Judge; (2) Youth Judge; (3) Peer Jury; and (4) Youth Tribunal. According to the National Youth Court Database, the Adult Judge Model is used by approximately 53% of youth courts. The Youth Judge Model is used by approximately 18% of youth courts. The Peer Jury Model is used by approximately 31% of youth courts. The Youth Tribunal Model is used by approximately 10% of youth courts.<sup>42</sup>

### ***Currently Used Models: Trial & Grand Jury***

332. The Teen Court Trial Model replicates a juvenile trial. In the State of Florida, no jury trials are conducted for juveniles.<sup>43</sup> Instead, a Florida judge determines the guilt and adjudicates; juvenile trial format consists mostly of dispositions and sentencing hearings.

333. In Teen Court trials, student volunteers represent the State Attorney’s office as state prosecutors and prosecute the defendant. Additionally, volunteers also represent the Public Defender’s office and serve as public defenders for the youth defendant. An adult volunteer serves as the judge. Student volunteers also play the roles of jury members and deliberate after closing statements. A member of the jury, the selected jury foreperson, will address the defendant in open court and read the sanctions.<sup>44</sup>

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40 FLA. STAT. ANN. § 985.211 (2003).

41 IRENE SULLIVAN, RAISED BY THE COURTS: ONE JUDGE’S INSIGHT INTO JUVENILE JUSTICE (2010).

42 *Youth Court Fact and Stats*, NAT’L ASS’N OF YOUTH COURTS.

43 *Juvenile Court Policy and Procedures*, TWELFTH JUDICIAL CIRCUIT.

44 *Youth Court Planning Guide*, CENTER FOR COURT INNOVATION.

334. The Teen Court Grand Jury model imitates a grand jury proceeding. Although not an exact replication of a grand jury proceeding, in this model, student volunteers are able to ask questions directly to the juvenile, and the juvenile responds directly back to the jurors. A judge oversees the entire process.

335. In the Peer Jury Model, youth court members assume the roles of jurors, judge, and advocates for the youth and the community. In some uses of this model, members also act as bailiff and advocate for the victim. The advocates present the case, but it is the jury that does primary questioning of the respondent, deliberates, and assigns sanction(s). Fifteen to twenty members participate in a single hearing and rotate through the roles on different cases. A key feature of the peer jury model is the use of consensus decision-making when determining sanctions.

336. In the Youth Tribunal Model, youth court members serve as advocates and judges. The advocates present the case to a panel comprised of three to four judges, who may question the respondent. The tribunal approach allows a youth court to function with a smaller number of members and without a jury or jury pool.<sup>45</sup>

### ***Recommendation: Incorporate New Program Models into Existing Program***

337. Currently, the 13th Circuit uses two of the four Teen Court program models: the Teen Court Trial Model and the Teen Court Grand Jury Model. The recommendation is to explore the other two models, The Peer Jury Model and the Youth Court Tribunal Model. Although these two models exist in the 13th Circuit's Programming, they are unused programming methods. For example, the Youth Tribunal Model allows up to three student volunteers to act as a panel of judges to determine a verdict; this process would be similar to a bench trial.

338. By using a new model, or incorporating this model into the already existing Teen Court Program, it would provide a greater learning opportunity for volunteers, who could serve as a judge. Additionally, this format provides a different Teen Court experience and another option for a juvenile defendant.

## **VIII. Teen Court Sanctions**

339. *"The kids as jurors are amazingly perceptive. They come up with recommendations I wouldn't have thought of."*<sup>46</sup>

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<sup>45</sup> *Youth Court Planning Guide*, [CENTER FOR COURT INNOVATION](#).

<sup>46</sup> IRENE H. SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE'S INSIGHT INTO JUVENILE JUSTICE* (2010).

