

# Are You Getting Credit for Your Diversions?

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INFORMAL ADJUSTMENT

PRETRIAL DIVERSION

JUDICIAL DIVERSION

MONTHLY QUEST MEETING

OCTOBER 21, 2021

	INFORMAL ADJUSTMENT	PRETRIAL DIVERSION	JUDICIAL DIVERSION
	TCA 37-1-110, RULE 201	TCA 37-1-110, RULE 202	TCA 37-1-129, RULE 209
Timeline (Judge approves extension)	 (6 mos. max) 3 mos. + 3 mos. extension	 (12 mos. max) 6 mos. + 6 mos. extension	 (12 mos. max) 6 mos. + 6 mos. extension
Court Appearance or Agreement Outside of Court	  Parties sign an Informal Adjustment Agreement (no court appearance)	  Parties sign a Pretrial Diversion Agreement (court appearance optional)	 Parties appear before the Court
Admission / Plea	 No admission or plea	 No admission or plea	 Child pleads guilty or no contest. Plea is not entered as judgement.
Judicial Approval	 No Judicial approval (except for extension)	 Requires Judicial approval	 Judicial Diversion Order is entered

# ADDING DIVERSION

✓ Update **Case Status**

- Case status history	<a href="#">Close case</a>	<a href="#">Top</a>
2/17/2021 - Pretrial Diversion		
2/12/2021 - Case Filed		

*Note: If using diversion documents in Quest, this will update automatically.*

✓ IA and PTD:  
Update Filed Statute  
**Disposition**

- Filed statutes	<a href="#">Top</a>	<a href="#">Get from another Add</a>		
Count	Petition	Plea	Disposition	
1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor; Filed 2/12/2021	21-000009		PTD	

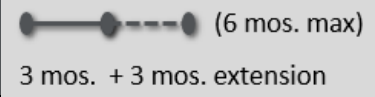
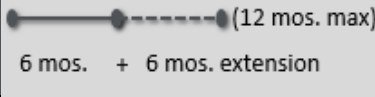
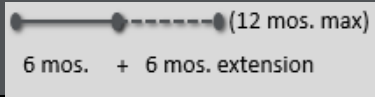
✓ Judicial Diversion:  
Update **Plea** and  
Filed Statute  
**Disposition**

- Filed statutes	<a href="#">Top</a>	<a href="#">Get from another Add</a>		
Count	Petition	Plea	Disposition	
1 - Possession/Consumption of Alcohol (TCA 57-4-203, 1-3-113), a Misdemeanor; Filed 7/9/2021		Guilty	Jud Div	

✓ Add **Requirement** for  
Diversion

- Requirements	<a href="#">Top</a>	<a href="#">Add</a>		
Assigned	Requirement	Start	Status	Status date
2/17/2021	Pretrial Diversion	2/17/2021 237 days		

# EXTENDING DIVERSION

INFORMAL ADJUSTMENT	PRETRIAL DIVERSION	JUDICIAL DIVERSION
 <p><b>File Request to Extend Informal Adjustment w/ Judicial Approval.</b></p> <p>Must be filed BEFORE 3-month date.</p> <p>Parties must agree to extension or must be set for hearing.</p>	 <p><b>File Motion to Extend Pretrial Diversion &amp; Order.</b></p> <p>Must be filed BEFORE 6-month date.</p> <p>Parties must agree to extension or must be set for hearing.</p>	 <p><b>File Motion to Extend Judicial Diversion &amp; Order.</b></p> <p>Must be filed BEFORE 6-month date.</p> <p>Parties must agree to extension or must be set for hearing.</p>

- ✓ **If Extension is granted**, the order must state **what conditions remain open** and why it is in the **child's best interest** to extend diversion. A case status is added, and a new end date is added to the diversion requirement.
- ✗ **If Extension is denied**, the petition is either **dismissed** (and case dismissed) OR the original petition is **set for an adjudicatory hearing**.

