

JUDICIAL DIVERSION

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1. Add the child as a person in Quest with address, contact numbers, and relatives.
2. Add the case.
3. Add case number (docket number)
4. Add case related incident (automatically adds filed statute and petitioner)
5. Add event - for court hearing or intake conference
6. Add document - Petition/Citation and Summons, if needed.

Risk & Needs Assessment

7. Effective 7/1/19, T.C.A. § 37-1-129 requires validated risk and needs assessment to determine probation conditions for a judicial diversion of a delinquent offense.
8. If pre-adjudication assessment is desired the family must sign a waiver agreeing.
 - a. Add a document: Waiver for Pre-Disposition Risk & Needs Assessment.
9. After adjudication, the assessment must be completed within 7 days if it is a delinquency offense.

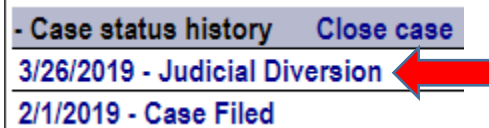
Waiver of Attorney

10. Waiver of Attorney – have them sign one if the offense is something for which they could be removed from the home.
 - a. T.C.A. § 37-1-126 provides that a child is entitled to be represented by an attorney in any delinquent proceeding. A child is entitled to an attorney when charged with an unruly offense when the child is in jeopardy of being removed from the home pursuant to T.C.A. § 37-1-132(b).

Judicial Diversion Order


11. The parties must appear before the court and the child must enter a plea of guilty or no contest. The Court accepts the plea but does not enter a judgment of guilty and the child shall not be found delinquent. When the Order is FINISHED it will do the following:

- a. Add a Case status of judicial diversion.



- b. Add a Deadline to “check diversion status” out 150 days.

- Open Deadlines for Sumner County Juvenile Court

9/28/2019 3:41:16 PM - Check Diversion Status 

- c. Update the Filed statute plea to guilty or no contest, whichever is selected in the order.
- d. Update the Filed statute disposition to “judicial diversion”. (this puts it on the monthly state statistical report)

(note-the order will only automatically update the plea and disposition if they are all the same. If count 1 is dismissed and count 2 and 3 are placed on judicial diversion, you will need to manually update this area.)

- Filed statutes Top				
Name	Count	Petition	Plea	Disposition
Albert Ingalls	1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor; Filed 2/1/2019		Guilty	Jud Diversion

- e. Add Requirements selected in the order, including one for Judicial Diversion with a scheduled end date out 180 days. (May be extended an additional 6 months)

- Requirements Top				
Name	Assigned	Requirement	Start	Status
Albert Ingalls	3/26/2019	County Probation	3/26/2019 37 days	
Albert Ingalls	3/26/2019	Judicial Diversion	3/26/2019 37 days	
Albert Ingalls	3/26/2019	Insight Program	3/26/2019 37 days	
Albert Ingalls	3/26/2019	Alcohol and Drug Assessment	3/26/2019 37 days	
Charles Ingalls	3/26/2019	Court Costs	3/26/2019 37 days	(Balance: \$106.00)
Charles Ingalls	3/26/2019	Fines	3/26/2019 37 days	(Balance: \$50.00)

Requirement type:*

Requirement code:*

Provider:

Assigned date: Start date:

Scheduled end date: New end date:

- f. Adds a Supervision Level of Judicial Diversion.
- g. Adds a supervising officer to the names assigned to the case.

Motion to Extend Judicial Diversion

12. If you need to extend the judicial diversion and the family is in agreement with the extension, a Motion is submitted to the Judge who may approve the extension. If the family is not in agreement, you must schedule a hearing on the motion where the family has an opportunity to be heard.
13. Court may extend a JD past original 6 months (not to exceed an additional 6 months) if the court order:
 - a. States that it is in the best interest of the child that a condition or conditions of judicial diversion remain in effect; and
 - b. Specifies the condition or conditions that remain in effect and why that continued effectiveness is in the best interest of the child.
14. If the Motion is granted:
 - a. The old deadline is closed and a new one added to remind you to check the diversion status 180 days from the date of the order extending.
 - b. The Judicial diversion requirement is updated with a new end date out 360 days from the original JD agreement date.
 - c. A new case status is added that shows the JD was extended.


- Case status history	Close case	Top
5/2/2019 - Judicial Diversion Extended		
3/26/2019 - Judicial Diversion		
2/1/2019 - Case Filed		

Motion to Dismiss Delinquency Petition

15. Once the child successfully completes the judicial diversion, you must file a Motion to Dismiss the Petition/Citation.
 - a. The document is finished, file stamped, and electronically sent to the Judge for approval.
 - b. The document will prompt you to ensure all the requirements are closed. Finishing this document will close the case.
 - c. The Case Status will reflect that the case was dismissed because the child successfully completed judicial diversion.


- Case status history	Close case	Top
5/2/2019 - Dismissed; Successfully Completed Judicial Diversion		
3/26/2019 - Judicial Diversion		
2/1/2019 - Case Filed		

- d. The Filed statute disposition of judicial diversion will remain, so we don't lose that statistic.