## **Sanctions**

340. The principle goal of Teen court is to hold young offenders accountable for their behavior.<sup>47</sup> Typical sentencing options for youth courts include but are not limited to:

community service, oral and written apologies, essays, educational workshops, jury duty, restitution, alcohol and drug assessment, curfew, tutoring, counseling, drug testing, victim awareness classes, victim and offender mediation, peer mediation, jail tour, observe teen court, mentoring, and suspend driver's license.<sup>48</sup>

341. One of the most common sanctions imposed in teen court is community service. Many courts, however, use other innovative dispositions, such as requiring offenders to attend classes designed to improve their decision making skills, enhance their awareness of victims, and deter them from future theft.<sup>49</sup>

## **The 13th Circuit Sentencing Options**

342. In the 13th Circuit Teen Court Program, juvenile defendants have five weeks maximum to complete the assigned sanctions.<sup>50</sup> The 13th Circuit Teen Court Sentencing options for sanctions include:

- i. Community Work Service: Depending on the circumstances of the offense, the other sanctions assigned, and the defendant's obligations, the number of hours selected can range from 0 to 50 hours. The jury can recommend specific types of work or locations.
- ii. Curfew: This sanction is designed to restrict the defendant from social activities "or being on the street." The defendant is restricted to their home after a designated time unless either at work or in the physical company of a parent/guardian. House Detention is also an option.
- iii. Restitution (Mandatory if owed): "Defendants are required to pay restitution when determined from the interview that the victim is entitled to money for damages or medical expenses."
- iv. No Association with Co-Defendant(s)/Victim(s): The defendant is to avoid contact with any co-defendant or victim (including stores). Restrictions regarding co-defendants apply only for a specific amount of time or until supervision is completed. Restricting contact can also be through email, social media, through friends, etc.

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47 Jeffrey A. Butts & Janeen Buck, *Teen Court: A Focus on Research*, [JUVENILE JUSTICE BULLETIN](#) (2000).

48 *Youth Court Fact and Stats*, [NAT'L ASS'N OF YOUTH COURTS](#).

49 Jeffrey A. Butts & Janeen Buck, *Teen Court: A Focus on Research*, [JUVENILE JUSTICE BULLETIN](#) (2000).

50 Interview with [Pam Stokes](#), Court Administrator, 13th Circuit (2017).

- v. Apology: The defendant is required to provide a hand written and signed apology letter to their parent and/or victim.
- vi. Jury Duty: Defendants serve as a Teen Court juror one or two times.
- vii. Home Chores: Defendants are to complete assigned tasks given by the case manager as recommended by parents/caregivers.
- viii. School Progress Reports: The defendant is to obtain weekly or daily status reports regarding their attendance, grades, and conduct.
- ix. Restrictions: (Video, Phone, Bicycle, Car, T.V.) This sanction is designed to restrict the defendant from the above items to improve behavior, grades, etc. The jury may designate a certain time of restriction.
- x. Surrender Driver's License: License is turned over to the parent immediately. This can also include the delay of obtaining a permit, use of a car on weekends, etc.
- xi. Shock Education Program: Is a comprehensive program that shows participants the consequences of crime and risky behavior.
- xii. S.T.E.A.L. (Stop Theft Early and Learn) Shoplifting Class. Mandatory for all shoplifting offenses: Defendants are required to participate in this educational program if they are charged with Shoplifting or Grand Theft and the victim is a retail store. The defendant attends a seminar learning the effects of theft on the economy and facing up to the personal cost of theft.
- xiii. ReSTART for Girls: Group sessions focusing on self-awareness, responsibility to family and community, positive communication skills, and how to "restart" your life.
- xiv. Children & Family Counseling: The defendant will be required to contact Hillsborough County Children and Family Services for counseling services.
- xv. Alcoholics Anonymous Meetings: The jury can assign attendance at up to five meetings. This sanction is designed for the defendant who drinks alcoholic beverages. Or in the alternative, up to five Narcotics Anonymous Meetings can be assigned for the defendant who uses illegal drugs.
- xvi. Derrick Brooks/Urban League Crime Prevention Meetings: The defendant will attend a youth development program focusing on crime prevention and intervention, anger management, self-esteem, decision making skills, drug use prevention, teen pregnancy prevention, etc.
- xvii. Drug/Alcohol Evaluation - Mandatory if defendant is charged with a drug related offense or admits use of drugs within last three months. The defendant will have an evaluation to determine what level of treatment for drugs or alcohol is advisable.

