

TWIN FALLS COUNTY JUVENILE
DIVERSION PROGRAM

PARTICIPANT' S HANDBOOK

Twin Falls County
Juvenile Probation Department
650 Addison Ave. West, Suite 3100
Twin Falls ID 83301
(208) 736-4215

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Mission Statement

“We protect and serve juveniles and families by providing accountability, life skills development, and community safety.”

Program Description

The Twin Falls County Diversion Program was established under the provisions of Idaho Code, Section 20-511, which allows the Twin Falls County Prosecuting Attorney to refer juvenile cases directly to a community-based diversion process for resolution if it is deemed that the referral is in the best interest of the community and the juvenile involved. The Diversion Program operates according to the principles of Balanced and Restorative Justice (BARJ), which is the basis of the Idaho state juvenile justice statute. It is a restorative, therapeutic, and competency-building process, not a punitive (i.e., punishing) process.

The purpose of this program is to offer an alternative to the juvenile corrections system by allowing low-risk offenders to be referred to the community for assistance and direction regarding their behavior and choices. ***Participation in this program is a privilege and not a right and should be treated as such.***

It is expected that youth participating in the Diversion Program, will achieve reduced deviant and delinquent behavior, better school attendance and performance, and improved family functioning as signs of progress in the program. Specific expectations are individualized for each juvenile. The same treatment or accountability standards will not fit every participant at every stage of the process.

Eligibility Criteria

The Diversion Program has been developed for first-time offenders who have received a charge (i.e.: Status Offense, Misdemeanor, or Felony). Juveniles who are first-time offenders and require any drug and alcohol treatment may also qualify for Drug Diversion. This program is established to serve Twin Falls County residents.

Supervision

The Diversion Coordinator, Diversion Officers, and the Diversion Board members are accountable to the Deputy Prosecuting Attorney through Twin Falls County Juvenile Probation for supervision of juveniles accepted for diversion. This supervision is focused on the participant's compliance with the terms of the diversion contract that they and their parent (-s) or guardian(-s) sign. This contract sets forth what is expected of the juvenile to have the pending case closed with no court involvement.

The purpose of the terms of the contract is not to punish the juvenile but to:

1. To enable the juvenile to make amends for any harm done to individuals or the community at large through victim reconciliation and community service;
2. To advance the development of competency in vocational and life skills through continued education, vocational training, and any other competency development resources available and deemed of value to the juvenile by the Board.

It must be clearly understood by all that the role of the board is not that of a probation officer or law enforcement officer, but one of a mentor, guide, and advisor. However, the Board does have and may exercise options for both rewards and sanctions, to motivate participants in the program to avoid what is negative and pursue what is positive in their lives.

Thus, juveniles participating in the program are accountable to the Board for their decisions and actions and must understand that openness and honesty are essential for success in the program. Any problems or difficulties that arise need to be brought before the Board or, between meetings, discussed with the Diversion Coordinator **immediately**. This is especially true of any new violations and/or citations; including substance use, or any instances of non-compliance with the terms of the contract. The Board's concern is not to punish but to assist the juvenile in achieving the contract goals. Sanctions, however, may be imposed for violations, not as punishment but as correctives, to help the juvenile make better decisions and avoid future poor choices and problems.

Program Rules

The program participants shall:

1. Attend all ordered treatment sessions;
2. Be on time for treatment sessions, board meetings, community service assignments, and any other required activities or programs;
3. Not make threats toward other participants or staff or behave violently or offensively;
4. Attend all scheduled diversion meetings;
5. Not consume or possess tobacco, alcoholic beverages, or any other intoxicants or substances prohibited by law, nor be at a location where alcohol or drugs are present illegally;
6. Maintain the confidentiality of other diversion participants;
7. Have no social association with co-defendants or other juveniles/adults on diversion, drug diversion, or probation without permission from the Board, Diversion Officer, or Diversion Coordinator.

Program Fees & Restitution

As a participant in the Diversion Program, you agree to pay the \$100 Diversion Fee and all other applicable fees listed on the fee sheet. State assistance for treatment fees and expenses is available as needed. **\$100.00 Diversion Fee must be paid within 30 days of signed contract.** Unpaid fees will be turned over to collections at the end of contract.

Restitution - Restitution must be paid by the end of the Diversion Contract to complete the program successfully. If restitution is not paid, your case will be returned to the Prosecutors' office at the end of the contract term with a status of "Failed Diversion".

Urinalysis

The juvenile may be drug tested by urinalysis (UA) throughout the entire diversion process. The juvenile may be tested frequently and randomly as determined by the Intake Diversion Officer/Board. As the participant progresses through the program, tests may be required less or more frequently. A positive or “dirty” test for any intoxicants or substances prohibited by law may not alone, disqualify the juvenile from the program. No new charges will be filed as the result of any positive drug test, but sanctions may be imposed by the Board, in some cases, to help the juvenile get and stay clean.

Education and Work

The participant shall attend school, while school is in session, with no unexcused absences or tardiness, and pursue passing scores. Progress reports and attendance records shall be provided to the Board at each meeting. **Failure to do so may result in additional community service hours.** Alternatively, the juvenile shall actively pursue a GED, HSE, or other appropriate educational goals and provide progress to the board if the juvenile is not attending an accredited high school.

A participant who has graduated from High School or obtained a General Education Degree (G.E.D.) must obtain and maintain full-time employment, or be involved in positive structured activities.

Any juvenile over the age of fifteen and in school will be required to have employment or other productive activities, full-time, in the summer, when school is not in session. Summer employment requirements may be met by community service or other types of activities approved by the Board.