Count	Petition	Plea	Disposition
1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor; Filed 2/1/2019		Guilty	Jud Diversion

- e. All the requirements are closed with the appropriate status.




Name	Assigned	Requirement	Start	Status	Status date
Albert Ingalls	3/26/2019	County Probation	3/26/2019	Successfully Completed	5/2/2019
Albert Ingalls	3/26/2019	Judicial Diversion	3/26/2019	Successfully Completed	5/2/2019
Albert Ingalls	3/26/2019	Insight Program	3/26/2019	Successfully Completed	5/2/2019
Albert Ingalls	3/26/2019	Alcohol and Drug Assessment	3/26/2019	Successfully Completed	5/2/2019
Charles Ingalls	3/26/2019	Court Costs	3/26/2019	Paid in Full	5/2/2019
Charles Ingalls	3/26/2019	Fines	3/26/2019	Paid in Full	5/2/2019

Letter closing Judicial Diversion

16. The Clerk will send the family a copy of the Motion to Dismiss and Order Granting, but you may want to send a letter informing the family that the child successfully completed the judicial diversion and print a Motion for Expunction of Juvenile Court Records for the child to file in a year.

Violation of Judicial Diversion

17. Add an incident – Violation of Judicial Diversion. Do not add yourself as the officer as you are already on the case as the YSO or PO. Incident date should be today's date and time.

Incident date/time: 

Incident type:*

Referring agency:*

Location:

Geocode:

Incident ID: Blood alcohol content:

Cases: Albert Ingalls: Case 1 - Defendant - 83SCJ-2019-JR-3 (IJD)

Notes:

Officer:

OR

Officer role:


Click the **Update** button to save your work.

Add the statute.

Count:

Agency/attempt indicator:

Statute:* List statutes containing:*

Date/time occurred: 

Location occurred:

Geocode:

Citation number:

Item type:

Item amount: Limit: Measure:

Click the **Update** button to save your work.

Click the **Cancel** button to return to the Incident Detail screen, Click the **Cancel** button again to return to the Case Detail screen.

Adding the Incident automatically adds the Filed statute.

- Case related incidents		Top
Albert Ingalls	5/2/2019 9:45:43 AM - Violation referred by Sumner County Youth Services 1 - Violation of Judicial Diversion (TCA 37-1-129), a Violation	
Albert Ingalls	2/1/2019 3:23:11 PM - Law Enforcement referred by Sumner County Sheriff's Department 1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor	
- Filed statutes		Top
Name	Count	Petition
Albert Ingalls	1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor; Filed 2/1/2019	Guilty
Albert Ingalls	2 - Violation of Judicial Diversion (TCA 37-1-129), a Violation; Filed 5/2/2019	Open

18. Schedule Hearing on violation – add event.

- Last 20 Events				Top	Add
Event date/time	Event type	Court	Disposition		
8/5/2019 9:00 AM	Violation Hearing	Judge Howard			
3/26/2019 8:30 AM	Adjudicatory/Dispositional Hearing	Judge Howard	Heard by Judge		

19. Add document – Petition – Violation of PTD/JD with Summons if necessary.

20. At the Violation hearing, if the child is adjudicated a delinquent child,

- a. The requirements are closed as unsuccessful,
- b. A case status is added that shows the child was adjudicated.

- Case status history	Close case	Top
5/2/2019 - Adjudicated; Delinquent Child		
3/26/2019 - Judicial Diversion		
2/1/2019 - Case Filed		

- c. The filed statute disposition must be changed to guilty. This is the only time we would change the filed statute disposition.

Count	Petition	Plea	Disposition
1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor; Filed 2/1/2019		Guilty	Guilty
2 - Violation of Judicial Diversion (TCA 37-1-129), a Violation; Filed 5/2/2019			Guilty

FORMS

Waiver of Attorney

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-3

Albert Quinn Ingalls - DOB 6/21/2003 AGE 15 years

A child under 18 years of age
(at the time of the offense)

STATEMENT OF RIGHTS

Appearing before the Juvenile Court, you have the following rights:

1. The right to be present during the hearing of this case.
2. The right to present my own testimony.
3. The right to have witnesses subpoenaed.
4. The right to cross-examine witnesses against me.
5. The right to have an attorney at each stage of the proceedings against me.
6. The right to appointed counsel.
7. The right to remain silent.
8. The right to not incriminate myself.
9. The right and method for appeal and time requirements as to appeal.
10. To know the maximum penalties the Court may impose.
11. The right to plead "Not Guilty".
12. If a plea of "Guilty" is entered, the only evidence taken will be for the purpose of verifying the plea and for disposition (sentencing) purposes.
13. If a plea is entered acknowledging guilt, I may be asked questions by the Court concerning the conduct.
14. Prior findings of delinquent or unruly behavior may be used against me in determining treatment of rehabilitation at disposition.
15. This case may be used to enhance future offenses if I am again brought to Court for later offenses.
16. There must be some factual basis for a guilty plea entered.
17. The plea must be voluntary and independently made.
18. If I plea guilty or no contest I waive my right to appeal the adjudication (plea). If the plea includes an agreement as to the disposition (sentence), I also waive the right to appeal the disposition (sentence).
19. The right of access to recording of the hearing.

