

213 B JUVENILE COURT DIVERSION PROGRAM

- a. Purpose
 - 1. To divert eligible juveniles into a program that will hold the youth accountable and responsible for-the crime committed.
 - 2. To utilize trained juvenile probation officers of the court , rather, than judges in an effort to reduce juvenile hearings in Family court.
 - 3. To uphold the intent of Minnesota's Juvenile Code **260.011** and **388.24**, by providing assessment and referrals to existing public and private programs/services which will give the "care and guidance, preferably in (or, near) the child's own home."

- b. Method
 - a. Each youth must meet prescribed entry requirements. The exception to the rule is Curfew violators, who will be addressed separately.
 - 1. In most cases the juvenile must be under 13 years of age.
 - 2. Be a resident of Wilkin County.
 - 3. The youth may not have a prior court record and only two referrals to the diversion program. The third contact will be a formal or informal hearing in juvenile court.
 - 4. Enforce must be checked prior to any decisions for past record.
 - b. The offense must have sufficient evidence to enable a CHIP Delinquency petition (under 13 years of age).
 - c. The case must be a status offense, juvenile traffic offense, petty misdemeanor, or misdemeanor crime.
 - d. The youth has admitted to the offense to police and/or parents. Failure to admit will require Juvenile Court appearance.
 - e. The parent(s) approves of the youth being diverted from the regular, informal or, formal juvenile justice system process.
 - f. The juvenile and parent(s) must cooperate throughout the assessment and support the juvenile probation officers final disposition and recommendations.

- a. **III. Procedure.**
- b. Officers who have taken a juvenile into custody as provided in this policy and determined that they meet the criteria for, diversion, will process them in the following manner.
 - a. Contact parent(s) to pick up youth or, make suitable arrangements with a responsible person.
 - b. Check LEADRS, Juvenile section, for prior contacts. Count "diversions" only, remember, if there are two listed, court is required. Also, "warnings" do not count and prior juvenile court will disqualify.
 - c. Contact parent(s) or, guardian and discuss alternatives.
 - d. Write a juvenile diversion report (see attached).
- c. Reports will then be forwarded to Juvenile Probation Officer, Curt Johnson.
- d. The probation officer, will maintain and keep a record of the diversion service.

COUNTY ATTORNEY INVOLVEMENT

The ultimate responsibility for, the Diversion Program will retained by the Wilkin County Attorney in his discretionary authority with regard to charging decisions. If a dispute arises concerning the interpretation, application or, a function of the Diversion Program is questioned, questions will be referred to the County Attorney for his final determination. Though the County Attorney retains ultimate authority, it is the County Attorney's Office position that all relevant parties will be consulted to insure the cooperative effort most beneficial to correcting the behavior, of the juvenile in each particular, case.