



# UNDERSTANDING JUVENILE DIVERSION

**JEFFERSON COUNTY PCT. 2 YOUTH DIVERSION PROGRAM**

**JUDGE JOSEPH L. GUILLORY II**



# WHAT IS DIVERSION ?

- **DIVERSION IS A PROGRAM AVAILABLE TO JUVENILES (16 AND UNDER) WHO COMMITTED AN NON-TRAFFIC OFFENSE AFTER JANUARY 1, 2025. “DIVERSION” IS AN INTERVENTION STRATEGY THAT REDIRECTS A CHILD FROM FORMAL CRIMINAL PROSECUTION AND HOLDS THE CHILD ACCOUNTABLE FOR THEIR ACTIONS. IF ELIGIBLE, A CHILD MAY ENTER DIVERSION AFTER PARENT AND CHILD GIVES WRITTEN CONSENT TO THE COURT AN AGREEMENT IS GIVEN TO THE CHILD AND PARENT OF CONDITIONS AND REQUIREMENTS THAT THE JUDGE WILL REQUIRE TO BE COMPLETE BY A DEADLINE THE CHARGE MAY NOT BE FILED (OR DISMISSED IF FILED) IF THE CHILD IS ELIGIBLE AND ACCEPTS /COMPLETES THE TERMS**

# **ELIGIBILITY REQUIREMENT FOR DIVERSION**

- **CHILD MUST NOT HAVE HAD DIVERSION IN THE PAST 365 DAYS**
- **CHILD MUST HAVE NEVER HAD AN UNSUCCESSFUL DIVERSION**
- **CHILD MUST BE 16 OR UNDER AT THE TIME OF OFFENSE**
- **THE OFFENSE MUST BE A NON-TRAFFIC OFFENSE COMMITTED AFTER THE DATE OF JANUARY 1, 2025**
- **CHILD AND PARENT GIVE MUST WRITTEN CONSENT THE COURT, WITH THE KNOWLEDGE THAT DIVERSION IS OPTIONAL**

# HOW DO I REQUEST DIVERSION

- CHILD AND PARENT MUST APPEAR IN PERSON IN COURT TO REQUEST DIVERSION.
- AN AGREEMENT IS MADE FOR THE CHILD TO COMPLETE ACTIONS BY A TIME DETERMINED BY THE JUDGE
- NOT TO EXCEED 180 DAYS)
- THERE IS A \$50.00 ADMINISTRATIVE FEE FOR DIVERSION. THIS MAY BE WAIVED BY FILING A STATEMENT OF INABILITY TO AFFORD IF THE APPLICANT IS INDIGENT.

# POTENTIAL TERMS OF DIVERSION

- **THE AGREEMENT MAY REQUIRE THE CHILD TO PARTICIPATE IN A PROGRAM, WHETHER IT BE TEEN COURT, SCHOOL RELATED, DRUG EDUCATION, REHAB, OR SELF IMPROVEMENT. THE REQUIREMENTS COULD ALSO INCLUDE A CHILD PARTICIPATING IN A WORK AND JOBS SKILLS TRAINING, BEING COUNSELED, OR BEING INVOLVED WITH COMMUNITY-BASED SERVICES (OR ANY PROGRAM, AT THE COURT'S DISCRETION).**
- **A CHILD AND/OR PARENT MAY BE ORDERED TO PAY RESTITUTION FOR CERTAIN OFFENSES (MUST BE ON SEPARATE ORDER), NOT TO EXCEED \$100, PERFORM UP TO 20 HOURS OF COMMUNITY SERVICE, OR ANY OTHER REASONABLE ACTION DETERMINED BY THE COURT.**

# **WHAT IF THE CHILD HAS MENTAL ILLNESS/ INTELLECTUAL DISABILITY?**

**THERE ARE TIMES THAT MENTAL ILLNESS/INTELLECTUAL DISABILITY PLAYS A ROLE IN A CHILD'S CONDUCT.**

**NOTIFY THE COURT AT THE TIME OF APPEARING IF ANY OF THE FOLLOWING APPLY:**

**QUESTIONS TO ANSWER:**

**DO YOU RECEIVE ANY SERVICES AT SCHOOL?**

**DO YOU HAVE AN IEP OR BIP?**

**DO YOU RECEIVE ANY SUPPORT AT YOUR SCHOOL I SHOULD KNOW ABOUT?**

**DOES THE SUPPORT AFFECT YOUR EDUCATION?**

**DO YOU GO TO AN ARD MEETING?**

# **WHAT IF THE CHILD IS HOMESCHOOLED ?**

- **DIVERSION STRATEGIES MAY NOT REQUIRE A HOME-SCHOOLED STUDENT TO ATTEND AN ELEMENTARY SCHOOL OR USE AN EDUCATIONAL CURRICULUM OTHER THAN THE ONE SELECTED BY THE PARENT.**

# **WHAT HAPPENS AFTER YOU SUCCESSFULLY COMPLETE DIVERSION ?**

- **IF THE DEFENDANT (CHILD AND/OR PARENT) COMPLIES WITH THE ORDER, THE CASE IS DISMISSED.**
- **IF THE DEFENDANT (CHILD AND/OR PARENT) DOES NOT COMPLY, A HEARING WILL BE REQUIRED FOR THE CASE. THE COURT WILL DETERMINE AT THE HEARING IF THE DIVERSION WAS SUCCESSFUL**
- **UPON A SUCCESSFUL DIVERSION, ALL RECORDS WILL BE EXPUNGED WITHOUT THE REQUIREMENT OF A MOTION OR REQUEST, ON THE CHILD'S 18TH BIRTHDAY**