xviii. Random Drug Screens: If there is any doubt on the part of the jury or the parents regarding current drug use, random urine screens can be assigned.

xix. Essays: The jury may assign an essay and can decide on the topic and number of pages.

xx. Florida Statute Report: If this is chosen, the defendant will be given the chapter number for the statute of the law that he/she broke and is asked to summarize in writing, how the law is meant to protect the community, and in what ways the offense specifically violated the law.

xxi. Special Conditions: Many of the best “sanctions” a jury can assign arise specifically from a strength or interest the youth has or something left undone that come to mind during the hearing.<sup>51</sup>

### ***Recommendation: Review Important/Effective Sanctions***

343. The 13th Circuit has a variety of options for sanctions in Teen Court proceedings. However, the recommendation is to review sanctions on a case by case basis and set minimums and maximums pursuant to the crime. The following are recommendations to some of the above stated available sanctions.

344. It is important to receive feedback from student volunteers as well as past juvenile defendants regarding how the standard sanction sheet can be improved. The recommendation is to allow feedback from prior juvenile defendants to determine what sanctions were effective and should be used in future cases.

345. Currently, at the 13th Circuit, student volunteers have the option to send a juvenile defendant to observe Teen Court in the capacity of a student volunteer. However, the recommendation is to make this sanction mandatory. The recommendation is to require juveniles who participate in the Teen Court diversion program to return once again in the capacity of student volunteers. It's essential for a youthful offender to be invited back. It should almost be a mandatory aspect, as it brings the youth full circle.<sup>52</sup>

346. Sanctions also need to be modified to reflect the crime but also the severity of the crime. Default minimums should be in place for certain types of crimes. For example, for any crime involving alcohol, the juvenile should be mandated to participate in the Alcoholics Anonymous meetings for a term decided by the jury.

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<sup>51</sup> *Teen Court Student Handbook*, 13TH JUDICIAL CIRCUIT, HILLSBOROUGH COUNTY.

<sup>52</sup> IRENE H. SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE'S INSIGHT INTO JUVENILE JUSTICE* (2010).



347. At the 13th Circuit Teen Court program, a jury can only sanction up to fifteen (15) hours community service hours per juvenile defendant (although according to the handbook it's fifty (50)). This number is relatively low compared to other Teen Court Programs. A new minimum should be set and enforced. The recommendation is to set the community service hour requirement should be increased to at least twenty five (25) hours. Some Teen Court programs require up to 100 hours of community service as a sanction.

348. Little to no special conditions are utilized in the current 13th Circuit Teen Court Program. An interesting sanction that the 6th Court administers is an option to attend a funeral home tour.<sup>53</sup> Another creative sanction would be to have youth drug offenders attend adult drug court as a sanction. By exploring unique and effective creative sanction options, the sanctions can be tailored to each juvenile.

349. The recommendation is to assign the juvenile defendant a teen mentor — a volunteer within the program or a volunteer from the local community. Assigning a mentor and a “sanction” to meet with the mentor could have a positive reinforcement and be a new positive experience for the juvenile defendant. This creative type of sanction could be more constructive than punitive, unlike many of the others.