WAIVER OF ATTORNEY

- I am not waiving my right to an attorney.
- I am waiving my right to an attorney and understand that:

1. I understand the charge(s) against me and what they mean.
2. I know that I have the right to get help from a lawyer about the charge(s) against me. If I choose not to get help from a lawyer now, I have the right to get help from a lawyer later while my case is still open.
3. I know that if I cannot pay for a lawyer, the Court will get me one for free.
4. I had the chance to ask questions about my right to get help from a lawyer. All my questions were answered.
5. I do not want a lawyer right now.

Child's Signature

Date

Parent, Guardian, Legal Custodian's Signature

Date

Written Agreement for Pre-Disposition Assessment

IN THE JUVENILE COURT OF CHESTER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-3

Albert Quinn Ingalls - DOB 6/21/2003 AGE 15 years

A child under 18 years of age

(at the time of the offense)

WRITTEN AGREEMENT FOR PRE-DISPOSITION RISK AND NEEDS ASSESSMENT

Tennessee law requires that you have a risk and needs assessment if you are placed on judicial diversion or found guilty and placed on probation for a delinquent charge. A delinquent charge is a charge that would be a crime if you were an adult.

The assessment is used in making decisions and recommendations about what you will be ordered to do while on probation. It is a tool that measures things in your life where you might need help so that you do not get into further trouble.

The judge may order that the assessment be done before you are placed on judicial diversion, found guilty by the judge, or before anything further happens in court if you, your parent or legal guardian, and attorney (if you have an attorney) agree in writing for you to take the assessment. If you agree to take the assessment, the judge may look at it before any court hearing or trial on your charges.

By signing this document, you are agreeing that you have read this form and have asked questions about anything you do not understand. You have been provided answers so that you understand. You agree to take the assessment before any hearing on your charges.

	7/11/19		7/11/19
_____ Laura Ingalls 126 Crook Avenue Henderson, TN 38340 Cell: 931-985-2654	Date	_____ Caroline Ingalls (Mother - Legal Custody)	Date

	7/11/19		7/11/19
_____ Charles Ingalls (Father - Legal Custody)	Date	_____ Leslie Kinhead (Appointed Attorney for Laura Ingalls)	Date

Judicial Diversion Order

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-3

Albert Quinn Ingalls - DOB 6/21/2003 AGE 15 years

A child under 18 years of age
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor

JUDICIAL DIVERSION ORDER

This matter came on to be heard on 26th day of March, 2019, before the Honorable David R. Howard, upon petition filed alleging the above offense(s). Those present were Albert Quinn Ingalls, Caroline Ingalls (Mother), Charles Ingalls (Father) and Ty Wilson (Petitioner).

THE COURT FINDS:

1. The child was advised of the charge(s) against him and of his right to a hearing and an attorney. The child was also advised of his right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to him.
2. The child executed a Waiver of Right to Counsel with written waiver duly filed.
3. The child entered a plea of guilty to the above-mentioned offense(s).
4. This plea is voluntary and not the result of force or threats or promises apart from a plea bargain agreement. The Court accepts the child's plea pursuant to a judicial diversion for the offense(s) of Simple possession or casual exchange.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that:

1. The child shall be placed under the supervision of the Sumner County Juvenile Court on supervised county juvenile probation. Said child and parent(s)/guardian(s) shall comply respectfully with any and all the lawful and reasonable requests of the probation officer and any and all the rules of county juvenile probation.
2. The child shall complete a drug and alcohol assessment, follow any and all recommended treatment and provide the Court with proof of completion.
3. You are referred to Insight.
4. Charles Ingalls (Father of Albert Quinn Ingalls) will pay: Court costs in the amount of \$64.00. Sumner County Sheriff Service in the amount of \$42.00. A Juvenile Fine in the amount of \$50.00.
5. All fees and costs are to be paid to the Sumner County Court Clerk. Payments may be made by cash or money order.

6. This matter shall be scheduled for September 24, 2019 at 9:00 AM. The child and parent, guardian, or legal custodian(s) need not appear if the child has complied with the aforesaid Order.

ENTERED this 26th day of March, 2019.

David R. Howard

The Honorable David R. Howard
(TCA Â§ 16-1-115)

CERTIFICATION OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by United States mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this 1st day of May, 2019:

Caroline Ingalls, 654 S Maple Ave, Gallatin, TN 37066
Charles Ingalls, 356 W Main St, Gallatin, TN 37066

Kathryn Strong

Kathryn Strong
Juvenile Court Clerk

Motion to Extend and Order Approving – Parties Agree

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-3

Albert Quinn Ingalls - DOB 6/21/2003 AGE 16 years

A child under 18 years of age
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor

MOTION TO EXTEND JUDICIAL DIVERSION

Comes now Karlene Thompson, Probation Officer, and moves this Honorable Court to extend the judicial diversion process of the above-named child for an additional six (6) months to give the child time to complete the provisions of the judicial diversion as follows:

Albert contracted pneumonia shortly after being placed on judicial diversion. He has been unable to complete the Insight Probation due to this illness. If we could extend the judicial diversion for an additional six (6) months, he would be able to complete this program which would be so helpful to him.

