

## STANDARD DIVERSION TERMS

1. Diversion is a way of dealing with the offense(s) for which you are referred without involvement in the traditional juvenile court process. With respect to the referred offense(s), if you are successful in the diversion program no criminal charges will be filed against you, you will not be required to go to court, there will be no trial before a judge. Furthermore, if you participate in the diversion program you cannot be placed in detention for the referred offense(s).
2. You have the option of having an attorney present with you at all diversion meetings. If you wish to have an attorney present at a diversion meeting, you must hire a private attorney at your own expense and, if necessary, reschedule this appointment.
3. If you choose to participate in the diversion program, you must be willing to admit to the behavior that is reflected in the police report. You must agree to follow both the standard diversion terms as well as individual diversion terms. You will be expected to complete all of the terms of diversion within the time frame required by your diversion officer. Failure to complete the required conditions is a violation of diversion and may result in the file being returned to the prosecutor's office. Thereafter the prosecutor may file a petition against you, causing you to be brought before the Court for a hearing.
4. If you agree to participate in the diversion program you will be required to pay a program fee. This fee must be paid within 30 days of agreeing to the standard and individual terms of diversion and the signing of those terms. The diversion fee will cover the costs of all programming provided by the Ada County Juvenile Court Services. Participation in the diversion program may include referrals to an outside agency for treatment or other programming. You will be responsible to pay the costs of any outside referrals.
5. The diversion program has a zero tolerance policy toward drug and alcohol use, and any use of illegal drugs or alcohol during your participation in the diversion program is a violation of the terms of diversion and may result in your case being referred to the prosecutor. Throughout the course of the program you may be subjected to testing to determine whether you have used alcohol or illegal drugs. As such, to participate in the program you must voluntarily agree, with the consent of your parents, to drug and alcohol testing. If you are subjected to such testing and that testing indicates that you have used illegal drugs or alcohol during the time that you are in the diversion program, you may be referred for drug education, counseling, or treatment, or your case may be referred back to the prosecutor. All positive drug tests will be sent to an appropriate laboratory for drug verification and a determination of the level of drugs in your system, the cost of which will be borne by you and your parents. Furthermore, any refusal to take a requested drug test or any failure to submit to a drug test within a period of time specified by the diversion officer is a violation of diversion and may result in the referral of your case to the prosecuting attorney.
6. The commission of any additional violations of the law is a violation of the diversion program and may result in your removal from the diversion program and referral of your case to the prosecutor; the commission of additional violations of the law may also bar your ability to go through the diversion program again.
7. The diversion file, which contains the police report and standard and individual diversion terms, is private and confidential and is not open to the general public. The diversion file is available, however, to the prosecutor, law enforcement, Ada County Juvenile Court staff, community service placements, and victims.
8. Your diversion information is entered into a statewide computer system, accessible by juvenile justice personnel, the courts, prosecutors, law enforcement officers, and others who have authorized access to the system. If you have no further involvement with the juvenile court after successful completion of the diversion program, your diversion file will be destroyed, and your case will be deleted from the statewide computer system when you turn 18 years of age.
9. It should be understood that there are exceptions to confidentiality. This means the diversion officer will be required to report:
  - a. Any disclosed physical or sexual abuse
  - b. Any disclosed intent to harm yourself or another.
  - c. Any disclosed details of a crime committed that was not reported.
10. You do not have to agree to follow the standard and individual diversion terms and participate in the diversion program. However, you must understand that if you choose not to participate in diversion, the prosecuting attorney may file a charge(s) against you. If a charge is filed and you admit to or are found guilty of the charge, the potential consequences could include, but are not limited to, commitment to the Department of Juvenile Corrections, detention, placement on probation, fees, community service, waiver of Fourth Amendment Rights, loss of driving privileges, and other terms of probation deemed appropriate by the law and the sentencing judge.