## **IX. Student Volunteers**

350. *“Youth courts give youth people the opportunity to embrace and practice positive peer pressure... the salient lesson learned is that peer pressure does not always have to be negative.”*<sup>54</sup>

### ***The Role of Student Volunteers in Teen Court***

351. The role of student volunteers varies among teen court programs. The essential part of the program is that young individuals determine the disposition, given a broad array of sentencing options, made available by the adults in the overseeing program. Students can vary in roles and positions such as, prosecutor, defense attorney, jurors, court clerks, bailiffs, even a judge or in a panel of youth judges.<sup>55</sup>

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<sup>53</sup> *Juvenile Diversion Services*, [SIXTH JUDICIAL CIRCUIT](#).

<sup>54</sup> IRENE H. SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE'S INSIGHT INTO JUVENILE JUSTICE* (2010).

<sup>55</sup> Jeffrey A. Butts & Janeen Buck, *Teen Court: A Focus on Research*, [JUVENILE JUSTICE BULLETIN](#) (2000).

352. The 13th Circuit criteria is as follows:

Any middle school or high school student between the ages of 13–18 years old may volunteer. There is no formal or application process or required training sessions. All first-time volunteers are required to serve on the jury once prior to volunteering in the roles of attorneys. All students will participate in brief orientations each Teen Court evening. Students, who participate in the roles of defense and prosecution attorneys are personally trained by a member of the Florida Bar Association.<sup>56</sup>

### ***Recommendation: Improvements to Student Volunteers:***

353. The 13th Circuit trains their student volunteers. The only requirement for student volunteers to participate is to sit in on one teen court session. Unfortunately, that observation period is not enough for a student volunteer to fully understand the volunteer process. They, also, handed out teen court manuals to volunteers, when needed.

354. The 6th Circuit makes student volunteers attend a four-hour training course provided by the State Attorney’s office, Public Defenders, and Teen Court Staff. These training courses are offered twice a year.<sup>57</sup> Furthermore, the State Attorney’s Office aids significantly in the training of the 12th Circuit Teen Court program. The State Attorney’s Office, in addition to their law clerks, run the mandatory training session weekly to assist student volunteers in teen court trials and all proceedings.<sup>58</sup>

355. The 13th Circuit does not recruit student volunteers from local middle and high schools.<sup>59</sup> The recommendation is to create a Teen Court recruitment process and team to speak and present the volunteer opportunity to local students. First and foremost, this would make potential volunteers aware of the Teen Court Program, and second, it would entice new students to participate in the program. This should be implemented as well to engage more local youth and volunteers to participate in the program to replicate an accurate jury pool for the juvenile defendant.

356. It is important to note that both the 6th and 12th circuit both recruit student volunteers at local and public middle and high school with presentations about Teen Court. In the 12th Circuit, Tom Toy, Teen Court coordinator, states that this is needed to gain a diverse jury panel that replicates an actual jury. Teen Court presentations are given to students in classes such as government, law, and other like subjects as well as club meetings.

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56 Jeffrey A. Butts & Janeen Buck, *Teen Court: A Focus on Research*, [JUVENILE JUSTICE BULLETIN](#) (2000).

57 *Juvenile Diversion Services*, [SIXTH JUDICIAL CIRCUIT](#).

58 Interview with [Tom Toy](#), Teen Court Coordinator, 6th Circuit (2017).

59 Interview with [Pam Stokes](#), Court Administrator, 13th Circuit (2017).

357. The 13th Circuit offers up to two and a half (2.5) community service hours for each volunteer who attends Teen Court. Student volunteers sign in at the front desk and have their paperwork signed off upon check in for the service hours accumulated that session.<sup>60</sup> These community service can be attributed to Florida Bright Future Scholarships and other community based scholarship opportunities.

358. The 12th Circuit has an established scholarship program for student volunteers. Teen Court Merit Scholarships aim to make a difference in the lives of the most exemplary student volunteers who have made a significant contribution to the program and have demonstrated a high level of commitment in their time with Teen Court.