Dated: July 31, 2019

Karlene Thompson, Probation Officer

The undersigned hereby stipulate to the reasons set forth above for extending the judicial diversion an additional six (6) months and agree that this is in the best interests of the child. We understand that we do not have to agree with the extension and have a right to a hearing to oppose the extension, which we hereby waive.

_____ Albert Quinn Ingalls	7/31/19 Date	_____ Caroline Ingalls (Mother - Legal Custody)	7/31/19 Date
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APPROVAL OF MOTION TO EXTEND JUDICIAL DIVERSION

The Court having reviewed the Motion to Extend Judicial Diversion now finds and orders as follows:

1. The child was initially placed on judicial diversion on March 26, 2019.
2. The child's judicial diversion shall be extended for an additional six (6) months.
3. The following condition(s) of judicial diversion shall remain in effect: Insight Program
4. It is in the best interest of the child that those conditions remain in effect because the child needs the information this program provides.

ENTERED this 31st day of July, 2019.

The Honorable David R. Howard
Juvenile Court Judge
(T.C.A. § 16-1-115)

Motion to Extend - Parties do NOT agree

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-3

Albert Quinn Ingalls - DOB 6/21/2003 AGE 16 years

A child under 18 years of age
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor

MOTION TO EXTEND JUDICIAL DIVERSION

Comes now Karlene Thompson, Probation Officer, and moves this Honorable Court to extend the judicial diversion process of the above-named child for an additional six (6) months to give the child time to complete the provisions of the judicial diversion as follows:

Albert contracted pneumonia shorter after being placed on judicial diversion. He has been unable to complete the Insight Probation due to this illness. If we could extend the judicial diversion for an additional six (6) months, he would be able to complete this program which would be so helpful to him.

Dated: July 31, 2019

Karlene Thompson, Probation Officer

NOTICE

Please take notice that this motion is scheduled in the Sumner County Juvenile Court located at 225 E Main St, Gallatin, TN 37066, for **Motion to Extend on August 5, 2019 at 9:00 AM**, or as soon thereafter as the Court's business will allow.

CERTIFICATION OF SERVICE

I hereby certify that a true and exact copy of the order has been delivered by United States mail, by personal service, by email or facsimile if service is so accepted, to the individuals listed below this 31st day of July, 2019:

Caroline Ingalls, 636 E Main St., Gallatin, TN 37066
Charles Ingalls, 356 W Main St, Gallatin, TN 37066

Karlene Thompson
Juvenile Court Officer

Order Granting Motion To Extend – After hearing

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-3

Albert Quinn Ingalls - DOB 6/21/2003 AGE 16 years

A child under 18 years of age
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor

ORDER TO EXTEND JUDICIAL DIVERSION

This matter came on to be heard on 5th day of August, 2019, before the Honorable David R. Howard, upon Motion to Extend Judicial Diversion.

Those present were Albert Quinn Ingalls, Caroline Ingalls (Mother) and Charles Ingalls (Father).

The Court, having considered the testimony and evidence presented and the entire record, finds as follows:

1. The child was advised of the charge(s) against him and of his rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.
2. The child executed a Waiver of Right to Counsel with written waiver duly filed.
3. The child was initially placed on Judicial Diversion on March 26, 2019.
4. The Motion to Extend Judicial Diversion is granted. Judicial Diversion shall be extended for an additional six (6) months.
5. The following condition(s) of probation shall remain in effect: Insight Program
6. It is in the best interest of the child that those conditions remain in effect because the child needs the information this program provides.

ENTERED this 31st day of July, 2019.

The Honorable David R. Howard
Juvenile Court Judge
(T.C.A. § 16-1-115)

Order Denying Motion To Extend – After hearing

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-3

Albert Quinn Ingalls - DOB 6/21/2003 AGE 16 years

A child under 18 years of age
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor

ORDER DENYING MOTION TO EXTEND JUDICIAL DIVERSION

This matter came on to be heard on 5th day of August, 2019, before the Honorable David R. Howard, upon Motion to Extend Judicial Diversion.

Those present were Albert Quinn Ingalls, Caroline Ingalls (Mother) and Charles Ingalls (Father).

The Court, having considered the testimony and evidence presented and the entire record, finds as follows:

1. The child was advised of the charge(s) against him and of his rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.
2. The child executed a Waiver of Right to Counsel with written waiver duly filed.
3. The child was initially placed on Judicial Diversion on March 26, 2019.
4. The Court finds that it is not in the best interest of the child that Judicial Diversion be extended.
5. The Motion to Extend Judicial Diversion is denied.
6. The child shall be discharged from judicial diversion.
7. The petition filed in this case is dismissed with prejudice.

ENTERED this 31st day of July, 2019.

The Honorable David R. Howard
Juvenile Court Judge
(T.C.A. § 16-1-115)

CERTIFICATION OF SERVICE

Motion to Dismiss Delinquency Petition & Order Granting

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-3

Albert Quinn Ingalls - DOB 6/21/2003 AGE 16 years

A child under 18 years of age
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor

MOTION TO DISMISS

Comes now Karlene Thompson, Probation Officer, and moves this Honorable Court to dismiss the petition in this case.

