

Advice About Diversion
(When Confinement is not Possible)

1. Diversion is a different way of dealing with juveniles who are charged with an offense. You do not go to court and there is no trial before a judge.
2. A Diversion Agreement is a contract between you and the diversion unit. If you are alleged to have committed a traffic infraction, a Diversion Agreement requires you to do community restitution or attend educational or counseling sessions. If you are alleged to have committed some other offense, a Diversion Agreement may require you to do certain things, such as: community restitution; attend counseling, informational, or education sessions; pay restitution or fines; requirements to attend school; observe home curfews, abide by restrictions to certain geographical locations, and refrain from any contact with victims or witnesses of the offense; but you cannot be sent to jail. Under certain circumstances, you may be counseled and released, which means no further action will be required of you.
3. If you do not follow the Diversion Agreement, the prosecutor may bring you to a hearing for the offense(s) with which you are charged. If you do not appear at the court hearing, the court may order that you be arrested.
4. If you are charged with a traffic infraction and sign a Diversion Agreement, the diversion unit has the option to notify the Department of Licensing. This may affect your driving privileges.
5. You do not have to participate in diversion. If you choose not to participate, your case will go to court if charges are filed by the prosecutor. If your case goes to court, you can talk to a lawyer but you may have to pay for it. If you are found guilty in court, the maximum penalty cannot be greater than the maximum penalty the diversion unit may impose.
6. You may ask the court to seal your file on your current offense(s) if you spend two continuous years in the community from the date you complete the terms of your Diversion Agreement without committing any offense or crime that results in conviction or diversion and you are at least 18 years old.
7. If this is your first Diversion Agreement and two years pass after completing this Diversion Agreement and you have no other referrals to Juvenile Court, you may ask the court to destroy your records when you are at least 18 years old.
8. If your criminal history includes only referrals for diversions, and all your Diversion Agreements have been successfully completed and no proceeding is pending against you seeking conviction of a criminal offense, when you are at least 23 years old you may ask the court for an order destroying your diversion records.
9. You have the right to talk to a lawyer about whether you should participate in diversion or whether you should go to court. You will not have to pay for a lawyer if you cannot afford it. A lawyer can review the police reports, explain your rights, and explain the law. If you do not believe you committed this offense, you should talk to a lawyer.
10. When you agree to participate in the diversion process, you do not have the right to have a free lawyer appointed for you to help you work out a Diversion Agreement, but you do have the right to have a lawyer help you work out a Diversion Agreement if you can afford to pay for it.

I have read or someone has read to me everything printed above, and I understand it. I have been given a copy of this statement.

Dated: _____

Dated: _____

Parent or Guardian (optional)

Juvenile

The above statement was read by or read to the juvenile and signed by the juvenile on the date indicated.

Diversion Unit Representative