359. Scholarships may be awarded to volunteers who fill all roles, including jurors, bailiffs, clerks, and teen attorneys. However, only graduating seniors who are current, active volunteers may be considered for a scholarship. It is also important to note that Sarasota also recognizes and highlights student volunteers periodically as “volunteer of the month.”<sup>61</sup>

## X. Juvenile Records

360. *“In a typical youth court case, a young person arrested for a minor offense such as shoplifting or vandalism receives a sentence that is both punitive and restorative but avoids that first criminal conviction, which is a lifetime scar.”*<sup>62</sup>

### ***Juvenile Arrest Records, Generally***

361. By law, a juvenile arrested and detained has a right to be brought before a judge within twenty-four (24) hours for a determination of probable cause for the arrest. Juvenile prosecutors play a significant role in investigating the case(s). Enlightened juvenile prosecutors are open to negotiations for reduced charges, when appropriate; they are sensitive to the impact of a criminal record.<sup>63</sup> It is important to note that arrest statistics have been used as the main barometer of juvenile delinquent activity over the past decades. Many juvenile offenses go unreported and thus do not become a part of the national statistical picture.<sup>64</sup>

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60 Interview with [Pam Stokes](#), Court Administrator, 13th Circuit (2017).

61 *Scholarships*, [SARASOTA TEEN COURT](#).

62 IRENE H. SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE’S INSIGHT INTO JUVENILE JUSTICE* (2010).

63 IRENE H. SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE’S INSIGHT INTO JUVENILE JUSTICE* (2010).

64 *Offending by Juveniles*, [OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION](#).

362. When defendants successfully complete a youth court program, 63% of youth courts dismiss the charges.<sup>65</sup> Successful completion of Teen Court means completing the constructive sentence (Teen Court sanctions). The specific sentence is outlined in the individual youth contract. Upon completion, the charge(s) are dismissed and there is no record of conviction for the charge(s).<sup>66</sup>

363. Per Section 943.0582 of the Florida Statutes, and Rule 11C-7.009 of the Florida Administrative Code, a person who has completed an authorized juvenile prearrest, or post arrest, diversion program for a non-violent misdemeanor not involving domestic violence, may apply for a juvenile diversion expungement.<sup>67</sup> When juvenile defendants successfully complete a youth court program, 27% immediately expunge the defendant's record.<sup>68</sup>

### ***Recommendations: Juvenile Records 100% Dismissal of charge and Expungement of Juvenile Record***

364. Currently in the 13th Circuit Teen Court Program, the youth is not technically charged when a case is referred to diversion, but there is still record of the offense in the 13th Circuit Clerk of the Court's system. That initial information is reported to Florida Department of Law Enforcement as well. The criminal report affidavit (hereinafter "CRA") is filed with the Clerk of the Courts' Office awaiting the State Attorney's Office filing decision. The State Attorney's Office reviews the case and files a Notice of Cases Status with the Clerk of the Court. If the case is sent to diversion, the Notice of Case Status indicates "No Filed" and the disposition on the Clerk's system shows up as "state closed file, diversion."

365. If the youth completes Teen Court, the clerk's office documents the successful completion of the diversion program and the juvenile avoids formal prosecution. If the youth does not comply or fails to complete sanctions, the juvenile will be referred to the State Attorney's Office. Currently the 13th Circuit does not immediately expunge the criminal charge. The juvenile's case still remains in the 13th Circuit Clerk of the Court's System. The youth or youth's family must complete an expunction application through the Florida Department of Law Enforcement to get the record expunged.<sup>69</sup>

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65 *Youth Court Fact and Stats*, [NAT'L ASS'N OF YOUTH COURTS](#).

66 *Court Night*, [TEEN COURT OF SARASOTA](#).

67 *Seal and Expunge Process*, [FLA. DEP'T OF LAW ENFORCEMENT](#).

68 *Youth Court Fact and Stats*, [NAT'L ASS'N OF YOUTH COURTS](#).