The child, Albert Quinn Ingalls, has successfully completed the provisions of the judicial diversion.

Dated: July 15, 2019



Karlene Thompson, Probation Officer

ORDER GRANTING MOTION TO DISMISS

The Court having reviewed the Motion to Dismiss and the entire record now **ORDERS** that the Motion to Dismiss be granted. The petition filed in this case is dismissed with prejudice.

ENTERED this 15th day of July, 2019.

The Honorable David R. Howard
Juvenile Court Judge
(T.C.A. § 16-1-115)

Letter closing Judicial Diversion

Sumner County Youth Services

225 E Main St, Gallatin, TN 37066

Phone: (615)-451-6016

May 2, 2019

Caroline Ingalls
654 S Maple Ave
Gallatin, TN 37066

RE: Albert Quinn Ingalls (5/1; 83SCJ-2019-JR-3)

This letter is notification that Albert Quinn Ingalls successfully completed the Judicial Diversion.

Although the Judicial Diversion is now dismissed, a juvenile record still exists. If you wish to request expungement of this juvenile record, you can do so after one (1) year by filing the enclosed motion with the Juvenile Court Clerk. There is no cost for filing this petition.

If you have any questions regarding this release from Judicial Diversion, please feel free to contact our office.

Sincerely,

Karlene Thompson,

Motion for Expunction of Juvenile Court Records

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-3

Albert Quinn Ingalls - DOB 6/21/2003

A child under 18 years of age
(at the time of the offense)

MOTION FOR EXPUNCTION OF JUVENILE COURT RECORDS

COMES, Albert Quinn Ingalls - DOB 6/21/2003, pursuant to T.C.A. § 37-1-153(f), and moves this Court for an order of expunction of the juvenile court records related to Case No. 83SCJ-2019-JR-3, involving the violation of the following statutes/ordinances: Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor.

In support of this Motion, movant states that: The case was disposed by an informal adjustment, pretrial diversion, or judicial diversion, and it has been at least 1 year since I successfully completed the informal adjustment, pretrial diversion, or judicial diversion.

Respectfully submitted,

Dated: _____

Albert Quinn Ingalls, Child

Dated: _____

Parent, Guardian or Legal Custodian

Violation Petition

**VIOLATION PETITION
IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE**

LF#/Docket# 83SCJ-2019-JR-3

In the matter of Albert Quinn Ingalls (5) D.O.B. June 21, 2003

(A child under the age of 18 years)

It being in the best interest of the child and the public that these proceedings be brought, your petitioner, **Karlene Thompson**, Sumner County, TN, respectfully represents to the Court on information and belief that Albert Quinn Ingalls (5), a child now within this county and **15** years of age, is **a delinquent child** in need of treatment or rehabilitation in that:

1. On March 26, 2019, the Court approved a judicial diversion in this case for the offense(s) of: Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor.
2. Said child has violated the terms of the agreement as follows: Said child tested positive for marijuana on two separate occasions.
3. The actions on the part of this child did occur in Sumner County, TN and constitutes the offense of Violation of Judicial Diversion.

Your petitioner further avers:

That the child's father is Charles Ingalls who resides at 356 W Main St, Gallatin, TN 37066.

That the child's mother is Caroline Ingalls who resides at 654 S Maple Ave, Gallatin, TN 37066.

That the child is in the custody and control of Caroline Ingalls who resides at 654 S Maple Ave, Gallatin, TN 37066, Home: 615-452-1313.

Sworn and subscribed before me this 2nd day of
May, 2019.

Karlene Thompson (Petitioner)
Sumner County Juvenile Court
225 E. Main St.
Gallatin, TN 37066 615-451-6016

Deputy Clerk

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

JUVENILE COURT PETITION

Appearing before the Juvenile Court, you have the following rights:

1. The right to be present during the hearing of this case.
2. The right to present my own testimony.
3. The right to have witnesses subpoenaed.
4. The right to cross-examine witnesses against me.
5. The right to have an attorney at each stage of the proceedings against me.
6. The right to appointed counsel.
7. The right to remain silent.
8. The right to not incriminate myself.
9. The right and method for appeal and time requirements as to appeal.
10. To know the maximum penalties the Court may impose.
11. The right to plead "Not Guilty".
12. If a plea of "Guilty" is entered, the only evidence taken will be for the purpose of verifying the plea and for disposition (sentencing) purposes.
13. If a plea is entered acknowledging guilt, I may be asked questions by the Court concerning the conduct.
14. Prior findings of delinquent or unruly behavior may be used against me in determining treatment of rehabilitation at disposition.
15. This case may be used to enhance future offenses if I am again brought to Court for later offenses.
16. There must be some factual basis for a guilty plea entered.
17. The plea must be voluntary and independently made.
18. If I plea guilty or no contest I waive my right to appeal the adjudication (plea). If the plea includes an agreement as to the disposition (sentence), I also waive the right to appeal the disposition (sentence).
19. The right of access to recording of the hearing.