# EXTENDING DIVERSION

- ✓ Update **Case status** to show extended.

- Case status history	Close case	Top
<hr/>		
8/13/2021 - Pretrial Diversion Extended		
<hr/>		
2/17/2021 - Pretrial Diversion		
<hr/>		
2/12/2021 - Case Filed		
<hr/>		
- Case number history	Top	
<hr/>		
2021JD000002		
<hr/>		

*Note: If using diversion documents in Quest, this will update automatically.*

- ✓ Add the **new end date** to the requirement. (The total length cannot be longer than 6 months for informal or 12 months for PTD/JD.)

Assigned date	Requirement type	Start date	Scheduled end	New end	Status	Status date
<hr/>						
Add a new requirement						
<hr/>						
2/17/2021	Pretrial Diversion	2/17/2021	8/16/2021	2/17/2022		
<hr/>						

# VIOLATION OF DIVERSION

INFORMAL ADJUSTMENT	PRETRIAL DIVERSION	JUDICIAL DIVERSION
<p>File <b>Notice of Termination of Informal Adjustment</b> and send copy to parties.</p> <p>Original Petition/Citation may be set for adjudicatory hearing, serve parties.</p>	<p>Add <b>new incident and filed statute</b> to case: Incident = “Violation” and filed statute = “Violation of Pretrial Diversion”.</p> <p>File <b>Petition - Violation of PTD/JD</b></p> <p>Set for violation hearing, serve parties.</p>	<p>Add <b>new incident and filed statute</b> to case: Incident = “Violation” and filed statute = “Violation of Judicial Diversion”.</p> <p>File <b>Petition - Violation of PTD/JD</b></p> <p>Set for violation hearing, serve parties.</p>



*Note: Filing a violation **does not** extend the diversion’s time constraint.*

# VIOLATING DIVERSION

- ✓ Add the **violation incident**, which will prompt you to add the violation filed statute.
- ✓ **Schedule** the violation for hearing.

- Case related incidents		Top	Get from another	
			Add	
9/12/2021 1:24:10 PM - Violation referred by McNairy County Youth Services				
1 - Violation of Pretrial Diversion (TCA 37-1-110), a Violation				
2/12/2021 1:09:06 PM - Law Enforcement referred by McNairy County Sheriff's Office				
1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor				
- Filed statutes		Top	Get from another	
			Add	
Count		Petition	Plea	Disposition
1	Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor; Filed 2/12/2021	21-000009		PTD
2	Violation of Pretrial Diversion (TCA 37-1-110), a Violation; Filed 9/12/2021	21-000011		Open

# VIOLATION HEARING

## PRETRIAL DIVERSION

## JUDICIAL DIVERSION

### Prepare **Order of Violation of Pretrial Diversion**

The Judge has the following options:

- a. Find the child violated Pretrial Diversion
- b. Continue the child on Pretrial Diversion
- c. Extend the Pretrial Diversion
- d. End the Pretrial Diversion and dismiss the petition
- e. Have an adjudicatory hearing on the original petition and
  - Child enters a plea or hold an adjudicatory hearing
  - Dismiss the offense(s) OR find the child guilty of the offense(s)
  - Enter Disposition or dismiss case.

### Prepare **Order of Violation of Judicial Diversion**

The Judge has the following options:

- a. Find the child violated Judicial Diversion
- b. Continue the child on Judicial Diversion
- c. Extend the Judicial Diversion
- d. End the Judicial Diversion
- e. Have a dispositional hearing on the original petition and
  - Enter the judgement finding the child guilty of the offense(s) and finding the child to be delinquent or unruly, and enter Disposition.



# VIOLATION HEARING - Adjudication

If the child is found to have violated the diversion and the court adjudicates on the original offense(s):

- ✓ Add a **case status** of adjudication.