69 Interview with [Monica Martinez](#), Court Operations Manager, 13th Circuit in Saint Petersburg, FL (2017).

366. The recommendation is to dismiss charges and to expunge the juvenile's record upon successful completion of the Teen Court diversion program. Furthermore, a juvenile criminal record could prevent a youth from job opportunities and further education, which are an unnecessary punishment and huge setbacks for the juvenile. The utilization of the diversion process and its deviation from the court system should reinforce the dismissal of charges. The strategic decision to dismiss these charges, instead of having a record, can tremendously affect the juvenile's future. In addition to dismissal of charges, the recommendation is to expunge the juvenile's record. By sealing the juvenile's records, it would reinforce the diversion program's purpose and benefit the juvenile.

## **XI. Alternative Juvenile Diversion Programs Options**

367. *“Juvenile delinquency court judges should ensure their systems divert cases to alternative systems whenever possible and appropriate.”*<sup>70</sup>

### ***Other Juvenile Diversion Programs***

368. Youth who commit delinquent acts may be dealt with in speedy and informal manners, stressing the importance of good citizenship, personal integrity, and family communication. The primary goal is to divert young people who have committed first-time offenses from progressive involvement in the criminal justice system. As outlined in Florida Statute, misdemeanor violators and eligible third degree felony offenders are referred by Law Enforcement and the State Attorney's Office for hearing and disposition. In addition to identifying alternative sanctions for the court, Juvenile Diversion Programs (hereinafter “JDP”) includes a variety of programs.<sup>71</sup>

369. It is important to note that Teen Court is only one of many viable options within juvenile diversion programs. Other options within Juvenile Diversion Programs include but are not limited to: Juvenile Arbitration, Truancy Court, Juvenile Drug Court, and Traffic Teen Court. Additionally, utilizing Civil Citations is also a different avenue for juveniles to avoid formal prosecution.

370. Arbitration is a meeting between the defendant, parent/guardian, and the victim with a Juvenile Diversion Program Case Manager to discuss the offense and to form a contract. At the end of the arbitration, a contract will be signed to include all the sanctions the defendant will need to complete. If the sanctions are completed, (and

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70 IRENE H. SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE'S INSIGHT INTO JUVENILE JUSTICE* (2010).

71 *Teen Court Student Handbook*, 13TH JUDICIAL CIRCUIT, HILLSBOROUGH COUNTY.

the victim compensated, if applicable), the defendant will avoid formal prosecution in juvenile court. Failure to comply with the required sanction will result in referral back to the Office of the State Attorney for formal prosecution.<sup>72</sup>

371. “Almost all misbehavior and crime in juvenile court begins with issues of truancy.”<sup>73</sup> Truancy Teen Court is a Teen Court Program that provides early intervention through the Teen Court Process for students that have established a pattern of nonattendance and unexcused absences (between 5 to 20 days). Truancy Teen Court operates in the same way as the standard Teen Court and hearings are held using the Grand Jury Format. Truants in the program are required to attend educational programs, counseling, if appropriate, and mandatory school attendance as prescribed by the Teen Court jury. Truancy Teen Court targets students in middle school through tenth grade and ages 11–16.<sup>74</sup>

372. The Juvenile Drug Court Program is a diversion program for juveniles who have received misdemeanor and/or felony drug charges. Juveniles who enter the program and successfully complete it will earn a dismissal of their charge from the referring agency. Participants are required to submit to random urine analysis as well as a complete drug assessment. An initial hearing is scheduled with a hearing master for the Juvenile Drug Court Program. Participants are given appropriate sanctions, which must be completed. Hearings are scheduled monthly to monitor progress of the participants in the Juvenile Drug Court Program.<sup>75</sup>