Summons

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-3

Albert Quinn Ingalls - DOB 6/21/2003 AGE 15 years

A child under 18 years of age
(at the time of the offense)

SUMMONS

TO: **Albert Quinn Ingalls, 654 S Maple Ave, Gallatin, TN 37066**
Caroline Ingalls, 654 S Maple Ave, Gallatin, TN 37066

TO ANY LAWFUL OFFICER:

You are hereby commanded to summon the above addressee to appear before the Sumner County Juvenile Court, located at 225 E Main St, Gallatin, TN 37066 for **Diversion Review Hearing on 9/24/2019 at 9:00 AM in Judge David Howard's Courtroom** to answer the charge of the foregoing petition, and to bring the above named child and this you shall in no wise omit, under the penalties prescribed by law.

This 2nd day of May, 2019.

Judge or Officer of the Juvenile Court

OFFICER'S RETURN

RETURN: This summons came to hand this _____ day of _____, 20____, and executed by:

Delivering the within summons to the above addressee

Unable to serve because

Date: _____

Signature: _____



ADA
for assistance call
615-451-6023

Adjudicatory/Dispositional Order

IN THE JUVENILE COURT OF SUMNER COUNTY, TENNESSEE

IN THE MATTER OF:

Case No. 83SCJ-2019-JR-3

Albert Quinn Ingalls - DOB 6/21/2003 AGE 16 years

A child under 18 years of age
(at the time of the offense)

CHARGE(S): Case 1, Count 1 - Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor
Case 1, Count 2 - Violation of Judicial Diversion (TCA 37-1-129), a Violation

ADJUDICATORY/DISPOSITIONAL ORDER

This matter came on to be heard on, before the Honorable David R. Howard, upon a violation of judicial diversion petition filed by Jeff Helmintoller.

Those present were Albert Quinn Ingalls, Caroline Ingalls (Mother), Charles Ingalls (Father) and Jeff Helmintoller (Youth Services Officer for Albert Quinn Ingalls).

The Court, having considered the testimony and evidence presented and the entire record, finds as follows:

1. The child was advised of the charge(s) against him and of his rights, pursuant to Rule 205 of the Rules of Juvenile Practice and Procedure, including the right to appeal this matter. The Court finds that the meaning and effect of these rights have been fully explained to the child.
2. The child executed a Waiver of Right to Counsel with written waiver duly filed.
3. The child entered a plea of guilty to the Violation of Judicial Diversion after having waived his rights to a trial of this matter in writing in a separate document.
4. The child was initially placed on judicial diversion on March 26, 2019.
5. The Court finds by a preponderance of the evidence that the child has violated the conditions of the judicial diversion and enters the adjudication of guilty on the initial charge(s).

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that:

1. The child is found guilty by the Court of the following offense(s): **Simple possession or casual exchange (TCA 39-17-418), a Misdemeanor.**
2. The child is a **DELINQUENT** child and is in need of treatment and rehabilitation within the meaning of Title 37, Chapter 1, Part 1, of Tennessee Code Annotated, for the reasons set forth above.
3. The child is placed under the supervision of the State of Tennessee, Department of Children's Services, on state juvenile probation for a period not to exceed six (6) months. Said child and parent(s)/guardian(s) shall comply respectfully with any and all the lawful and reasonable requests of the Probation Officer and any and all the Rules of State Juvenile Probation.
4. The Court orders the Department of Children's Services to develop and implement an individualized case plan in consultation with the child's parents, guardian, or legal custodian,

school, and other appropriate parties. The child and the child's parents, guardian, or legal custodian are ordered to comply with the case plan.

ENTERED this 15th day of July, 2019.

STATUTES

T.C.A. 37-1-129 Hearings -- Judicial Diversion

-- Findings -- Disposition of child. [Effective on July 1, 2019. See version effective until July 1, 2019.]

(a)

(1) If a child alleged to be delinquent or unruly enters a plea of guilty or no contest, the court may defer further proceedings and place the child on probation subject to reasonable conditions, which may include completion of substance abuse and mental health treatment services where appropriate, without entering a judgment of guilty and with the consent of the child, and, for delinquent offenses, such reasonable conditions shall be consistent with a validated risk and needs assessment. Probation conditions shall not include a period of detention or placing the child in custody of the department but may include a transfer or grant pursuant to § 37-1-131(a)(1). A child shall not be placed on judicial diversion if the delinquent act alleged is an offense described in § 37-1-153(b) or if the child has previously been adjudicated delinquent for such an offense.

(2) A judicial diversion agreement shall remain in force for a maximum of six (6) months unless the child is discharged sooner by the court, subject to this subdivision (a)(2). Before expiration of the six-month period, and after notice and a hearing, the court may extend judicial diversion for an additional period not to exceed six (6) months, but only if the court finds and issues a written order that:

(A) States that it is in the best interest of the child that a condition or conditions of judicial diversion remain in effect; and

(B) Specifies the condition or conditions that shall remain in effect and why that continued effectiveness is in the best interest of the child.

(3)

(A) If the supervising authority finds that the child has violated the terms or conditions of judicial diversion, the supervising authority may file a petition alleging a violation of the terms or conditions of judicial diversion with the court; provided, that the court, in its discretion, may direct the supervising authority that, in some or all circumstances, such a petition should be filed only if the supervising authority makes and documents attempts to address the noncompliant behavior and determines and documents the reasons for which court intervention is needed to address the noncompliance.