- Case status history	Close case	Top
9/28/2021 - Adjudicated; Delinquent Child		
8/13/2021 - Pretrial Diversion Extended		
2/17/2021 - Pretrial Diversion		
2/12/2021 - Case Filed		

*Note: If using diversion documents in Quest, this will update automatically.*

- ✓ **Change the disposition on the filed statute** from Diversion to Guilty.

- Filed statutes	Top	Get from another Add		
Count	Petition	Plea	Disposition	
1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor; Filed 2/12/2021	21-000009		Guilty	
2 - Violation of Pretrial Diversion (TCA 37-1-110), a Violation; Filed 9/12/2021	21-000011		Guilty	

- ✓ Close the diversion **requirement** with Failed.
- ✓ Add a **new requirement** of probation, if ordered.

- Requirements	Top	Add		
Assigned	Requirement	Start	Status	Status date
2/17/2021	Pretrial Diversion	2/17/2021	Failed to Complete Successfully	9/28/2021

# DISMISSING DIVERSION

INFORMAL ADJUSTMENT	PRETRIAL DIVERSION	JUDICIAL DIVERSION
<p>If a compliant was filed, YSO closes the complaint/case OR If a petition/citation was filed, YSO files <b>Motion to Dismiss Diversion and Order Granting.</b></p>	<p>File <b>Motion to Dismiss Diversion and Order Granting.</b></p>	<p>File <b>Motion to Dismiss Diversion and Order Granting.</b></p>

# DIVERSION DISMISSED

If the child completes the diversion, the original petition/citation is dismissed.

*Note: If using diversion documents in Quest, this will update automatically.*

- ✓ Update **Case status** to show dismissed

- Case status history	<a href="#">Close case</a>	<a href="#">Top</a>
9/28/2021 - Dismissed; Successfully Completed Pretrial Diversion		
8/13/2021 - Pretrial Diversion Extended		
2/17/2021 - Pretrial Diversion		
2/12/2021 - Case Filed		

- ✓ **Filed statute disposition DOES NOT CHANGE**

- Case number history	<a href="#">Top</a>
2021JD000002	

*Judicial Diversions will show a plea*



- Filed statutes	<a href="#">Top</a>			<a href="#">Get from another Add</a>
Count		Petition	Plea	Disposition
1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor; Filed 2/12/2021		21-000009		PTD

- ✓ Close the Diversion **requirement** as successfully completed.

- Requirements	<a href="#">Top</a>				<a href="#">Add</a>
Assigned	Requirement	Start	Status	Status date	
2/17/2021	Pretrial Diversion	2/17/2021	Successfully Completed	9/28/2021	

# OPEN FOR FEE COLLECTION

✓ Update **Case Status**

- Case status history	<a href="#">Close case</a>
<u>8/20/2019 - Open for Payment</u>	
<u>3/19/2019 - Judicial Diversion</u>	
<u>1/29/2019 - Case Filed</u>	

This case status is considered closed for reporting purposes.

✓ Do NOT change Filed Statute **Disposition**

- Filed statutes			<a href="#">Get from another Add</a>
Count		Plea	Disposition
1	Domestic Assault (TCA 39-13-111), a Misdemeanor; Filed 1/29/2019	Guilty	Jud Div

✓ Close Diversion **Requirement**

- Requirements					<a href="#">Add</a>
Assigned	Requirement	Start	Status	Status date	
3/19/2019	Judicial Diversion	3/19/2019	Successfully Completed	9/17/2019	
3/19/2019	Administrative Fee - Court Appointed Counsel	3/19/2019	(Balance: \$50.00)		
3/19/2019	Court Costs	3/19/2019	(Balance: \$190.00)		

