

## Advice about Diversion

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. A Diversion Agreement may require you to do certain things, such as: community restitution, attend counseling, informational, restorative justice, or education sessions, pay restitution, 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 sign a Diversion Agreement, or if you are counseled and released, the offense you are charged with and any Diversion Agreement will be part of your criminal history. Your criminal history may result in: (A) future or other offenses not being handled by diversion or deferred disposition; and (B) future or other offenses resulting in more serious consequences. Your criminal history will show whether or not you have completed the terms of a Diversion Agreement. Your criminal history is accessible to the police, the prosecutor, the court, and the diversion unit.
4. 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.
5. If you sign a Diversion Agreement for an alcohol, drug, or firearm related offense, that offense can later be used as a prior offense to revoke your driving privilege should you be convicted in court of an alcohol, drug, or firearm related offense.
6. 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 have a lawyer represent you, and you will not have to pay the lawyer if you cannot afford it.
7. 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.
8. If your criminal history includes this Diversion Agreement, then upon its successful completion, the records in this case will be automatically destroyed within 90 days of becoming eligible for destruction. Records in this case become eligible for destruction when all of the following conditions exist: (1) you are 18 years or older; (2) the records consist of successfully completed diversion agreements or counsel and release agreements, or both, completed on or after June 7, 2018; and, (3) restitution is paid in full.
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