(B) If a violation of any of the terms of judicial diversion probation is alleged, the child shall be given notice of the violation and an opportunity to be heard concerning the alleged violation. If, after a hearing, the court determines that a violation has occurred, the court may enter an adjudication of guilty and proceed to a dispositional hearing. If no violation is found, the court may continue the period of probation or may dismiss the petition.

(4) If, during the period of probation, the child does not violate any of the conditions of the probation, then upon expiration of the period, the court shall discharge the child and dismiss the proceedings against the child.

(b)

(1) If an adjudicatory hearing is held, the court shall make and file its findings as to whether the child is a dependent and neglected child, or, if the petition alleges that the child is delinquent or unruly, whether the acts ascribed to the child were committed by that child. If the court finds that the child is not a dependent or neglected child or that the allegations of delinquency or unruly conduct have not been established, it shall dismiss the petition and order the child discharged from any detention or other restriction theretofore ordered in the proceeding.

(2) If the petition alleged the child was dependent and neglected as defined in § 37-1-102(b)(13)(G), or if the court so finds regardless of the grounds alleged in the petition, the court shall determine whether the parents or either of them or another person who had custody of the child committed severe child abuse. The court shall file written findings of fact that are the basis of its conclusions on that issue within thirty (30) days of the close of the hearing or, if an appeal or a petition for certiorari is filed, within five (5) days thereafter, excluding nonjudicial days. If the court finds the child is dependent and neglected, a dispositional hearing shall be held. In scheduling the hearing, the court shall give priority to proceedings in which a child has been removed from the child's home before an order of disposition has been made.

(3) If the petition alleged the child was delinquent or unruly and the court finds that the child committed the alleged delinquent or unruly acts, the court shall further determine whether the child is in need of treatment or rehabilitation and make and file its findings thereon. In the absence of evidence to the

contrary, evidence of the commission of acts that constitute a felony or that reflect recidivistic delinquency is sufficient to sustain a finding that the child is in need of treatment or rehabilitation. If the court finds the child is in need of treatment and rehabilitation, a dispositional hearing shall be held. If the court finds the child is not in need of treatment or rehabilitation, it shall dismiss the petition and discharge the child from any detention or other restriction. If the court continues its determination of whether the child is in need of treatment and rehabilitation or the dispositional hearing, it shall make an appropriate order for detention of the child or the child's release from detention, subject to supervision of the court during the period of the continuance. In scheduling the hearings, the court shall give priority to proceedings in which a child is in detention or has otherwise been removed from the child's home before an order of disposition has been made. The court shall minimize the use of detention between adjudication and disposition. In no event shall a dispositional hearing be postponed or continued because there is a waitlist for a suitable placement unless the child and, if applicable, the child's attorney, agree to the postponement or continuance in writing.

(c)

(1) Any order of the court that places custody of a child with the department shall empower the department to select any specific residential or treatment placements or programs for the child according to the determination made by the department, its employees, agents or contractors.

(2) The court may review the residential or treatment placement of a child placed in the department's custody, and within ninety (90) days of the placement, the court may, on its own motion, order a hearing to receive evidence and testimony with regard to the appropriateness of the child's residential or treatment placement. The court shall provide notice of the hearing to the department, to the child's biological parent or parents, and any other person who has been primarily responsible for the care of the child during the twelve (12) months prior to the child's placement in the department's custody. The court shall allow thirty (30) days from the time such notices are sent before the hearing date is set. The court shall issue a placement recommendation based on a preponderance of the evidence to the department within ten (10) days after the conclusion of the hearing. Upon receiving the court's recommendation, the department shall issue a determination as to the child's placement within fifteen (15) days. The department shall notify the court, the child's biological parent or parents, and any other person who has been primarily responsible for the care of the child during the twelve (12) months prior to the child's placement.

RULE 209: PLEA OF GUILTY OR NO CONTEST - JUDICIAL DIVERSION.

(a) Court's Inquiry of Child. Before accepting a plea of guilty or no contest, and in addition to the requirements set out in Rule 205, the court must address the child personally in open court and inform the child of, and determine that the child understands, the following:

(1) The nature of the charge to which the plea is offered and the possible dispositional consequences of the plea; if a specific disposition is the basis of the plea, the child should be informed specifically of the nature of that disposition;

(2) That if the child is not represented by an attorney, the child has a right to be represented by an attorney at every stage of the proceedings including the guilty plea, and that, if necessary, one will be appointed;

(3) That the child has the right to plead not guilty or to persist in that plea if it has already been made;

(4) That if the child has been charged with a delinquent offense, the child has a right to a trial to determine whether the child is guilty of the charged offense; and that, at that trial, the judge may only find the child guilty if the judge finds that the state has proven the child's guilt of the offense or a lesser included offense beyond a reasonable doubt;

(5) That if the child has been charged with being unruly, the child has a right to a trial to determine whether the child is unruly; and that, at that trial, the judge may only find the child unruly if the judge finds that the charge has been proven by clear and convincing evidence;