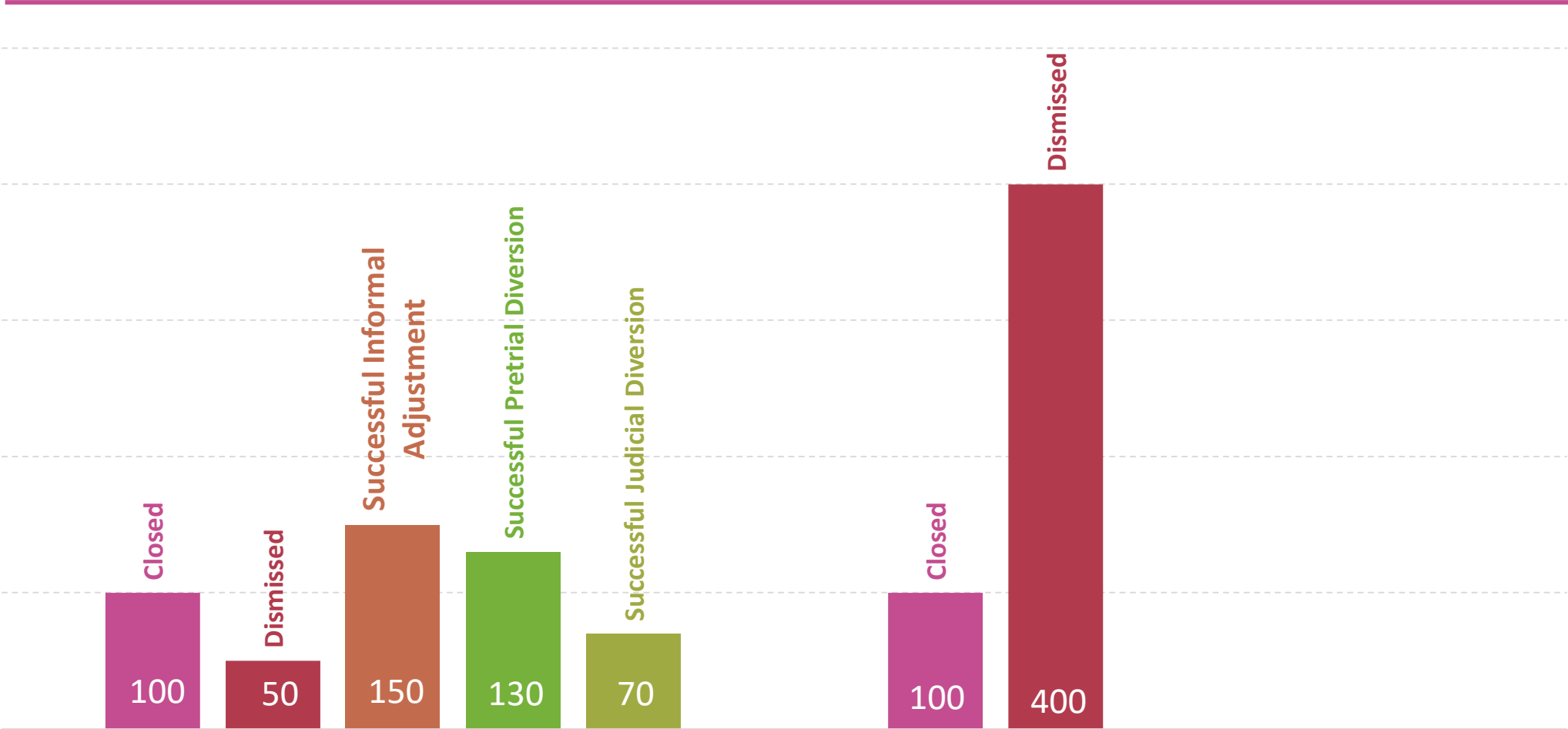
# Are You Getting Credit For Your Diversions?

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Things to avoid:

- ✓ Do not hold the case open, order the child to complete requirements, then retire or dismiss the case.
  - **Instead, place the child on diversion.**
- ✓ Not adding a diversion case requirement.
- ✓ Not updating the filed statute disposition to reflect diversion.
- ✓ Not closing cases or requirements upon completion.
- ✓ When only fees are owed, not closing requirements and updating case status (“held open for payment”).

# Diversions: County A vs County B



County A

County B