Diversion Program – Contract to Release or Return

The Diversion Program is a highly structured program lasting a minimum of 3 months, or longer, depending upon the juvenile’s progress. Each juvenile and parent/guardian will sign a contract with the terms of their Diversion.

Requirements of Diversion Contracts

1. Clean random UA testing;
2. Compliance with Diversion contract;
3. Full-time school with acceptable attendance and academic progress or full-time employment or part-time school with acceptable progress and part-time employment; (school progress reports are required at each meeting).
4. Compliance with mandatory curfew established by parent (-s), guardian (-s), or the Board and all city and county curfew ordinances;
5. Compliance with medical requirements;

6. Regular attendance at all individual and group counseling sessions as required by the treatment provider and all other specified groups included in the diversion contract;
7. Attendance at board meetings as directed by the board;
8. Maintenance of confidentiality;
9. No violation of any laws or ordinances;
10. No social contact with any other juveniles or adults known to be on probation or diversion, or any drug or alcohol abuser and other persons identified by the Board.
11. No unexcused absences from scheduled meetings;
12. Active participation of both juvenile and parent (-s) or guardian (-s) in treatment as required by the contract, with acceptable progress.

Community Service is defined as voluntary work for the community with **no** financial compensation. This is your opportunity to give back to the community. Community Service work can be scheduled through Juvenile Probation with the Work Crew Supervisor or with any board-approved 501c3 Non-Profit Organization.

****If the juvenile produces a positive urinalysis during Diversion, house arrest, community service hours, an education class, and any other sanction deemed appropriate by the Board or Coordinator may be ordered and must be completed successfully to move forward.***

***The Board/Coordinator may require a GAIN Assessment
(Global Appraisal of Individual Needs)
and placement in the Drug Diversion Program if treatment is recommended***

To complete the Diversion Program successfully, the juvenile must meet the requirements and terms outlined in this handbook and complete the terms of the contract and the following requirements:

1. Satisfactorily complete the terms of the contract;
2. Complete all Community Service Hours;
3. Pay all fines and fees;
4. Pay all Restitution as ordered;

Rewards

The following list is not all-inclusive but does represent some of the rewards offered for positive performance in the program.

1. Gift cards
2. Verbal Praise
3. Later curfew times
4. Less frequent UAs
5. Furlough from meeting due to good behavior
6. Candy bar

Sanctions

The following list of sanctions is not all-inclusive but does represent some of the consequences of poor performance in the program.

1. Additional community service hours
2. Temporary loss of personal items or privileges
3. Reading or writing assignments
4. More frequent UAs
5. Completion of online education course(s)
6. Increased number of counseling sessions or meetings
7. Home detention (house arrest)
8. Staffing of case with Juvenile Probation Supervisor and Diversion Coordinator
9. Earlier curfew established
10. Suspension from the Diversion program
11. Dismissal from the Diversion program and the return of the case to the Prosecutor

Termination from Program

If a juvenile receives a new charge or tests positive for any illegal substance, the original charge may be returned to the Prosecuting Attorney for further action.

This is a voluntary program. Any participant, at any time, is free to withdraw from the program. The Diversion Board or Diversion Officer, has the discretion to make termination decisions. Youth may be suspended/terminated at any time and will require the case to be staffed with the Juvenile Probation Supervisor, Diversion Coordinator, or Prosecutor. If a youth withdraws or is terminated for non-compliance, the youth's original charge will be returned to the Prosecuting Attorney and formal charges may be filed.

Completion of Diversion

Upon successful completion of the criteria outlined in the contract and any addendums to the contract, the juvenile will be released from Diversion by the Board. Before release, the juvenile must fulfill all financial obligations to the Diversion Board, treatment programs, and restitution.

The juvenile who fulfills all but the financial obligations ***will not be released from Diversion***, and all legal benefits remain on hold until these obligations are satisfied.

Dismissal of Underlying Charges

Upon completion of the Diversion Program, the underlying charge for which the case was sent to diversion will not be filed with the Court. (*Note: For those cases that start in court and were diverted - The Juvenile and Parent/Guardian may petition the court to have the record expunged once the youth turns 18*)

Conclusion

The Diversion Program is designed to promote awareness, self-sufficiency, and accountability. The goal is to return the juvenile to the community as a productive and responsible member. The program is voluntary. The Board, the Coordinator, and the education components are present to guide and assist the participant, but the final responsibility is the juveniles. The juvenile must be motivated to take responsibility, learn from their mistakes, and make positive changes to better their life.

*This Handbook is intended to assist the Juvenile and Parent/Guardian with the expectations of the Twin Falls County Juvenile Diversion Program. All terms and conditions herein are subject to change at any time and interpretation by the Diversion Board, Coordinator, and Director of Juvenile Probation.
This Handbook is also meant to be a guide for Diversion Volunteers.*

PHONE NUMBERS

Twin Falls County Juvenile Probation (208) 736-4215

David Overacre, Diversion Coordinatorext. 3120

Deziree Skeen, Diversion Officer ext. 2501

Trent Kobayashi, Diversion Officer ext. 3114

Community Service Supervisor.....ext. 3125

Kevin Sandau, Chief Probation Officerext. 3117

HANDBOOK ACKNOWLEDGEMENT

I acknowledge that I am being granted this opportunity for the Diversion Program in lieu of being criminally prosecuted. I have received a copy of the Diversion Program Handbook.

Juvenile

Date

I acknowledge that my child is being granted this opportunity for the Diversion Program in lieu of being criminally prosecuted. I have received a copy of the Diversion Program Handbook.

Parent(s)

Date