- (6) At the trial, the child has the right to call witnesses and present evidence, including the right to subpoena witnesses and documents to the proceeding and the right to confront and cross-examine adverse witnesses, and the right to testify;
- (7) That the child has the right against self-incrimination, including the right not to testify at the trial;
- (8) That if the child pleads guilty or no contest, there will not be a trial (except as to the disposition in cases in which disposition is not part of the plea agreement), and that by pleading guilty, the child waives the right to a trial on the merits;
- (9) That if the child pleads guilty or no contest, the child admits there is a need of treatment and rehabilitation;
- (10) That if the child pleads guilty or no contest, the child waives the right to appeal the adjudication to the circuit court or to have a hearing before the judge on the issue of adjudication if the matter is being heard by a magistrate;
- (11) That if the plea includes an agreement as to disposition, the child also waives the right to appeal the disposition to the circuit court or to have a hearing before the judge on the issue of disposition if the matter is being heard by a magistrate;
- (12) That if the child pleads guilty or no contest, the court may ask the child questions about the offense to which the plea was made; if the child answers these questions falsely under oath, the child's answers may later be used against the child in a prosecution for perjury or false statement, unless the plea is a best interest guilty plea; and
- (13) That if the child pleads guilty or no contest, the plea may have an effect upon the child's immigration or naturalization status, and, if the child is represented by counsel, the court shall determine that the child has been advised by counsel of the immigration consequences of a plea.
- (b) Determination of Voluntariness of Plea. The court shall not accept a guilty or no contest plea without first, by addressing the child personally in open court, determining that the plea is voluntary and not the result of force or threats or promises apart from a plea bargain agreement. If a child stands mute or pleads evasively, a plea of not guilty shall be entered by the court.
- (c) Factual Basis for Guilty Plea. The court shall neither enter a judgment upon a guilty plea nor approve an agreed disposition without satisfying itself that there is a factual basis for the guilty plea.
- (d) No Contest. A child may plead no contest only with the consent of the court. Before accepting a plea of no contest, the court shall consider the views of the parties and the interest of the public in the effective administration of justice.
- (e) Agreement on Disposition. If the court accepts a guilty or no contest plea pursuant to an agreement on disposition, the court shall approve the agreed disposition. If the court rejects a guilty or no contest plea, the dispositional agreement shall be null and void.
- (f) Judicial Diversion. If the court accepts a guilty or no contest plea pursuant to a judicial diversion and approves the conditions of probation, the plea shall not be entered as a judgment of guilty and the child shall not be found delinquent. If the child violates the terms of the diversion and the court so finds, then the plea may be entered as a judgment of guilty, and the child shall be found delinquent.

Advisory Commission Comments.

Pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), and with the consent of the court, a child may enter a “best interests” guilty plea. This is not a no contest plea. When the child enters an Alford plea, he or she is pleading guilty because it is in his or her best interests, but he or she does not necessarily agree to the factual basis of the plea as set out by the state’s attorney. A guilty plea entered pursuant to Alford has all the legal effects of a guilty plea, except that the child cannot be charged with perjury or false statement if he or she later disputes the facts that serve as a basis for the guilty plea or denies his or her guilt of the offense.

The 2016 amendment to this rule adds a provision to allow the child to enter a no contest (*nolo contendere*) plea. Latin for “I do not wish to contend,” *Black’s Law Dictionary* defines a *nolo contendere* plea as follows: “A plea by which the defendant does not contest or admit guilt.” *Black’s Law Dictionary* 1269 (9th ed. 2009). See also *Tenn. R. Crim. Proc.* 11(a)(1) and (2). The no contest plea requires the court’s approval and is similar in legal effect to an Alford plea.

The court is required to inquire about any prior discussions the child may have had regarding potential dispositions. The court should properly make itself aware of such interactions and “bargains,” and of their effect on the child’s willingness to plead guilty or no contest, before it makes a decision whether to accept any such plea. The court should also ascertain, through this inquiry, with whom any such discussions took place, and whether the child’s attorney or parent, guardian or custodian was present.

The 2016 amendment adds the provision that if the child pleads guilty or no contest, the child waives the right to appeal the adjudication to the circuit court, or to have a hearing before the judge on the issue of adjudication if the matter is being heard by a magistrate.

The court may at any time prior to the beginning of a dispositional hearing permit a plea of guilty or no contest to be withdrawn, and if an adjudication has been entered thereon, set aside such adjudication and allow another plea to be substituted for the plea of guilty or *nolo contendere*. In the subsequent adjudicatory hearing, the court may not consider the plea which was withdrawn as an admission. Evidence of a guilty or no contest plea, later withdrawn, or of statements made in connection therewith, would not be admissible in any proceeding against the child.

The 2016 amendment adds that if the plea includes an agreement as to disposition, the child waives the right to appeal the disposition to the circuit court or to have a hearing before the judge on the issue of disposition, if the matter is being heard by a magistrate.

Finally, the 2016 amendment allows the court to accept a plea of guilty or no contest on a judicial diversion, pursuant to T.C.A. § 37-1-129(a), and defer further proceedings while placing a child on probation. In doing so, the plea shall not be entered as a judgment, and the child shall not be found delinquent.