373. Certain criminal and non-criminal traffic offenses and traffic infractions incurred by juveniles may be referred if deemed appropriate by a Traffic Court Judge or Hearing Officer. The referral process is a succinct one whereby once a Traffic Court Judge or Magistrate orders a juvenile to complete Teen Court, a Teen Court Traffic Referral Form is sent interoffice by the Traffic Court Clerk or Judicial Assistant to the Juvenile Arbitration Teen Court Program. Teen Court staff notifies the juvenile and his or her parent of the day, date and time of the Traffic Teen Court hearing. Once the hearing is conducted, Teen Court staff supervises completion of program and a final report is submitted to Traffic Court Clerk’s Office and to Traffic Court Judge or Hearing Officer.<sup>76</sup>

374. Civil Citation is an alternative to arrest for youth ages 8–17 who commit certain first-time misdemeanor offenses. Florida Statute 985.12 gives law enforcement authorization to issue the youth a civil citation in lieu of arrest. Youth will receive a risk assessment and may be referred to services such as counseling, treatment, and other

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<sup>72</sup> *Juvenile Diversion Services*, [SIXTH JUDICIAL CIRCUIT](#).

<sup>73</sup> IRENE H. SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE’S INSIGHT INTO JUVENILE JUSTICE* (2010).

<sup>74</sup> *Juvenile Diversion Services*, [SIXTH JUDICIAL CIRCUIT](#).

<sup>75</sup> *Juvenile Diversion Services*, [SIXTH JUDICIAL CIRCUIT](#).

<sup>76</sup> *Juvenile Diversion Services*, [SIXTH JUDICIAL CIRCUIT](#).

appropriate community resources. The Civil Citation Program works with community partners in the effort to reduce juvenile crime and to provide services for at-risk youth.<sup>77</sup>

375. Civil citations use varies statewide. Recently, Pinellas tops at using alternatives (such as civil citations) to teen arrest; meanwhile Hillsborough got an “F.” However, as of August 1, 2017, Hillsborough extended eligibility for civil citations to include most misdemeanor.<sup>78</sup>

### ***Recommendation Other Juvenile Diversion Programs***

376. The recommendation to the 13th Circuit is to implement other juvenile diversion program options in addition to improving Teen Court including and encouraging the use of civil citations. The 13th Circuit currently has the following Juvenile Diversion Programs: Juvenile Arbitration, Truancy Court, Juvenile Drug Court. The 13th Circuit does not currently have a Teen Traffic Court, for example, like the 6th Circuit. Additionally, Hillsborough County can improve on using civil citations. For Miami-Dade County, the 11th Circuit, the initiative is the use of civil citations for first and second-time misdemeanors, with services in place rather than an arrest. Miami-Dade County is now the national demonstration project for not burdening kids with an arrest while still delivering appropriate services.<sup>79</sup>

377. Additionally, the 12th Circuit has an Administrative Order No. 2015-15.8 that refers and permits civil citations for juvenile offenses directly to Teen Court. “Pinellas County, one of the top programs in the state with a 94% utilization rate between January and December 2016, tied first with Miami-Dade County.”<sup>80</sup> The proposal to improve The 13th Circuit Juvenile Diversion Program is to ultimately minimize the formal prosecution of juveniles in Hillsborough County by using civil citations.

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<sup>77</sup> *Juvenile Diversion Services*, [SIXTH JUDICIAL CIRCUIT](#).

<sup>78</sup> Kathryn Varn, *For Kids Seeking Second Chances, Pinellas a Better Place to be Than Hillsborough*, *Study Shows*, [TAMPA BAY TIMES](#) (Oct. 29, 2017).

<sup>79</sup> IRENE H. SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE’S INSIGHT INTO JUVENILE JUSTICE* (2010).

<sup>80</sup> Kathryn Varn, *For Kids Seeking Second Chances, Pinellas a Better Place to be Than Hillsborough*, *Study Shows*, [TAMPA BAY TIMES](#) (Oct. 29, 2017).

## XII. Measuring Teen Court Effectiveness: Recidivism Rate

378. “These collaborative programs have been shown to reduce recidivism among adolescents charged with minor law violations.”<sup>81</sup>

### **Recidivism Rate**

379. Despite broad and growing interest in Teen Courts, only a few studies have attempted to measure their effect on youth, and even the best of these studies have not yet produced the sort of evaluation data necessary to deem a program effective. Additionally, often researchers have failed to use comparison groups or pre- and post-measures. Thus, it is impossible to test the assumption that recidivism outcomes are due to Teen Court rather than to other factors.<sup>82</sup> It is measured that the recidivism rate for Teen Courts is around 12% but the forced use of Civil Citation in many counties most likely has influenced that.<sup>83</sup>

380. However, it is important to note that while the operation and administration of Teen Court programs across the nation varies considerably, these programs have reported recidivism rates between 5–10 percent.<sup>84</sup> The standard practice is to measure recidivism rates in the 12 months (1 year) post completion of Teen Court. Recidivism is based on any new charges. Currently, there is no insight to juveniles’ adult history to measure recidivism.<sup>85</sup>

### **Recommendation: Recidivism Rate**

381. The 13th Circuit currently measures youth offenders at both a sixth month and one year period to assess if they have any new charges or offenses.<sup>86</sup> Recidivism is measured by any other additional offense, regardless of the disposition. For example, if a juvenile is charged but later the adjudication is withheld, or the case is sent to diversion or dismissed, the 13th Circuit calculates it into the recidivism rate.<sup>87</sup> However,

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81 IRENE H. SULLIVAN, *RAISED BY THE COURTS: ONE JUDGE’S INSIGHT INTO JUVENILE JUSTICE* (2010).

82 Jeffrey A. Butts & Janeen Buck, *Teen Court: A Focus on Research*, *JUVENILE JUSTICE BULLETIN* (October 2000).

83 Interview with [Katie Self](#), Executive Director, Sarasota Teen Court, in Sarasota, FL (2016).

84 *Teen Court*, [SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA](#).

85 Interview with [Tom Toy](#), Teen Court Coordinator, 6th Circuit (2016).

86 Interview with [Pam Stokes](#), Court Administrator, 13th Circuit (2017).

87 Interview with [Monica Martinez](#), Court Operations Manager, 13th Circuit in Saint Petersburg, FL (2017).



after that one year period, no follow up research on the youth offender's criminal history is conducted.

382. It is important to not only measure the short-term recidivism rate but also to measure longer term, especially adult criminal history. The Teen Court program cannot be deemed effective and successful if juvenile offenders become adult offenders. The only true assessment and accurate measurement of recidivism would be to review juveniles' adult criminal history. The recommendation would be to measure this in five-year increments to determine if the youth was successful deterred from committing future crimes due to their participation in the Teen Court diversion program in addition to the one-year monitoring period.

### **XIII. Conclusion**

383. In conclusion, there are many recommendations proposed to the current 13th Circuit Teen Court Program. Although many recommendations have been proposed, there are five straightforward recommendations to improve the 13th Circuit Teen Court Program: First, the 13th Circuit Teen Court Program should expand and incorporate new Teen Court program models into the existing program. Currently, the 13th Circuit utilizes only two of four current programming models. Second, that the 13th Circuit makes improvements to review sanctions for juvenile defendants. It is essential to get feedback from current and past juvenile participants in Teen Court to determine what sanctions were effective. Third, the 13th Circuit should make improvements to the student volunteers that participate in the program; volunteers are fundamental and crucial to the operation of Teen Courts since the volunteers determine and deliver the sanctions. A more formal training program must be created, implemented and enforced. Fourth, juveniles who participate and complete Teen Court should have their juvenile records completely dismissed and expunged. Finally, the 13th Circuit must better evaluate the effectiveness of Teen Court by measuring the recidivism rate. The 13th Circuit must determine if this diversion program is even effective; without assessing juvenile's recidivism rate, Teen Court cannot claim to be a successful diversion program. These five proposals, as well as several other proposed recommendations throughout this article, could improve the 13th Circuit Teen Court Program in Hillsborough County.